

APPROVED

The Board Meeting of the East Fork Fire Protection District Board was held on Tuesday, May 16, 2023, in-person and virtually, beginning at 1:00 PM.

East Fork Fire Protection District Board Present:

John Bellona, Secretary, District 1
Barbara Griffin, Director, District 2, Virtual
Bernard Curtis, Director, District 3,
Jacques Etchegoyhen, President, District 4
Mike Sommers, Director, District 5

Staff present:

Tod F. Carlini, District Fire Chief
Larry Goss, Deputy Chief of Training and Safety
Amy Ray, Deputy Chief/Fire Marshal
Scott Gorgon, Deputy Chief of Operations, Virtual
Mark Forsberg, District Legal Counsel
Lisa Owen, Director of Administrative Services
Kathy Lewis, CPA, CFO/Director of Finance
Holly Megee, Clerk to the Board

Additional attendees that addressed the Board:

Jeremy Vlan, Carson Valley Trails Association
Sky Dwinell, Secretary/Treasurer for East Fork Fire Professional Firefighters
Kelli Nevills, Fire Adapted Nevada Partnership Coordinator, Nevada Division of Forestry
Adam Wennhold, East Fork Fire Engineer
Tom Hein, East Fork Volunteer Firefighter Association President
Tim Davis, Douglas County Building Official
Terry Taylor, Douglas County Resident
Ted Gaines, Douglas County Resident
Dave Ruben, Douglas County Resident
Doug Ritchie, Douglas County Chief Civil Deputy District Attorney
AJ Hames, Douglas County Deputy District Attorney
Tom Dallaire, Douglas County Director of Community Development
Elaine Pace, East Fork Fire Volunteer Liaison

CALL TO ORDER

Board President Jacques Etchegoyhen

INITIAL MEETING BUSINESS

PLEDGE OF ALLEGIANCE

John Bellona, Secretary led the Pledge of Allegiance

PUBLIC COMMENT (No Action)

At this time, public comment will be taken on those items that are within the jurisdiction and control of the East Fork Fire Protection District

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Board of Directors or those agenda items where public comment will not be taken as a public hearing is not legally required.

Public Comment may be limited to three minutes per speaker, which will be decided by the Board President or other presiding officer in his/her absence. If you are going to comment on a specific agenda item that the East Fork Fire Protection District Board of Directors will take action on, please make your comments when the item is considered and is opened for public comment.

For members of the public not able to be present when an item on the agenda is heard, Speaker/Comment Cards are available in the Lobby at the entrance to the meeting room. These cards should be completed and given to the District Fire Chief or designee.

President Jacques Etchegoyhen opened public comment.

There was no public comment.

Public comment closed.

ADMINISTRATIVE AGENDA

The Administrative Calendar handled as follows:

1. The President will read the agenda title into the public record.
2. Staff will introduce the item and provide a report, if any.
3. The applicant, if any, will have an opportunity to address the Board.
4. The Board will then discuss the item. Once the Board has concluded their discussion, public comment will be allowed.
5. Public comment will be allowed and is limited to three minutes per speaker.
6. Once public comment is completed, the Board will then ask any follow-up questions and take action.

Agenda items listed as a “presentation” with no action listed, public comment is not legally required, and must be made at the beginning of the meeting.

APPROVAL OF AGENDA

1. For Possible Action. Approval of proposed agenda. The East Fork Fire Protection District Board of Directors reserves the right to take items in a different order to accomplish business in the most efficient manner, to combine two or more agenda items for consideration, and to remove items from the agenda or delay discussion relating to items on the agenda. (Jacques Etchegoyhen, President) 5 Minutes.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

President Jacques Etchegoyhen opened public comment.

There was no public comment.

Public comment closed.

MOTION to approve the meeting agenda for May 16, 2023.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Mike Sommers
SECOND BY:	Bernard Curtis
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

APPROVAL OF PREVIOUS MINUTES

2. For Possible Action. Discussion and possible action to approve the draft meeting minutes of the April 18, 2023 meeting of the East Fork Fire Protection District Board of Directors. (Jacques Etchegoyhen, President) 5 minutes.

President Jacques Etchegoyhen opened public comment.

There was no public comment.

Public comment closed.

MOTION to approve the minutes of the April 18, 2023 meeting as presented.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Barbara Griffin
SECOND BY:	John Bellona
AYES:	Bellona, Griffin, Etchegoyhen, Sommers
ABSTAIN:	Curtis
NAYS:	
ABSENT:	

AWARDS, RECOGNITIONS, PROCLAMATIONS & DONATIONS

3. For Possible Action Discussion and possible action to accept the donation of \$1,850 from Carson Valley Trails Association, to dedicate the funds for half of the cost of a new Cascade litter (rescue stretcher), and to authorize a letter of appreciation from the Board President. (Jacques Etchegoyhen, President) 5 minutes.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

President Jacques Etchegoyhen asked for a motion.

Director Mike Sommers asked if there was someone present to accept the letter of appreciation.

President Etchegoyhen stated after a motion is taken, he will read the letter of appreciation into record and present it to the individual attending the meeting.

MOTION to accept the donation of \$1,850 from Carson Valley Trails Association, to dedicate the funds for half of the cost of a new Cascade litter (rescue stretcher), and to authorize a letter of appreciation from the Board President.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Bernard Curtis
SECOND BY:	John Bellona
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

President Etchegoyhen opened public comment.

There was no further public comment.

Public comment closed.

President Etchegoyhen read the letter of appreciation. He thanked the Carson Valley Trails Association for the generous donation.

Jeremy Vican from Carson Valley Trails Association, stated a donation was made several years ago, which also donated half the cost of a Cascade litter (more robust stretcher). He mentioned in the past they have had a half dozen rescues that he knows of using the current stretcher and the new stretcher will make rescues a lot easier. He stated it would be useful to know when there is a rescue on the trails because it helps to identify possible problem areas with the trail or user error.

District Fire Chief Tod Carlini thanked the Carson Valley Trails Association for the donation. He noted it is being combined with a donation from last month for an e-bike for off road rescue. This device will go beyond what the District currently uses. He believes the District will have a more robust capability for rescue response thanks to donations like this.

The Board of Directors thanked Mr. Vican for the donation.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

CONSENT CALENDAR

4. CONSENT CALENDAR

Items appearing on the Consent Calendar are items that can be adopted with one motion unless an item is pulled by a District Director or a member of the public. Members of the public who wish to have a consent item placed on the Administrative Agenda shall make that request during the public comment section at the beginning of the meeting and specifically state why they are making the request. When items are pulled for discussion, they will automatically be placed at the beginning of the Administrative Agenda, or may be continued until another meeting. (Jacques Etchegoyhen, President) 5 Minutes.

President Jacques Etchegoyhen explained these items can be adopted with one motion, unless an item is pulled by a District Director, staff, or a member of the public.

- a. For Possible Action.** Discussion to accept the report on general ledger cash balances as of April 30, 2023. (Kathy Lewis, CPA, CFO/Director of Finance)
- b. For Possible Action.** Discussion to approve the receipt and filing of the list of accounts payable checks issued and cash disbursements/automatic withdrawals in April 2023 per NRS 474.210. (Kathy Lewis, CPA, CFO/Director of Finance)
- c. For Possible Action.** Discussion to approve payroll expense paid in April 2023 per NRS 474.210. (Kathy Lewis, CPA, CFO/Director of Finance)
- d. For Possible Action.** Discussion to approve the Procurement Card Transactions paid in April 2023 per NRS 474.210. (Kathy Lewis, CPA, CFO/Director of Finance)
- e. For Possible Action.** Discussion to approve the East Fork Fire Protection District's ambulance billing bad debt write-offs for the period of March 2023 in the amount of \$3,083.04. (Kathy Lewis, CPA, CFO/Director of Finance)
- f. For Possible Action.** Discussion and possible action to accept the report on state consolidated taxes collection and distribution as of February 2023. (Kathy Lewis, CPA, CFO/Director of Finance)

President Etchegoyhen opened public comment.

There was no public comment.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Public comment closed.

MOTION to approve Consent Calendar items 4 a, b, c, d, e, & f.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Bernard Curtis
SECOND BY:	John Bellona
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

5. For Possible Action. Discussion to approve proposed agreements on selected Articles between the East Fork Fire Protection District (“East Fork”) and the East Fork Professional Firefighters Association (“Non-Supervisory”) and as part of the existing five-year contract. The total estimated fiscal impact for the remaining three years of the original five-year labor contract is approximately \$47,773,477. (Tod F. Carlini, District Fire Chief) 20 minutes.

District Fire Chief Tod Carlini presented the PowerPoint (included in the Board packet).

District Fire Chief Carlini reported a tentative agreement with the labor association on the East Fork Professional Firefighters Association (“Non-Supervisory”) contract was successful. This is part of an existing five-year contract. The articles negotiated were agreed upon reopeners in the third year of the contract.

Below is the outline of the East Fork Professional Firefighters Association (“Non-Supervisory”) five-year contract PowerPoint presentation:

Negotiation history and timeline:

- The Administration and Association entered into the process on February 24, 2023 and completed negotiations on April 28, 2023
- Four sessions were held on February 24, April 7, April 14 and April 28
- The following articles were open for discussion based on the current 5-year agreement:
 - Article 8 – Nevada Public Employees Retirement System
 - Article 9 – Corrective and Disciplinary Action
 - Article 20 – Wages
 - Article 36 – Annual Leave
 - Article 48 – Sick Leave
 - Article 49 – Retiree Health Reimbursement Arrangement
 - Article 67 – Station Habitability Committee

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

The District and Association reached tentative agreement on all open articles.

Complying with NRS 288.153:

- The agreement must be approved at a public meeting and the fiscal impact of the agreement reported.
- Any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved by the governing body of the local government employer at a public meeting.
- The Chief Executive Officer of the local government shall report to the local government the fiscal impact of the agreement.

NRS 288.153:

- Pursuant to NRS 288.153 the East Fork Fire Protection District has negotiated with the East Fork Professional Firefighters Non-Supervisory Bargaining Unit.
- The proposed tentative agreement replacing the current contract is included in the Board packet, provided at the public table and posted on the District's website at eastforkfire.org.

Fiscal impact (Non-Supervisory):

- This group includes 79 represented personnel.
- The fiscal impact of the remaining years of the agreement is required to be disclosed under NRS 288.153.
- The approximate cost of salaries and benefits for the eligible positions covered under this proposed collective bargaining agreement for the remaining 3 years of the contract is \$47,773,477.

Annual costs:

- The total cost of wages and benefits for represented employees under this labor contract in FY 2023/24 through FY2025/26 are as follows:
 - Year 3 (23/24)- \$15,142,421
 - Year 4 (24/25)- \$16,062,579
 - Year 5 (25/26)- \$16,568,477
 - Total- \$47,773,477

Cost distribution:

- The estimated cost distribution between wages and benefits for the term of the agreement is:
 - Wages- \$27,350,071 (57.25%)
 - Benefits- \$20,423,406 (42.75%)

Revised articles subject to re-opening: (A chart was provided)

Recommendation:

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

- The Negotiation Team representing the District recommends approval of this Contract.

District Fire Chief Carlini stated he believes the Association has submitted it to the membership for their consideration and to follow their process.

President Jacques Etchegoyhen opened public comment.

Sky Dwinell, Secretary/Treasurer for East Fork Fire Professional Firefighters and lead negotiator for the Association, stated the voting is open and will close June 2, 2023. About 50% of the eligible members have currently voted on this contract and their response has been positive. The Association recommends the Board approve the contract today. He thanked the negotiation team for a successful process.

There was no further public comment.

Public comment closed.

Director Mike Sommers asked Legal Counsel Mark Forsberg if the Board adopts today is it subject to the Association approval.

Legal Counsel Forsberg stated the contract approval is subject to Association ratification but that doesn't need to be stated.

MOTION to approve proposed agreement on selected Articles between the East Fork Fire Protection District ("East Fork") and the East Fork Professional Firefighters Association ("Non-Supervisory") and as part of the existing five-year contract. The total estimated fiscal impact for the remaining three years of the original five-year labor contract is approximately \$47,773,477.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	John Bellona
SECOND BY:	Bernard Curtis
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

6. For Possible Action. Discussion and possible action to approve proposed agreements on selected Articles between the East Fork Fire Protection District ("East Fork") and the East Fork Professional Firefighters Association ("Supervisory") and as part of the existing five-year contract. The total estimated fiscal impact for the remaining three years of the original five-year labor contract is approximately \$2,979,105. (Tod F. Carlini, District Fire Chief) 20 minutes.

EAST FORK FIRE PROTECTION DISTRICT BOARD MEETING OF MAY 16, 2023

District Fire Chief Tod Carlini presented the PowerPoint (included in the Board packet).

District Fire Chief Carlini stated this is very similar to the previous presentation. He explained the three Battalion Chiefs (supervisory) have a separate bargaining agreement.

Below is the outline of the East Fork Professional Firefighters Association (“Supervisory”) five-year contract PowerPoint presentation:

Negotiation history and timeline:

- The Administration and Association entered into the process on February 24, 2023 and completed negotiations on April 28, 2023
- Four sessions were held on February 24, April 7, April 14 and April 28
- The following articles were open for discussion based on the current 5-year agreement:
 - Article 8 – Nevada Public Employees Retirement System
 - Article 9 – Corrective and Disciplinary Action
 - Article 20 – Wages
 - Article 36 – Annual Leave
 - Article 48 – Sick Leave
 - Article 49 – Retiree Health Reimbursement Arrangement
 - Article 67 – Station Habitability Committee

The District and Association reached tentative agreement on all open articles.

Complying with NRS 288.153:

- The Agreement must be approved at a public meeting and the fiscal impact of the agreement reported.
- Any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved by the governing body of the local government employer at a public meeting.
- The Chief Executive Officer of the local government shall report to the local government the fiscal impact of the agreement.

NRS 288.153:

- Pursuant to NRS 288.153 the East Fork Fire Protection District has negotiated with the East Fork Professional Firefighters-Supervisory Bargaining Unit.
- The proposed tentative agreement replacing the current contract is included in the Board packet, provided at the public table and posted on the District’s website at eastforkfire.org

Fiscal impact – Supervisory:

- This group includes 3 represented personnel.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

- The fiscal impact of the remaining years of the agreement is required to be disclosed under NRS 288.153.
- The approximate cost of salaries and benefits for the eligible positions covered under this proposed collective bargaining agreement for the remaining 3 years of the contract is \$2,979,105.

Annual costs:

- The total cost of wages and benefits for represented employees under this labor contract in FY2023/24 through FY2025/26 are as follows:
 - Year 3 (23/24)- \$ 947,076
 - Year 4 (24/25)- \$1,001,956
 - Year 5 (25/26)- \$1,030,073
 - Total- \$2,979,105

Cost distribution:

- The estimated cost distribution between wages and benefits for the term of the agreement is:
 - Wages- \$1,791,563 (60.14%)
 - Benefits- \$1,187,542 (39.86%)

Revised articles subject to re-opening; (A chart was provided)

Recommendation:

- The Negotiation Team representing the District recommends approval of this Contract

President Etchegoyhen opened public comment.

Sky Dwinell, Secretary/Treasurer for East Fork Fire Professional Firefighters and lead negotiator for the Association, stated the Supervisory contract has been ratified.

There was no further public comment.

Public comment closed.

MOTION to approve proposed agreement on selected Articles between the East Fork Fire Protection District ("East Fork") and the East Fork Professional Firefighters Association ("Supervisory") and as part of the existing five-year contract. The total estimated fiscal impact for the remaining three years of the original five-year labor contract is approximately \$2,979,105.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	John Bellona
SECOND BY:	Barbara Griffin
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

7. For Possible Action. PUBLIC HEARING and possible adoption of Resolution 2023R-001 by which the District adopts the 2018 International Wildland Urban Interface (WUI) code with amendments. (Amy Ray, Deputy Fire Chief/Fire Marshal and Patrick Mooneyhan, Fire Inspector) 20 minutes.

Deputy Chief Amy Ray explained this is the public hearing and second reading for the adoption of the 2018 National Wildland Urban Interface Code and associated amendments.

Deputy Chief Ray stated the District has presented this document three times. Administration will detail a recap and provide additional information regarding the proposal.

Below is the outline East Fork Fire Protection District 2018 International Wildland Urban Interface Code Proposed Regulations for Adoption PowerPoint presentation:

East Fork Fire Protection District Proposed International Wildland-Urban Interface (WUI) Regulations:

- What the Regulations are:
 - Formal adoption by EFFPD of the IWUIC including Chapter 5
- Plus:
 - Adoption of specific amendments relevant to the unique circumstances within EFFPD (i.e. firefighting water supplies in areas without an established water supply, and special building construction regulations)

Background:

- The Nevada State Fire Marshal's Office (SFM) adopts the International Wildland Urban Interface Code, with the exception of Chapter 5: Special Building Construction Regulations
- The adoption of Chapter 5 is left to the Authority Having Jurisdiction (AHJ) based on the needs of that jurisdiction
- The SFM does not adopt Chapter 5 to allow the AHJ (EFFPD) to adopt and amend these regulations based on the needs of the District and safety of the community. They do not adopt regulations relating to residential construction under the International Residential Code (NRS 477.030 c)

Northern Nevada amendment differences:

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

- Proposed EFFPD WUI Regulations closely match those in the Northern Nevada WUI Amendment Package
 - Water supply is in accordance with the WUI, which requires substantially more water than NFPA 1142 as used by EFFPD
 - EFFPD regulations allow for 1.5 times defensible space which allows for less restrictive construction elements in some areas. Northern Nevada Amendments do not allow this.

Background continued:

- During hearings regarding the repeal of the fire sprinkler ordinance by Douglas County, members of the public who experienced devastation as a result of the Tamarack fire, local contractors, industry representatives, and members of the public (on public record), expressed concerns about the wildfire threat and the need for adopted regulations.

Neighboring jurisdictions:

- Neighboring jurisdictions have adopted the WUI regulations including Chapter 5
 - Storey County
 - Carson City
 - Sparks Fire
 - Washoe County building department
 - North Lake Tahoe FPD

Reasons for adoption:

- Response to local contractors, industry and public requests for adoption of the special building construction regulations of Chapter 5
- EFFPD Board direction given in December 2022 to bring forth regulations for adoption of the International Wildland Urban Interface Code, to include Chapter 5
- “Douglas County has a high risk of wildfire-higher than 88% of counties in the US.” (source: USFS 2023)
- In wildfire events, 60-90% of home loss is due to embers traveling ahead of a fire and igniting the home or combustible material near the home (livingwithfire.com 2023)
- Devastation of homes not protected under the requirements of the WUI was experienced in Douglas County during the Tamarack Fire of 2021
- Enhanced firefighter safety
- It is a regulation specifically relating to fire prevention

Fact:

- Numbers Fire 2020-5 homes were lost
- Tamarack Fire 2021-13 homes were lost and 4 additional homes were damaged

The fact is, homes are lost within the urban interface as a result of wildland fires and more homes are being built in the urban interface.

Insurance services office data shows: (A table was provided)

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

- Based on the preceding table, Douglas County ranks second in the State for wildfire risk with the majority of those homes being within the East Fork Fire Protection District
- This is the time to act

Chronology for adoption:

- July 2022: Resident request to adopt the IWUIC to include Chapter 5
- August through December 2022: The IWUIC provisions, as adopted by the Nevada State Fire Marshal, were included in the EFFPD regulations
- November 2022: Contractor request to adopt the IWUIC to include Chapter 5
- December 2022: The EFFPD Board of Directors directed Administration to bring forward regulations to adopt the IWUIC to include Chapter 5
- January 2023: Meeting with Douglas County Community Development Director Tom Dallaire and Building Official Tim Davis to discuss proposed WUI regulations and define the process
- March 2023: Initial presentation of the proposed IWUIC regulation package
- April 2023: Meeting with Douglas County Community Development Director Tom Dallaire and Building Official Tim Davis to discuss proposed WUI regulations and timeline for implementation
- April 2023: First reading of the proposed IWUIC regulation package
- April 2023: Meeting with Northern Nevada Builder's Alliance CEO Jaron Hildebrand
- May 2023: Informational and public outreach meeting regarding WUI regulations with agencies, contractors and designers
- May 16, 2023: Public hearing for adoption of the proposed regulations

Chapter 5 requirements:

- The WUI, including Chapter 5, contains special building construction regulations which require buildings within the designated WUI areas to build to certain standards, including, but not limited to:
 - Venting
 - Eaves
 - Gutters
 - Decks
 - Fire sprinklers (in some cases)
 - Defensible space and vegetation management
 - Special construction

When sprinklers would be required:

- Per the code: in areas designated as "Extreme", where the property does not allow 1.5 times conforming defensible space (150 feet maintained), the home shall require residential fire sprinklers and a Fire Protection Plan, as described in Chapter 4.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Determination of risk category:

- Nevada Division of Forestry has a map on their website that anyone has access to determine their hazard risk category. This finite and individual determination defines three categories of risk. They include:
 - Moderate
 - High
 - Extreme

Deputy Chief Ray introduced Kelli Nevills from the Nevada Division of Forestry (NDF) to discuss the map system.

Kelly Nevills, Fire Adapted Nevada Partnership Coordinator explained the map on the NV Resource and Fire Portal is accessible to everyone. It is a national map and will be updated again in September.

She explained the difference between wildfire risk and wildfire threat.

She explained in detail information found on the NV Resource & Fire Portal Public Viewer. (nevadaresourcesandwildfireinfo.com). The website contains a lot of valuable information.

Director Mike Sommers asked Kelli Nevills if what the Board is trying to adopt today is a mitigation against the risk of threats.

Ms. Nevills stated absolutely.

Ms. Nevills explained Fire Adapted Nevada is her program and she partners with BLM, Forest Service and Living with Fire. The goal is to create fire adapted communities in the State of Nevada and help people understand defensible space, home hardening, etc.

President Jacques Etchegoyhen opened public comment.

District Fire Chief Tod Carlini asked Ms. Nevills if she can demonstrate how this system would be used under the urban interface code to identify the property.

Ms. Nevills stated the map system will show the past fires, current risk of wildland fires, etc.

District Fire Chief Carlini asked if the fire portal public viewer provides the individual the opportunity to enter in an address.

Ms. Nevills replied an address can be entered into the portal and it will supply detailed information.

District Fire Chief Carlini asked, when an address is entered, does it discuss the risk at that particular address?

Ms. Nevills stated yes it does.

EAST FORK FIRE PROTECTION DISTRICT BOARD MEETING OF MAY 16, 2023

District Fire Chief Carlini explained when it's being decided what WUI sections are required for the homeowner, it is determined by the actual address, using a third-party source. The assessment is not determined by the Fire District, it is applied by a third-party system.

Deputy Chief Ray continued with the PowerPoint presentation. She explained utilizing the maps from the Division of Forestry will categorize the address into moderate, high or extreme and those categories determine whether a home is to be built by a class one, two or three. The class rating can be decreased by doing conforming water supply and defensible space/vegetation management.

Fire District authority to adopt:

- The Fire District's authority is granted under several provisions of State Law and adopted Codes. They include:
 - NRS 474.160: Regulations for furnishing fire protection to the District
 - The provisions of the model codes as adopted by the State Fire Marshal Division under NRS 477.030, NAC 477.280 and 477.281
- NAC 477.280-Adoption and effect of local requirements; enforcement of model codes. (NRS 477.030):
 - Except for property owned by the State, where there is a conflict between this Chapter and any code, ordinance or regulation adopted by a local authority, the more stringent requirement providing the greatest safety from fire and for life to the public applies.
 - The model codes adopted with modifications by the State Fire Marshal pursuant to this Chapter are enforceable jointly with the other provisions of this Chapter.
 - Nothing in this section prohibits a local government from adopting any code or ordinance that is more stringent than the provisions of this Chapter.

[St. Fire Marshal, § 1.103, eff. 11-27-78]- (NAC A 1-19-84; 8-24-90; R062-04, 9-3-2004)

Next steps:

- Public Hearing presenting the Resolution for approval to the EFFPD Board of Directors (May 16, 2023)
- 45-day transitional period prior to implementation of the regulations
- Official implementation of the Regulations (July 1, 2023)
- This process was started with Board direction in December 2022: approximately 6 months ago

Recommendation:

- The Administration recommends adoption of the proposed Regulations with implementation July 1, 2023

Letters of support:

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

- East Fork Firefighters Association IAFF Local 3726 has provided a letter of support for the adoption of the proposed regulations
- The East Fork Fire Volunteers' Association has provided a letter of support for the adoption of the proposed regulations

Director Bernard Curtis expressed his concern for public outreach. He attended a presentation with Director Sommers, which was well attended by contractors, designers, architects, etc. He asked how many times has this topic been presented.

Deputy Chief Ray said this was the third time for WUI presentation; first meeting and second meeting of the WUI regulations.

Director Curtis asked if this is the first reading of the regulations. He missed most of the last Board meeting.

Deputy Chief Ray replied it is the second reading.

Deputy Chief Ray stated there has been a presentation, first reading and now the second reading.

Director Bernard Curtis asked if there has been any additional public interest or concerns.

Deputy Chief Ray stated she has not received any additional comments or concerns.

Secretary John Bellona stated this is a major change that should have happened years ago. Past fires have caused the loss and/or damage of structures. He stated if the WUI was in place during those fires there is a high probability there would not have been loss of structures. He followed WUI when he built his house, 25 years ago and he is not located in the wildland urban interface. The Board is here for firefighter and public safety, not to be political, it is to make sure there is public safety. Secretary Bellona stated he supports this.

Director Sommers stated he would like to address why this is being discussed today:

- Ms. Nevills identifying the risks and threats on the map system
- The fire prevention department identifying within the County/District the overall risk, which is high and will probably remain to be high
- Douglas County, which primarily developed the County construction, where the construction occurs and the resources within that construction
- The Fire District to assist the protection of the development within the County

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

He thanked the Administration for looking at what the needs are. There will be continued change because of future development, areas of development, building materials, etc. He supports the adoption with the reservation knowing it's not a cure all and needs to continue to move forward assisting the County and the protection of people and lives within Douglas County.

President Etchegoyhen stated Douglas County adopted the first master plan in Nevada in 1960. Preserving ranch land was so important to many and what that did resulted in little communities in high fire areas. Many residents live in the 88% high fire areas.

He stated he's never known where there is a time for too much public outreach and opened public comment for those who wish to comment. President Etchegoyhen thanked those in attendance. He stated this is about making our community safer and wants those in Douglas County to be able to get insurance for their property.

President Jacques Etchegoyhen opened public comment.

Kelli Nevills, from the Nevada Division of Forestry (NDF) stated she, along with many other agencies, presented information at the Department of Insurance Commission in December for reduction of insurance rates. They were open and receptive to this and the discounts they are offering on home hardening and WUI code adoption.

Adam Wennhold, East Fork Fire Professional Firefighters read into record a letter of support from the Association that is available on the East Fork Fire website.

Tom Hein, East Fork Volunteer Firefighters Association read into record a letter of support from the Volunteer Firefighters Association that is available on the East Fork Fire website.

Tim Davis, Building Official for Douglas County recognized District Fire Chief Carlini and staff for their work and time put into this program. He stated this topic has been discussed for the last six months. As the code official and someone who is tasked with life safety he understands what is trying to be accomplished and agrees with District Fire Chief Carlini that WUI is needed in this jurisdiction. There have been many fires that have had large impacts and anything that can be done as a team is the main motivation. There are a couple things that changed from the February 9, 2023 meeting that the Building Department and Community Development has challenges with. He feels it is important that interagency agreements work together and support one another. He stated there are a few items in the agreement that he would

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

like to discuss further. He stated he supports the direction and what is trying to be accomplished.

Terry Taylor, Douglas County Resident, stated he would like to discuss what is happening now and expected to take place over the next three years. Since 1995, Penn State University has been studying the forests from Bridgeport to Mount Lassen and doing micro-studies of tree rings on the east and west side of Douglas County. The studies showed after years of heavy snowfall, tree and brush growth is 30-50% per year greater than normal. The heavy snowfall this past winter will have an effect for the next four years. The heavy growth is a result of the failure to treat the wildland, with fuels reduction and properly build structures. He hardened his house within five years of purchasing it. He stated there is no reason why people can't do the same to protect their house. He appreciates the comment Director Curtis made in regards to public participation. He said WUI needs to happen.

Ted Gaines, Douglas County Resident, stated he appreciates the comments regarding the importance of keeping people safe. The Building department is mainly for the protection and safety of the people but he does not see it happening. He has received nothing but compliments about Deputy Chief Amy Ray. He understands people give her a hard time because she goes by the book and follows the rules. He is disgusted with the County Commissioners and others taking Emergency Management away from the District. He feels the Board should make their decision based on what they believe is right because the Fire District has been doing the right things. He does not believe the District should look to the Douglas County Building Department because they are not worried about the protection of the people. He asked the Board to make their decision for the safety of the people.

Dave Ruben, Douglas County Resident, stated he would like to take the Board back to June 1996. One of the biggest fires in Douglas County and the loss of four homes. Two years later the Waterfall Fire, which resulted in a loss of 23 homes. Both fires were decent size fires. The vegetation continues to grow and maintenance is not being done. Nevada has a very high fire risk. He was one of the Fire Marshals and part of the committee that developed the 2018 Nevada Wildland Urban Interface Codes. Douglas County recently started implementing the code. He has been a thirty-year Johnson Lane resident and a Fire Wise Coordinator for his community. Not many people are educated on fires, defensible space and hardening homes. This is a huge step. He stated when the sprinkler recall was taking place, Commissioner Mark Gardner personally told him the County needed to adopt the WUI Code as well as contractors voicing the same need. He appreciates all the work staff has put in and feels this is needed in Douglas County.

District Fire Chief Tod Carlini stated he appreciates the great working relationship with Tim Davis and Tom Dallaire. An amendment can be issued if

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

there are changes agreed upon that need to be made. Mr. Davis and Mr. Dallaire have been part of the fire regulation and WUI meetings. This is about what can be done to improve the opportunity for additional safety built into the structures and for the Fire District to aid with work that has been done prior. Fires will continue to take place in Douglas County. More homes are being built in the urban interface. This Board has a responsibility, by statute, to ensure the safety and welfare of the people within the District. East Fork Fire is one of the last entities in this area to consider WUI and has experienced the greatest loss of residential occupancies and structures. There is nothing currently in place that requires home hardening and vegetation management to help reduce losses. He stated he has had many conversations with homeowners that lost everything to the Tamarack Fire and they were not easy conversations. This may impact 10-15 homes a year. He feels the WUI needs to move forward and appreciates the Board comments made regarding public outreach and participation. This has been on past agendas, discussed and noticed in the paper for the last several months. He feels the WUI Code should be adopted today, then spend the next 45 days on further outreach and have discussion with Mr. Davis on requested modifications.

Director Barbara Griffin stated she is in support of this item. She thanked Deputy Chief Ray and Fire Inspector Patrick Mooneyhan for their hard work. She stated she has concern with Mr. Davis's comments and would like East Fork Fire and the Building Department to be on the same page. She confirmed with District Fire Chief Carlini the items that the District and County have a difference with are not significant and can be addressed through amendments. She asked if the amendments would come back to the Board for ratification.

District Fire Chief Carlini stated the amendments would come back to the Board for ratification.

Director Griffin asked District Fire Chief Carlini how many areas of differences are there.

District Fire Chief Carlini stated he is not aware of any areas of differences.

Director Griffin asked Deputy Chief Ray if she knew how significant the differences are.

Deputy Chief Ray stated she does not.

Director Sommers stated this adoption will be an ongoing process. It will continue to be reviewed and if there are amendments, they will come to the Board for approval. If the Board does not adopt today, it will be continued to be delayed. This is a work in progress.

Secretary John Bellona stated this is a living document.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Director Griffin stated she does not disagree with Director Sommers. She was curious if the staff was aware of how significant the differences are. She does believe it will be an ongoing document.

Doug Ritchie, Douglas County Chief Civil Deputy District Attorney stated Douglas County Director of Community Development Tom Dallaire is on his way to the meeting.

Mr. Ritchie stated there are some issues, one being that throughout the proposed regulations the Building Official has been stricken and removed, then replaced with the Fire Chief or his designee. The Intentional Code does not do that, this is something that is unique to the regulations that are being proposed today, stripping the Building Official of their oversight. He appreciates the comments made by the Union, Volunteer Firefighters, and the Board of Directors. He is not here to speak about the great things WUI will or may do for Douglas County. He would like for Deputy Chief Ray to show the public how the map would interact. There was a map shown with a large amount of red in Holbrook but it would be nice to see an urban area (Minden/Garnerville). It would be nice to put an actual address in and see what class they are in, living in an urban area and how this would impact the public rather than a big blob somewhere in the south end of the County. Looking at the Resolution in the recitals, there are two grounds in which staff is recommending the Board make the changes.

Mr. Ritchie continued, under 474.160 (general power and duties), the ability to adopt the regulations, resolution and pursuant to an interlocal agreement, the Nevada State Fire Marshal has delegated how East Fork Fire can make these changes. He discussed first principles. In the beginning, there was the United States Constitution and then State Constitution and then from their derived power, the Legislature to enact laws (article 4 of the State Constitution). From Nevada law the Legislature grant powers. The State Fire Marshal's authority (Chapter 477) delegates powers to the County to enact ordinances. The State Fire Marshal does not have the authority to enact ordinances but does have the ability to enact regulations and those are adopted in the Nevada Administrative Code Act. If you think of a hierarchy, there is the Constitution, State law, and then regulations. Regulations don't supersede law, NRS, ordinances or the Constitution. Under NRS Chapter 477-State Fire Marshal, Douglas County is the governing body and local government for purposes of these regulations. Under Nevada law, the Douglas County Board of Commissioners have been granted authority to enact specialized uniformed codes such as the IFD, IRC, IBC, and WUI. In the presentation, it is mistakenly stated East Fork is the local government. That does not define local government or what that body is but NRS does. NRS 477.091, "If a building is located in the unincorporated area of a county, the Board of County Commissioners of the County" (that's the local government (local authority)). You can see this under NRS 477.014

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

because the Fire Marshal pursuant to Nevada law, has the ability to delegate his authority to grant special Deputy State Fire Marshals, that includes the Fire Chief, Fire Marshal, the police and too, person charged with enforcement of building codes by the local government (That's Tim Davis, he is the building official). So, with all due respect, the local government is defined by NRS, it's Douglas County or specifically the Board of County Commissioners.

Now, when it comes to actually enacting codes, International Fire Code, International Residential Code, the power is held by the Board of County Commissioners. NRS 244.3675, "Board of County Commissioners have the authority to regulate all matters relating to the construction, maintenance, and safety of buildings, structures, and property within the county". That's what Tim Davis the Building Official talked about.

Mr. Ritchie stated, the County very much cares about public safety and is empowered to enforce those regulations and conduct those inspection by Nevada law. NRS 244.105 talks about the County's procedure, how the County will enact those special codes, including WUI, International Fire Code, and International Residential Code.

Mr. Ritchie reaffirmed, staff has indicated that East Fork has the ability to adopt rules and regulations under the, what is called the necessary proper clause. He said, it's in Douglas County code, the GID's have the same thing. There's kind of this catch all provision, you're empowered to do all things necessary and proper or to effectuate the powers that are specifically granted to you. If you read through that provision, 474.1602, it talks about, East Fork's ability to enact regulations concerning hazardous substances, materials, or devices. However, those must be consistent with any plan or ordinance concerning those substances, materials, or devices that is required by the Federal government, and has been adopted by the Board of County Commissioners. In other words, any regulation must be consistent with the laws of the Federal government, State of Nevada and the ordinances adopted by the Board of County Commissioners. I guess, the simplest way to think of it is regulations help effectuation of laws.

Mr. Ritchie continued, now Resolution 2023R.001 is not consistent with either Nevada Law or the ordinances adopted by the Board of County Commissioners. And there was some discussion about examples. I'm just getting into this so, I just wanted to give you two. As Deputy Chief Ray indicated the Resolution, and Regulation, proposes to impose a residential automatic sprinkler requirement, in certain circumstances. For example, in Table 602.1.1. However, under Nevada Law NRS 278.586, paragraph 1, the Legislature specifically grants the authority to impose residential automatic sprinkler requirements to the Board of County Commissioners. The statute actually says, "governing body, but then if you look at NRS 278.015 under the definitions, governing body", is the Board of County Commissioners. Since we

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

want to be specific about what's a governing body and local authority. So, it's the Board of County Commissioners who are specifically granted this authority. It is not a general catch all necessary and proper clause, this is a specific granted authority. However, before a sprinkler ordinance could be enacted for homes of less than 5,000 square feet, which is being proposed, an independent cost benefit analysis of the adoption must be conducted, NRS 278.586 2a. Civil Division of the Douglas County District Attorney's Office, worked with the then Chief Eisele on the adoption, way back when and also worked with Deputy Chief Ray on a recent adoption. There's no indication that that kind of cost benefit analysis has been conducted. What Resolution 2023R-001 proposes to do is supersede and circumvent both Nevada law, NRS 278.586 and Douglas County code. Those are both laws. A regulation by resolution, supersede and circumvent both Nevada law and an ordinance.

Mr. Ritchie provided another example. Throughout the Resolution it replaces the county building official with the Fire Chief or their designee. However, under NRS 278.570, the Legislature granted, the county building official authority to enforce building codes, various codes, and conduct inspections. Moreover, under NRS 477.014 the State Fire Marshal recognizes the person charged with enforcement of building codes is by the local government, which, again, we've discussed is the Board of County Commissioners. Again, as Tim has indicated, the County is supportive of the factual basis for the adoption of WUI. What I'm trying to share with you is the difficulties, and there's some conflicts within it, between the residential codes adopted and proposed regulations. I'm also trying to share with you is that you want to have whatever regulations are adopted for the protection of the people and what's adopted stays in place and it's not challenged by a developer or builders.

Mr. Ritchie continued, the other basis, the other recitals, is the interlocal agreement granting, the district power to make these rule changes. I'll start by saying the interlocal agreement expired June 30th, 2021 and this has been discussed before. The interlocal agreement by which the State Fire Marshal granted authority to East Fork has expired almost two years ago. Even if the agreement was in effect, paragraph 8 of that interlocal agreement or the exhibit, lists the limits of the authority, that the Fire Marshal granted to East Fork. "in no case shall the agency, which is defined as East Fork, not the local government, the agency, use any lesser code than the division that has adopted. So, you can't go less than what the Fire Marshal has adopted, or impose a stricter code from the basic fire code NRS 477. Now granted there is an exception for commercial properties, the agency East Fork may be more stringent than the State. That's specifically called out and granted by the State Fire Marshal. It's not something that East Fork just took upon itself the authority to do this. The Fire Marshal granted that authority to make more stringent requirements in the case of commercial buildings. Also, paragraph 16, it's very clear East Fork shall require enforcement of the current edition of the Nevada State Marshal regulations, as found in Chapter 477 of the Nevada

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Administrative Code. The regulations that are being proposed are not regulations to effectuate what the Fire Marshal has adopted. The regulations are proposing to adopt provisions the Fire Marshal has not adopted. In other words, you're not supporting the Fire Marshal and his mission through the NAC or the power of NRS Chapter 477, there are completely new things that are being proposed.

Again, it's not as if East Fork staff is proposing that the regulations adopt WUI, they are fundamentally the proposed resolution as drafted currently, fundamentally changes what the State Fire Marshal adopted, what the County Commissioners adopted ordinance and what, the Uniform Code states. In other words, all the other jurisdictions that have adopted that regulation, East Fork is proposing changes to that. In my mind, the most significant is stripping the building official of his authority. Again, East Fork staff are attempting to impose, via resolution, restricted code provisions than those adopted by the Fire Marshal, NAC Chapter 477 or the ordinances adopted by the Douglas County Board of Commissioners.

It is therefore inaccurate in the Resolution to state that the Fire Marshal granted East Fork the authority to impose stricter code provisions than those adopted by the Fire Marshal or County ordinance.

Mr. Ritchie said, both this honorable Fire Board and the County Board of Commissioners have a common desire to ensure the health, safety, and welfare of people that live in this beautiful area. Until today, East Fork has always worked with Douglas County and the Board of County Commissioners to make changes to the International Fire Code as well as the International Building Code and the International Residential Code. Deputy Chief Steve Eisele (ret.), Terry Taylor (ret.), Deputy Chief Ray and District Fire Chief Carlini have always adopted and/or made changes to the Uniform Codes by going to the Board of County Commissioners to make those changes because that's who has the authority to make those changes. I am curious to know, how a regulation enacted via resolution, would trump ordinances and State law, that are adopted through other processes, which include multiple public hearings, publication, there's a lot more that goes into these ordinances.

Mr. Ritchie stated he would respectfully request that this Board not adopt, Resolution 2023-001, and instead direct staff to bring forward a proposed change to Title 20 Appendix B of the Douglas County Code, Board of County Commissioners for consideration of adoption.

There has been some talk about, well, we can adopt and then amend. I can speak from personal experience on vacation home rentals, that the process is not the most efficient or best way to adopt regulations.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Adopt what you have with the knowledge that you're going to have to fix it because people are going to come along and unfortunately make those changes.

Again, my goal and the purpose of my comments is to try and reach a process that will ensure that the codes, the regulations, the things that will protect our citizens are legal and legally defensible and will help accomplish the things that have been stated today.

President Etchegoyhen asked for further public comment.

Mr. Ruben stated as a long time County tax payer, it saddens him that the County's wasting staff time by sending the DA over at the last minute. He gave his opinion on why the Fire Chief and Building Code Official were struck from the Northern Nevada amendments. He was on the committee and can give the Legislative intent. When the Northern Nevada Fire Code Amendments were drafted for the Wildland Urban Interface Code, things were stricken because a conflict was trying to be avoiding in certain areas. The Wildland Urban Interface Code can be adopted by any of the building departments, if they wish. Example, Washoe County adopted Chapter 5. Douglas County could have done that years ago, but chose not to. Typically, the Wildland Urban Interface Code is primarily involved with fire protection issues, which is the way it is adopted by Fire Districts all over the State of Nevada.

Mr. Ruben stated in most counties, the fire districts take the lead on things like defensible space, some of the different fire protection issues and water supply access. The bulk of the Wildland Urban Interface Code is related to fire protection issues. So, the fire departments adopt it. He stated there are good working relationships with the building departments and CEO's, but chose to take it out because building departments may or may not have fire protection as its primary mission. So, it was struck out to avoid having any conflicts between the building official and the fire code official. Now, it is a regional adoption. East Fork Fire carried over about 90% of the regional adoption into the East Fork Fire adoption.

Tahoe Douglas adopted the WUI Code several years ago and there were no issues with the County. He stated he is not sure if that is because it was incorporated with the County Code but it seems odd that Tahoe Douglas Fire had the ability to adopt the code.

Mr. Ruben stated from his understanding of the Constitution and NRS 474, the Fire District is not its subordinate to the County. The powers are given from the State Legislature, not the County Commission.

President Etchegoyhen asked for further public comment.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Mr. Gaines, Douglas County resident stated there have been many fires and these were goals of the Forest Service but the job was just not done. The Building Department tried to eliminate codes and it was not for the safety of the people. He stated he feels if additional attorneys commented they would have opinions on the numbers, but those are opinions, the laws are not clearly stated. He stated he feels the Fire Board has always thought about the safety of the people and as a contractor, that's what he thinks about. It's the people we protect.

President Etchegoyhen asked for further public comment.

AJ Hames, Douglas County Deputy District Attorney stated he wanted to echo the concerns that Mr. Ritchie addressed. He wanted to illustrate what he foresees as some possible issues that might arise if the Resolution is passed without a corresponding ordinance being passed by the Board of County Commissioners. I know for example that oftentimes defensible space is an issue that comes up at Tahoe. WUI was enacted and it does apply up in the Tahoe Douglas Fire Protection District. He heard it said earlier, that the Fire District had adopted WUI and that's inaccurate. That's actually within our County Code that was adopted by our Board of County Commissioners. That applies up at the lake, and oftentimes people are non-compliant, they allow needles to pile up and things of that nature. And so, their method of enforcing defensible space requirements, such as first and foremost, go out and visit people, talk to people, and oftentimes, it's just those visits that bring people into compliance. When they're unable to bring someone into compliance because there's nobody home, nobody actually residing in the house, they will often get the DA's office involved, the Criminal Division. The Criminal Division will file a criminal complaint because the person is not only violating County Code, they're violating the law, and so a criminal complaint can be filed. The person can be brought into court, and although the criminal attorneys aren't seeking, a significant penalty such as jail time, it's a means, it's a mechanism to enforce defensible space requirements. If the Resolution is passed without an accompanying ordinance, that method of enforcement is not going to be available. If the Fire Department were to go to the DA's office and say, can you prosecute this person, they violated our resolution, the answer would be no. The DA's office does not prosecute violations of regulations, it prosecutes violations of laws.

Another issue that I foresee, is, I heard mention that, part of the reason why the building official was stricken from the code and replaced with the Fire Chief, was in order to eliminate conflicts. But if there are conflicting rules, one way the Board of County Commissioners has adopted a code has empowered a building official and another set of regulations where the Fire Chief is empowered to enforce another set of regulations. That actually creates the conflict. That's a perfect illustration of why these types of regulations should

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

be passed at the Board of County Commissioner level. Then, it can be applied uniformly by a single person, not by distinct individuals with distinct codes.

So, for that reason, I would echo the request of Mr. Davis and ask that this Board not pass the Resolution and continue to work with the County to build something together with the County that can also be presented to the Board of County Commissioners.

President Etchegoyhen asked for further public comment.

Tom Dallaire, Community Development Director stated he has met with Deputy Chief Ray, Fire Inspector Mooneyhan and District Fire Chief Carlini about these revisions and what was being proposed back in February 2023. The changes that have been done in the final version, received while on vacation last week, were some modifications that have been proposed in the regulations presented today.

He stated most of the modifications are minor, but the big ones for the Building Department and Community Development are as follows:

- The modifications to Table 503.1, particularly page eight and specifically the footnotes (f, n, g). Those were added in “g” specifically, “if required the fire sprinkler system shall be installed throughout the fire area, including garages”. This does provide a conflict with what is in our current code which, our building official has to enforce, (specifically P2.901.1.1.
- Appendix B for the International Residential Code, NAC 477.283, the changes to the adopted code that were referenced by the State Fire Marshal, Section 106 was deleted, Chapter 5 was deleted, Section 602.1 was deleted and these are all proposed in the code amendments. He believes these need to go before the Board for enacting so everyone is enforcing the same rules.

He stated he would like the opportunity to review this again and apologized for the delay.

President Etchegoyhen asked for further public comment and stated he would open public comment if more discussion needed to be made.

Legal Counsel Mark Forsberg stated public comment can close and does not need to be a repeated public comment.

Public comment closed.

Secretary Bellona stated Douglas County enacted the WUI Code for Tahoe Douglas. As he understands the message is the lives in Tahoe are important but not in the Valley and it does not make sense. The County repeals the

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

sprinkler ordinance for the Valley but yet says they are about public safety. He feels maybe the Resolution is not ready for adoption but the Board can't let the County Commission do whatever they want. The County proves they don't care about the people in this County, they care about the Lake because it makes money.

Director Sommers stated understanding the direction from staff and Legal Counsel Forsberg, the Board has the authority to approve regulations within the jurisdiction, he would like to make the motion.

Director Curtis stated he hopes he didn't leave the opinion that he is against the Regulation. He stated the first house he ever built was burned down in the Tamarack Fire. He wants to do this correctly and is not sure it's there yet. With the sprinkler ordinance there was discussion of judicial review. He feels Legal Counsel Forsberg has been diligent. He's concerned because Mr. Ritchie indicated there are problems with this. He would like to make sure this is done right. He feels there needs to be judicial review before he can approve this.

Legal Counsel Forsberg stated it's not unusual for attorneys to disagree about things. There are many times that happens. He stated he has respect for Mr. Ritchie and appreciates his comments. There is an organic statute that gives direction and it was enacted by the Legislature. There has never been a suggestion that the statute is unconstitutional or somehow out of whack with the hierarchy of law. It's a coequal statute adopted by the Legislature to anything Mr. Ritchie discussed. It directly speaks to this District. NRS 474 talks about this District and what its authority is. To that extent, it grants the authority to consider doing what is being done today. He stated he is not aware this issue was raised by anyone in the County until today.

Director Curtis stated Mr. Ritchie brought this up at an earlier meeting.

Legal Counsel Forsberg stated it was not a meeting where he was present.

Legal Counsel Forsberg stated this will get resolved one way or another which may include court. There's no better way to bring it to the court then to say, you adopted it and someone else is challenging it. He stated his opinion given was thought out the process. The District can go to court with the initiation by the District asking the court if the District has authority or exert the authority that the statutes give to a fire district and let the County challenge if that's what they decide to do. He explained one of the reasons that fire districts are given authority of their own is because they don't necessarily cover the same territories. They can cover multiple counties, they can cover less than a County.

Legal Counsel Forsberg stated to argue a lack of uniformity is why fire districts are allowed to do that.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Legal Counsel Forsberg stated he has advised from the very beginning of this and a court may see it differently. He stated his advice is that East Fork Fire is a fire district, act like a fire district.

Secretary Bellona asked if the County challenged the District with the sprinkler regulation and said the District didn't have the power and authority to enact that regulation.

Legal Counsel Forsberg stated he believes that that argument was percolating in the background and a Deputy District Attorney appeared at one of the East Fork Fire meetings but didn't speak. He stated no one ever contacted him to make that argument.

Secretary Bellona confirmed that the District does have the power to enact regulations that the County doesn't enjoy, example; the sprinkler regulation, because they haven't done anything to try and take that away from the District.

Legal Counsel Forsberg stated the District does have the authority to do what's on today's agenda.

Director Sommers stated if this regulation is adopted, it does not go into effect until July 1, 2023 so there is time for everyone to get together and have a discussion.

Legal Counsel Forsberg stated NRS 477 says that the District is a separate entity. It is an independent organization, it's not a subordinate entity.

President Etchegoyhen stated he believes this has become a much more complicated issue or appears to be. He stated Nevada is Dillon's Rule State. If the State doesn't say you can, you can't. He stated Legal Counsel Forsberg did a very in-depth memorandum, outlining how the District can do this and why. He doesn't like that there are some complications. He wants the District to adhere tightly to whatever the State law says the District can do. The District has responsibility to keep the community safe.

He stated he's curious if when Washoe, Carson and Central Lyon adopted similar regulations, did they get permission from the County. He is uncertain at this time and feels to be in an awkward spot. He stated he's not sure he has all the information and is looking for clarity. He's not sure that's going happen today. He would like to review Legal Counsel Forsberg's memorandum from a few months ago to get a sense of the groundwork. He stated maybe one of the best ways is to adopt this, and if there's issues go to court.

Director Sommers stated the Board has staff that rely on giving the Board guidance and information needed to make decisions. He appreciates all

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

comments made today but still have the same direction from East Fork Fire staff that was given previously and that the District does have the authority.

Deputy Chief Ray stated Central Lyon County, Washoe County and Truckee Meadows Fire are a 474 District. She stated she has personally adopted regulations and enforced them. In those instances, the County has taken that exact document and adopted it, as the County as well. As a 474 district they did adopt their own regulations.

Director Griffin stated she has a great deal of respect for Doug Ritchie, A.J. Hames and the Building Department. She stated she really does not like to be blindsided. She stated she specifically asked the question of Chief Carlini and Deputy Chief Ray, if they knew about the significant differences, if there were significant differences, and what they were. As Deputy Chief Ray and District Fire Chief Carlini addressed, the Board gave staff direction in December, to proceed with adopting this regulation, this resolution. And my understanding is, there was a meeting in February. If there were issues with this, why wasn't the District contacted. It has been on the agenda, noticed and there has been public outreach. She would like to move forward as a group. The District was not contacted with what those differences were until today. She stated that is not acceptable. She stated she is supportive of what the staff has done, and maybe this does need to go to court. The District has been informed by Legal Counsel that the District is on solid ground, and she supports Legal Counsel. She stated she is ready to support this.

President Etchegoyhen stated there is a motion and a second.

Director Curtis asked if the motion includes that it becomes effective July 1, 2023.

Director Sommers stated yes, that's part of the regulation in the motion.

Director Sommers thanked staff.

MOTION to adopt Resolution 2023R-001 by which the District adopts the 2018 International Wildland Urban Interface (WUI) code with amendments and is effective July 1, 2023.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Mike Sommers
SECOND BY:	John Bellona
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

President Etchegoyhen called a short recess.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

President Etchegoyhen called the meeting back in session.

8. For Possible Action. Discussion and possible action authorizing the Board President to sign the Wildland Fire Protection Program Agreement between the State of Nevada Department of Conservation and Natural Resources/Nevada Division of Forestry and the East Fork Fire Protection District for a two-year period at a cost of \$94,382 for State Fiscal Year 2024 and \$94,382 for State Fiscal Year 2025, not to exceed a total two-year cost of \$188,764. (Tod F. Carlini, District Fire Chief) 10 minutes.

District Fire Chief Tod Carlini explained this agreement is the Wildland Fire Protection Program agreement. It is a program offered through the Nevada Department of Conservation and Natural Resources and administered by the Division of Forestry. The program has been available for 10 years. The cost of wildland fires in Nevada is paid for by the State as long as the agency is a member of the program. There are many other benefits to the program including access to their air resources, access to a limited number of fire crews, gives East Fork Fire the ability to operate a Model 34 Type III engine placed in service that East Fork Fire staffs and a seasonal crew placed at Station 8. It is a beneficial agreement between the District and the State. It provides access for the District to obtain personnel, equipment, resources and funding for fire costs after the initial 24 hours of the incident. He explained this agreement is essentially an insurance policy.

District Fire Chief Carlini stated the overall cost for a two-year period is \$188,764. There was a cost increase that was directly related to the Tamarack Fire. The District is one of the higher participants in terms of cost due to the fire history in the District. The recommendation is to approve the agreement.

Secretary John Bellona asked how many years do they keep the past fires on record when looking at the renewal.

District Fire Chief Carlini stated they were using an eight-year renewal. In the past an annual meeting had been held to discuss things but this year the renewal came out with the established rates. The initial formulas were done with all the participants. He didn't agree with the formula process. He gave an example of why he didn't agree.

Secretary Bellona stated this is really cheap fire insurance.

District Fire Chief Carlini stated the costs the District would incur are well over the cost of the agreement.

Director Mike Sommers asked Board Clerk Holly Megee to make note that the "\$94,382382" in the amount on the action sheet should read \$94,382.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Director Sommers asked how often does the District use the 2019 Type III engine. He asked if the maintenance is the District's responsibility.

District Fire Chief Carlini stated the 2019 Type III engine is a State asset that the District staffs and it is a frontline unit. He said the cost and maintenance is the District's responsibility to a degree.

Director Sommers asked if it is a full cycle of the contract.

District Fire Chief Carlini stated it is a full year.

Director Sommers asked if the District needs more crews, is that covered.

District Fire Chief Carlini explained the crews would be shopped from the Region first. The cost of the crews is covered by the agreement if the District exceeds 24-hours.

President Jacques Etchegoyhen opened public comment.

There was no public comment.

Public comment closed.

President Jacques Etchegoyhen stated this is a wonderful thing for the District.

MOTION to authorize the Board President to sign the Wildland Fire Protection Program Agreement between the State of Nevada Department of Conservation and Natural Resources/Nevada Division of Forestry and the East Fork Fire Protection District for a two-year period at a cost of \$94,382 for State Fiscal Year 2024 and \$94,382 for State Fiscal Year 2025, not to exceed a total two-year cost of \$188,764.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Bernard Curtis
SECOND BY:	John Bellona
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

9. For Possible Action. Discussion and possible action to allow the District Administration to exceed the maximum approved position roster for Firefighter/EMT, Firefighter/EMT Advanced, and/or Firefighter/Paramedic by one qualified full-time equivalent (FTE) position not to exceed 40 shifts from time of appointment and at a total cost allocation not to exceed \$35,000. (Tod F. Carlini, District Fire Chief) 10 minutes.

District Fire Chief Tod Carlini stated the District has asked for this in the past. He explained there are three individuals in the fire academy. All three are expected to successfully complete the academy. There are currently two open positions. This request is asking to allow for an additional position not to exceed 40 shifts. Without this, the third position would need to go back to the Fuels Crew, which would result in a bump in other positions.

If approved, this would allow for the individual to come out of the academy and continue to get experience in the firefighter/EMT position. There may also be an opportunity to assist with some of the upcoming overtime costs due to long-term injuries and/or vacancies. At the end of 40 shifts this would need to be re-evaluated.

Director Mike Sommers asked why this can't be addressed at the administrative or staff level. He does not feel this needs to come to the Board for approval.

District Fire Chief Tod Carlini explained the reason the District comes to the Board is because there is an approved position list that the Board approves fundamental with the budget. It prescribes the number of people allowed on staff.

Director Sommers suggested giving the Administration the authority and when it is needed, it is used.

District Fire Chief Tod Carlini stated that is up to the Board.

Secretary John Bellona agrees that this does not need to come before the Board.

President Jacques Etchegoyhen feels if it is needed, the Chief should be able to make that decision.

Director Sommers believes the money used for the position will be saved in overtime.

President Etchegoyhen stated it may not result in a budget impact if money is saved in overtime.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Director Barbara Griffin stated she likes that it comes before the Board because of the budget and the number of District staff. This is a minimal request. She does not have an issue if something is in place for executive staff to make decisions like this, but would like limits set.

Director Griffin asked District Fire Chief Carlini if he has a plan in place if the 40 shifts/\$35,000 is reached.

District Fire Chief Carlini stated if it gets to that point the individual would return to the Fuels Crew until an opening occurs.

Director Bernard Curtis stated this request is for one position. He feels the Board should approve this and move forward with another concept.

President Etchegoyhen opened public comment.

Tom Hein, East Fork Fire Volunteer Firefighters Association stated with his past employer, besides budget there was a personnel month's option. He suggested giving authority over personnel months. The personnel months would be a time over the personnel years that gives authority if it's within the budget.

Sky Dwinell, Secretary/Treasurer for East Fork Fire Professional Firefighters stated the Association has no issues. It eliminates staffing issues, gives flexibility and helps the cost savings with overtime.

There was no further public comment.

Public comment closed.

MOTION to allow the District Administration to exceed the maximum approved position roster for Firefighter/EMT, Firefighter/EMT Advanced, and/or Firefighter/Paramedic by one qualified full-time equivalent (FTE) position not to exceed 40 shifts from time of appointment and at a total cost allocation not to exceed \$35,000.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Bernard Curtis
SECOND BY:	Mike Sommers
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

10. For Possible Action. Discussion and possible action to approve an Executive Program Manager position, who will be responsible for the overall NV Energy Program, District buildings/facilities, fleet maintenance, Support Services, Logistics and Procurements, Construction, and other related programs. The proposed annual salary range is \$82,902 to \$101,538 and is funded 60% by NV Energy (NVE) and 40% by the District. (Lisa Owen, Director of Administrative Services) 15 minutes.

Director of Administrative Services Lisa Owen stated the job description is part of the backup. This is a new unique Executive Program Manager position that she feels it is long overdue.

Director of Administrative Services Owen highlighted a few of the areas the position will be responsible to oversee:

- Vehicle maintenance
- District facilities
- NV Energy program
- Support services
- Logistics
- Construction
- Volunteer

Director of Administrative Services Owen stated she feels this is long overdue because vehicle maintenance alone is a lot of work and a big responsibility, as well as facilities. This will be a huge relief for District Fire Chief Tod Carlini and Deputy Chief Ray.

The District did have a supervisor in the Support Services department many years ago. He was in the position for 15 years and retired. The position has been vacant since his retirement. This position will fill that vacancy and additional tasks. It is an executive level position and FSLA exempt. The individual hired will be onsite and the single point of contact for Fuels Crew/NV Energy program. This position is a requirement of NV Energy contract and is the reason NV Energy is covering 60%.

Director Mike Sommers stated if it is required, why isn't NV Energy covering 100%.

Director of Administrative Services Owen replied because the person will not be 100% Fuels Management.

Director Sommers confirmed that NV Energy mandates it but only 60% of the time.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Director of Administrative Services Owen stated 60% time is what the District calculated will be focused on NV Energy/Fuels Crew.

Director Sommers asked if the 60% of the revenue is based on what NV Energy felt the position is worth.

Director of Administrative Services Owen stated this is new and there may be modifications as time goes on. This is the best attempt at this time.

Director Sommers confirmed this allocation is the District's estimate.

Director of Administrative Services Owen stated that is correct. In the past, the Fuels Crew has been reporting to the Battalion Chiefs. It's amazing, but inconsistent leadership because the Battalion Chiefs are on a rotation schedule. This position will report directly to District Fire Chief Carlini. The salary is \$82,902 to \$101,538. It is included in the budget, if approved, recruitment will start right away. The desire is to fill the position by July 1, 2023.

Director Sommers asked if there is a candidate in mind from the Fuels Crew.

Director of Administrative Services Owen stated this will be an open recruitment.

District Fire Chief Carlini stated the District is trying to maximize an opportunity. It is important to have direct oversight on vehicles and maintenance. There are projects that need dedicated supervision as well as the Fuels Crew having a single point of contact. The Battalion Chiefs will have a day-to-day role but the management will rely on the new position. There soon will be 18 Fuels Crew employees, eight of them seasonal employees.

President Jacques Etchegoyhen stated he feels this is overdue and supports this. He hopes the partnership with NV Energy continues and believes it is very beneficial.

Director Sommers stated he feels this is a start but would like to work towards a fulltime Fuels Manager position. This is a great step towards the District working their way to step up to a Fuels Management Hand Crew.

Director Barbara Griffin asked Director of Administrative Services Owen if there is anyone in the State that has a position like this, will the District have a hard time finding someone to meet the requirements and was the job description developed from scratch.

Director of Administrative Services Owen replied she wasn't able to find a job description that matched all the job duties, but Sparks Fire posted a

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

recruitment for a similar position and some language was borrowed from them and others. The rest of the language was developed around what the position would be responsible for. The salary survey point was taken from the closest possible positions.

Director Griffin stated it will be interesting to see how many applications are received and what their backgrounds look like.

Director of Administrative Services Owen stated the word is already out there and several are waiting for the job to be approved so they can apply. Some are local and others from out of the area.

Director Barbara Griffin stated it is important to address the Fuels Crew. She thanked Director of Administrative Services Owen for all her hard work on putting together the job description.

Secretary John Bellona stated he agrees with Director Sommers and believes the District needs a fulltime manager for Fuels. There was a past position that was fulltime that didn't manage anyone.

President Etchegoyhen opened public comment.

Sky Dwinell, Secretary/Treasurer for East Fork Fire Professional Firefighters stated the Association agrees the Chiefs and Office Staff have a lot of responsibility and things do get missed at times. There are concerns with this position, the biggest being is the position is too much for one person. He believes there needs to be a fulltime Fuels Management Division position. The Association believes this is a step in the wrong direction because it's a temporary fix.

Secretary Bellona stated this is a huge job description for one person. He does believe it's a step in the right direction but feels there needs to be discussion over the next couple of months when looking at the budget, for a Fuels Management Officer.

There was no further public comment.

Public comment closed.

MOTION to approve an Executive Program Manager position and request the Board to come back with some ideas.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	John Bellona
SECOND BY:	Bernard Curtis
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

11. For Possible Action. Discussion and possible action on the adoption of Resolution 2023R-002, which establishes an incident reimbursement rate schedule for the East Fork Fire Protection District effective May 16, 2023. (Kathy Lewis, CPA, CFO/Director of Finance) 10 minutes.

Director of Finance Kathy Lewis stated this is an annual resolution that comes before the Board to adopt rates used for incidents and off-district responses. The equipment and vehicle rates are increased from the prior year based on CPI and looking at other regional agency rates. The personnel rates are billed at actual costs.

Director Mike Sommers asked if this is an annual resolution and what fiscal period.

Director of Finance Lewis explained the rates are adopted at the time of the meeting when they are approved by the Board.

Director Sommers asked what date the rates go into effect.

Director of Finance Lewis stated if adopted, the rates go into effect today.

Director Sommers confirmed the rates would go into effect May 16, 2023 to May 14, 2024.

Director of Finance Lewis stated yes or until the next rates are approved.

Secretary John Bellona explained it is a rate scheduled until the next one is adopted. If prices go up, rates may go up.

Director Sommers stated if rates can go up when prices go up, he suggested eliminating the word "annual" on the rate schedule. He stated it's a current rate not an annual rate.

President Jacques Etchegoyhen opened public comment.

There was further public comment.

Public comment closed.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

MOTION to adopt Resolution 2023R-002, which establishes an incident reimbursement rate schedule for the East Fork Fire Protection District effective May 16, 2023.

RESULT: APPROVED [UNANIMOUS]
MOTION BY: John Bellona
SECOND BY: Mike Sommers
AYES: Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:
ABSENT:

12. For Possible Action. Discussion and possible action on the adoption of Resolution 2023R-003, which establishes a restitution rate schedule for the East Fork Fire Protection District effective May 16, 2023. (Kathy Lewis CPA, CFO/Director of Finance) 10 minutes.

Director of Finance Kathy Lewis stated this item is similar to the prior item. This is a restitution rate schedule utilized when the District can legally charge a cost. For example, someone cited and convicted for illegal burning. The rate schedule is the same as the incident rate schedule and are in effect until new rates are adopted.

Director Mike Sommers asked if these rates are used in response to abuse use such as false alarms, etc.

District Fire Chief Tod Carlini replied yes.

President Jacques Etchegoyhen opened public comment.

There was no public comment.

Public comment closed.

MOTION to adopt Resolution 2023R-003, which establishes a restitution rate schedule for the East Fork Fire Protection District effective May 16, 2023.

RESULT: APPROVED [UNANIMOUS]
MOTION BY: Barbara Griffin
SECOND BY: Bernard Curtis
AYES: Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:
ABSENT:

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

13. For Possible Action. Public hearing, discussion and possible action to adopt and approve the District's Final Budget for Fiscal Year 2023-2024 in the amount of \$26,711,587, which includes all funds and reserves, and all matters related thereto. (Tod F. Carlini, District Fire Chief) 30 minutes.

District Fire Chief Tod Carlini and Director of Finance Kathy Lewis prepared a PowerPoint for the final budget showing the significant changes made after the tentative budget and added the Capital Improvement Plan that was approved in April. Director of Finance Lewis presented the PowerPoint.

Below is the outline of the District's Final Budget for Fiscal Year 2023-2024 PowerPoint presentation:

Budget hearing:

- NRS 354.596(4), requires a public budget hearing for the FY2023/24 budget.
- Review/discuss:
 - Changes to the tentative budget
 - Highlights of the FY2023/24 budget
 - Cautions for FY2023/24 budget
- The changes are outlined in the Board packet with the detailed budget, budget notes and budget prepared on State approved forms.

The District has received the State Department of Taxation approval of tentative budget.

Changes in revenue from tentative budget: (A chart was provided showing those changes)

Changes in expenditures from tentative budget: (A chart was provided showing those changes)

FY2023/24 Budget highlights:

- Funded \$1,550,000 in capital projects/outlay
- Funding personnel based on negotiated contract (pending approvals)
- Funded an Executive Program Manager based on a 60/40 distributions (60% NVE /40% EFFPD)
- Funded an Office Specialist I position at mid-year with partial funding from NVE administrative fee increase
- Maintain 1.5% contingency allocation
- Maintain 12.5% ending fund balance

Potential impacts:

- Worker's Compensation provider selection
- June Board meeting

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

- Federal Medicare/Medicaid reimbursements
- GEMT reimbursement changes
- State consolidated tax performance
- Possible recession based on economic impacts

Contingency and Ending Fund Balances:

- Total Contingency Funding-(1.50%)-\$322,224
- Ending Fund Balance-\$2,685,204-(12.50%)

Total Final Budget FY 23/24:

- \$26,711,587

General Fund: \$26,385,204 and Emergency Fund \$326,431

Next steps:

March 25, 2023 – Final property tax projections released

April 15, 2023 – Tentative budget submitted to State

April 18, 2023 – Presentation and approval of CIP, review of any budget changes

May 16, 2023 – Public hearing, presentation and approval of Final Budget

June 1, 2023– Final Budget submitted to State

July 1, 2023 – New fiscal year begins

President Jacques Etchegoyhen opened public comment.

There was no public comment.

Public comment closed.

Director Mike Sommers stated he does not have a problem with the budget as it is presented as far as the numbers (revenue and expenses) but he is having a problem approving the final budget based on presentation. He does not believe the NV Energy belongs in the general fund because it is a contract with a private agency. It is a contract that generates revenues for services the District provides and for the billing of recovery of capital costs that are purchased for assets. He believes it should be in a separate recording portion of the budget as an enterprise fund.

Secretary John Bellona stated it makes sense what Director Sommers is saying because if the District manages the NV Energy crew and they start to make money for East Fork Fire it will complicate the budget.

Director Sommers stated the assets that are purchased for the NV Energy program should be kept separate and not in the general fund/capital asset. The ending fund of the enterprise fund would be a stand-alone fund within the overall District and not part of the general fund.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Director of Finance Lewis stated she struggles with an enterprise fund for a couple reasons. NRS 474 states the District can have two funds (emergency and operating funds). She would need to do more research on the interpretation. She stated in her experience an enterprise fund is used a lot in utilities. The accounting portion does become more complicated but whatever is the desire of the Board.

Director Sommers stated the reason a utility fund is seen in an enterprise fund is because it is revenue generated from the private sector and as the service is provided to that private sector.

Director of Finance Lewis stated or a specific group of people.

Director Sommers stated he is willing to work with Director of Finance Lewis to show why he feels it is important. He stated he will vote for approval but this will be the last time.

President Jacques Etchegoyhen stated his experience with enterprise funds has been a disaster but would be open to further discussion.

Director Sommers explained why he feels the funds need to be accounted for separate from the general fund.

Director Bernard Curtis stated it is important to discuss further but not today.

District Fire Chief Carlini stated when the District starts to receive outside grants that would become the time to consider an enterprise fund. He stated the District has gone through an audit and there were no findings or illegal doings.

Director Sommers stated it's not the fact that anything is being done illegally, it is just for proper reporting internally.

District Fire Chief Carlini stated there may be an opportunity at some point, but for now the system being used today works well. He feels enterprise funds add a lot of work all around.

President Etchegoyhen stated it is complicated.

Director Sommers stated the difference in revenue with the NV Energy program is a significant change to the budget.

Director Barbara Griffin stated she does not like enterprise funds. She feels there should be an item added to a future agenda to discuss enterprise funds.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

MOTION to adopt and approve the District’s Final Budget for Fiscal Year 2023-2024 in the amount of \$26,711,587, which includes all funds and reserves, and all matters related thereto.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Bernard Curtis
SECOND BY:	Barbara Griffin
AYES:	Bellona, Griffin, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	

14. For Possible Action. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact the East Fork Fire Protection District as may be deemed appropriate by the Board of Directors. (Tod F. Carlini, District Fire Chief) 10 minutes.

District Fire Chief Tod Carlini stated an update summary of bills was provided as backup. He thanked Adam Wennhold for his review and the information he provided he feels the District should be aware of. Engineer Wennhold is present to comment. The District continues to monitor bills including EMS licensing and there is consideration to move EMS from health into the State Fire Marshal authority.

Engineer Adam Wennhold stated SB 261 continues to move forward. It doesn’t mention 474 fire protection districts but the language reads “not limited to a list of organizations”.

Director Mike Sommers asked about the siren.

Engineer Wennhold doesn’t think it got approved.

District Fire Chief Carlini stated it’s not the District’s siren.

President Etchegoyhen opened public comment.

There was no further public comment.

Public comment closed.

15. For Presentation Only. Reports/updates from East Fork Professional Firefighters Association concerning the various assignments and committees they may be a member of, a liaison to, and meetings/functions they have attended. No action will be taken on these reports/updates. (Jacques Etchegoyhen, President) 5 minutes.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Engineer Adam Wennhold noted:

- Academy graduation will take place on June 9, 2023 at Corley Ranch
- \$2,200 was raised at the Moxy Up fundraiser, which took place over the weekend at the Park Ranch venue
- Sending six individuals to an Honor Guard and bag pipe training in Vegas

16. For Presentation Only. Reports/updates from East Fork Volunteer Firefighters Association concerning the various assignments and committees they may be a member of, a liaison to, and meetings/functions they have attended. No action will be taken on these reports/updates. (Jacques Etchegoyhen, President) 5 minutes.

Volunteer Liaison, Elaine Pace noted:

- 12 new Volunteers went through the basic wildland class
- The first Volunteer benefit is taking place on Father's Day, June 18, 2023, from 9:00 am-12:00 pm
- Will send out a list of upcoming Volunteer benefits

17. For Presentation Only. Reports/updates from District Board Members and Administration concerning the various assignments and committees they may be a member of, a liaison to, and meetings/functions they have attended. No action will be taken on these reports/updates. (Jacques Etchegoyhen, President) 10 Minutes.

Legal Counsel Mark Forsberg noted:

- No report

CPA, CFO/Director of Finance Kathy Lewis noted:

- No report

Director of Administrative Services Lisa Owen noted:

- Will start recruitment for the recently approved Executive Program Manager
- Promotional Engineer testing will take place on Monday, May 22, 2023 through-Wednesday, May 24, 2023. There are seven candidates going through the process

Director Mike Sommers asked if there are position needs for the seven testing.

Director of Administrative Services Owen stated the individuals will be put on a list in ranking order. This list is used in the event of a vacancy. All candidates testing are currently acting Engineers.

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Director Sommers asked if the acting Engineers can fill overtime slots as needed.

District Fire Chief Tod Carlini stated the acting Engineers can act now and currently have been acting. This is to establish a two-year list for future permanent openings.

Director of Administrative Services Owen explained the next Engineer testing will be May in two years. There is an article in the CBA that mandates Engineer testing is done every other year.

Deputy Chief/Fire Marshal Amy Ray noted:

- Thanked the Board for approving the WUI
- Thanked all staff for all their hard work on the WUI
- The CWPP was submitted and approved
- The District will be part of hosting the Fire Investigation class the first part of June

Deputy Chief Training and Safety Larry Goss noted:

- Family Night will take place on June 7, 2023
- All East Fork individuals are doing well in the academy. One individual put on light duty. He will be evaluated and hope to be put back to full duty to continue in the academy
- IT infrastructure and equipment arrived. Conway will begin putting everything in place tomorrow
- Will soon start the IT migration

Director Sommers asked if the phone systems are in.

Deputy Chief Training and Safety Goss stated not at this time.

Director Mike Sommers noted:

- Attended the Volunteer Association meeting
- Nice to see the Volunteers continue with recruitment

Director Sommers stated he has had people approach him in regards to WUI and wanted to know if he should direct them to talk to staff.

Deputy Chief Ray stated yes, refer everyone to staff if they have a WUI question.

Director Bernard Curtis noted:

- No report

President Jacques Etchegoyhen noted:

- No report

**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Secretary John Bellona noted:

- No report

District Fire Chief Tod Carlini noted:

- June meeting will be busy. (Dispatch agreement, workers comp agreement, physicals, Standard of Cover, training structure and Station 15 project ceremony (if the project is complete by June)
- Habitability might be pushed to a future meeting
- Thanked the Board for approving the WUI
- Thanked Deputy Chief Ray and Inspector Patrick Mooneyhan for all their time and work on the WUI

Director Sommers requested holding a future Board meeting at Station 15.

District Fire Chief Carlini stated it might be difficult to hold the meeting there. The ceremony is a great opportunity for all to see it.

Director Barbara Griffin noted:

- No report

ADJOURNMENT

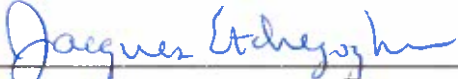
18. For Possible Action. Discussion and possible action to adjourn the East Fork Fire Protection District Board Meeting. (Jacques Etchegoyhen, President) 5 Minutes.

MOTION to adjourn; carried.

RESULT:	APPROVED [UNANIMOUS]
MOTION BY:	Mike Sommers
SECOND BY:	John Bellona
AYES:	Bellona, Curtis, Etchegoyhen, Sommers
NAYS:	
ABSENT:	Barbara Griffin

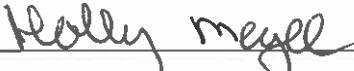
There being no further business to come before the Board, the meeting adjourned at 4:45 pm.

Respectfully submitted:



Jacques Etchegoyhen, President
East Fork Fire Protection District

ATTEST:



**EAST FORK FIRE PROTECTION DISTRICT BOARD
MEETING OF MAY 16, 2023**

Holly Megee, Board Clerk
East Fork Fire Protection District

APPROVED