

# Clackamas Fire District #1



**REGULAR BOARD OF DIRECTORS MEETING** (This meeting was recorded.)  
**September 21, 2009**

- I. CALL TO ORDER PER ORS 192.610 TO 192.710**  
**ORS 192.650 – The meeting is being recorded.**  
**ORS 197.710 – Smoking is banned during the meeting.**

Chairperson Trotter called the meeting to order at 7:02 p.m.

**Present:** Board of Directors Jim Doane, Toby Forsberg, Dave McTeague, Don Trotter and Marilyn Wall; Chief Ed Kirchhofer; Deputy Chief Jonathan Smith; Deputy Chief Scott Weninger; Personnel Services Chief Mark Cauthorn; Finance Director Susan McSperritt; Executive Officer Kyle Gorman; Battalion Chief Fred Charlton; Battalion Chief John Ingrao; Battalion Chief John Oliver; Battalion Chief David Scheirman; Lobbyist Genoa Ingram from Court Street Consulting; Legal Counsel John Osburn; Fire District Agent of Record Jeff Griffin from Wilson-Heirgood Associates; Paulette Oliver from Wilson-Heirgood Associates; Karl Johansson from Johansson Architecture, PC; Citizen Howard Bicket; and Executive Assistant Karen Strejc.

**II. CHANGES TO AGENDA**

None

**III. APPROVAL OF MINUTES FROM THE REGULAR BOARD MEETING ON AUGUST 17, 2009 AND THE WORK SESSION ON SEPTEMBER 9, 2009**

**Director Doane moved and Director Wall seconded the motion to approve the minutes from the regular board meeting on August 17, 2009 and the work session on September 9, 2009. The minutes were approved by consensus of the Board.**

**IV. PUBLIC COMMENT**

None

**V. PRESENTATION OF TORT LIABILITY INFORMATION – Jeff Griffin, Wilson-Heirgood Associates**

Jeff Griffin, Fire District Agent of Record, from Wilson-Heirgood Associates distributed information regarding the new tort liability information and discussed how it has changed. The impact on the Fire District will be minimal. The tort limit has been divided into two limits. The State government and Oregon Health Sciences University have a higher limit of \$1.5 million. Other public agencies in the state, such as CCFD, currently have a lower limit of \$.5 million;

however, this limit will escalate to \$1.3 million by 2014. Jeff pointed out that two years ago, the Board elected to raise the limit to \$10 million so the Fire District is well within excess of the Oregon tort.

Jeff explained that if an agency works with the State of Oregon, the agency will be held to the State's limit. This is fairly new knowledge for agencies to learn. When the Fire District works for the State of Washington, it would be covered by Washington law.

Jeff shared that the State has raised the limit for property damage from \$50,000 to \$.5 million. The Fire District's limit is \$10 million.

Jeff explained that the two reports he gave to the Board show State government versus districts regarding tort liability. He shared that the one area CCFD needs to watch is how it would be impacted if it is doing contract work with the State and outside the state. He will keep the Board informed as he receives updated information.

Jeff did not present the PowerPoint information, but explained that the handout was self explanatory as it shows what the District has in terms of coverage for liability, property and workers compensation. It also lists what to watch for.

Jeff shared that the ethics issue was redone; however, the rules are still to be published. He reminded the Board that personal gain is never acceptable in Oregon, not even the perception of personal gain.

Workers' compensation information was included. It includes the new cancer coverage that picks up a number of cancers. Oregon is one of 26 states that have done that.

Jeff mentioned that Oregon's Occupational Safety and Health Administration (OR-OSHA) has been extremely active. Representatives from OR-OSHA are arriving after a large event and reviewing the event that occurred and the actions that were taken. The Fire District should expect citations, but these can be appealed as they come up. There has been more intense focus on fining fire agencies. However, Jeff shared that the Fire District does things right

Jeff explained that on a Federal basis, the definition of volunteer firefighter is not consistent with FSLA, IRS, Social Security or Oregon unemployment law. It is almost impossible to comply with each of these areas. Oregon is leading the issue with Congressman Wu and Senator Wyden to try to get IRS and Social Security in line so that they are consistent with FSLA.

The grant cycles have recently opened. The SAFER Act was significantly increased and the restrictions have been significantly reduced.

Jeff shared that the tort law did not have the impact that people thought it would have. His recommendation is for the Fire District to have a limit in excess of the State of Oregon's limit, which the District has.

## **VI. ELECTION OF BOARD OFFICERS**

Chairperson Trotter explained that in Article 6 of the Board Policy Manual the election of board officers takes place each year at the September meeting.

Chairperson Trotter opened the nominations for the position of Chairperson.

**Director Wall nominated and Director Doane seconded the nomination of Don Trotter for Chairperson of the Board of Directors. Director McTeague moved and Director Wall seconded the motion that the nominations be closed.**

Chairperson Trotter shared that there was no need to vote on the motion since there were no other nominations.

Chairperson Trotter opened the nominations for the position of Vice Chairperson.

**Director Wall moved and Director McTeague seconded the motion to nominate Jim Doane as the Vice-Chairperson of the Board of Directors. Chairperson Trotter closed the nominations for Vice Chairperson.**

Chairperson Trotter opened the nominations for the position of Secretary/Treasurer.

**Director Wall moved and Director Forsberg seconded the motion to nominate Dave McTeague as the Secretary/Treasurer of the Board of Directors. Chairperson Trotter closed the nominations for Secretary/Treasurer.**

**Since there was only one nominee for each office, Chairperson Trotter took a vote on the slate of offices. Roll call was taken and the slate of offices was unanimously passed.**

## **VII. BUSINESS – Action required**

### **B-1 Request Board Approval of Resolution 09-09 – Sole Source Purchase of Equipment from Pierce Manufacturing**

BC Ingrao explained that because of the size of Station 15, which has a limited apparatus bay ceiling height and length, a different sized frame was used for Truck 15 that is no longer available. It needs to be replaced and put into reserve status. Truck 15 is 11 feet – 2 inches tall and the bay is 11 feet – 4 inches high. A replacement truck was sought, but a company was not found that would be able to build an aerial to meet the station dimensions. The only option is to have a sole source refurbishing of Truck 15 by Pierce Manufacturing. The transmission is in good shape, but the aerial device needs to be stripped down and updated. This will allow for five additional years of service for regular use and two years as a reserve unit.

Director Wall shared her concern that since Truck 15 does not meet the current standards for trucks, would this be a wise thing to do. BC Ingrao responded that when Truck 15 is upgraded, it will still be 11 feet – 2 inches in height, which still fits into the station. It will be given another five years of life and will be worth the money to upgrade it. It does not have the same design defect as the one that had the fire at Station 16.

Director Wall explained that she had an issue with the contract and with the fact that the issues of the reimbursement from Pierce regarding Engine 16 have not been resolved. She requested that the indemnity paragraph regarding negligence be removed from the contract. Legal Counsel Osburn shared that he would take care of it. Chairperson Trotter asked if the contract could be approved on condition that this part of the contract, Section 12, was changed.

Discussion followed regarding the fact that the warranty was not included in the contract that pertained to the five additional years. The warranty would cover parts, labor and malfunction of the aerial device. BC Ingrao shared that he would submit the warranty to Chief Kirchhofer to forward to them.

**Director Forsberg moved and Director McTeague seconded the motion to approve Resolution 09-09 – Sole Source Contract Purchase for Refurbishment, 1999 Pierce Arrow 105 Food Aerial Ladder from Pierce Manufacturing with appropriate corrections to Section 12 of the contract. The motion passed unanimously.**

**B-2 Request Board Approval of Resolution 09-10 - Authorization for Special Procurement of Physician Supervisor Agreement**

Chief Kirchhofer deferred to Finance Director McSperitt for a brief explanation of the Purchasing Policy implications. She explained that the Physician Supervisor Agreement did not comply with the Fire District's Purchasing Policy. Staff discovered that there were updates in the ORS rules that had not been updated into the District's Purchasing Policy that would allow for approval of this contract. This policy needs to be revised to include the ORS rules as listed in Resolution 09-10, which allow for special procurement of the Physician Supervisor Agreement.

Chief Kirchhofer explained that the initial contract did comply with the state purchasing law. It was the Fire District's Purchasing Policy that did not keep up with the state changes. He apologized to the Board for this issue. The policy will be updated and the revised version shared with the Board at the October board meeting.

**Director Doane moved and Director Wall seconded the motion to approve Resolution 09-10 – Authorization for Special Procurement of Physician Supervisor Agreement. The motion passed unanimously.**

**VIII. OTHER BUSINESS – No action required.**

**OB-1 Update of Open Burning Discussion**

DC Weninger reported that 432 people responded to the Open Burning Survey. He referred to the survey summary that was included in the board packet. He felt it was a good mix of responses and a good general community survey. He shared that there was definitely a difference between how people feel about open burning depending upon whether they live in an urban or rural area. There was a difference of public opinion regarding when to act and how the Fire District should act. DC Weninger shared about the summary of how people were treated by the Fire District when there was an open burning issue. The public felt that the District employees were polite and did a good job educating them about the issue. Many comments were included ranging from no burning to burning year round.

DC Weninger shared that 120 people stated that they would attend a town hall meeting to discuss the open burning issue. A town hall meeting has been scheduled for Tuesday, December 8, 2009 from 6:00 p.m. to 9:00 p.m. at the Training Center. The maximum capacity of the Training Center will be confirmed and only those numbers of seats will be available. The doors will open at 5:30 p.m. and once this capacity has been reached, the doors will be closed. A facilitator will be hired and electronic feedback will be available. Policy questions will be posed to the audience and they will in turn vote upon each question and instant results will be available.

**OB-2 Follow-up Discussion Regarding the Joint Board Meeting with Boring Fire District**

Chief Kirchhofer reported that minutes were not available for the board meeting. Boring Fire District was coordinating the preparation of the minutes and will forward them as soon as they are completed. He asked the Board for their impressions of the meeting and any follow-up they would like staff to pursue.

Chief Kirchhofer shared that the staff work that was done on the fleet maintenance concept was incomplete. The dollar amount shared was less than one third of what the District is currently paying. Information was missing from the report. Chief Kirchhofer is not sure that they have the capacity to have CCFD as their client.

Director Forsberg shared that he had thought more about Boring Fire's fleet maintenance plan and realized there was no backup plan for it. Even hiring two people to work 12 hours, five days a week may not cover the work needing to be completed. Director Forsberg asked if work would then be shifted back to the City of Milwaukie. Chief Kirchhofer explained that that had not been addressed.

Chairperson Trotter shared that it will be good to review the minutes when they have been prepared. He requested that they be put on the board meeting agenda for review.

Chief Kirchhofer reported that in Boring Fire's staff report it mentioned that they would not be able to have CFD as a customer during their first year of providing apparatus maintenance. He agreed with this request. He would like to see them perform on a small scale and then evaluate how effectively they do before we work with them.

Chairperson Trotter shared that there was no discussion about the additional space that would be needed if they provided maintenance services for us.

**OB-3 Board Committee Reports**

**Capital Projects** - Noted

**Check Register Review** - Noted

**Clackamas County Coordinating Committee (C-4)**

Director McTeague reported that Director Forsberg and he would be attending the C-4 retreat at Camp Colton on Thursday and Friday, September 24 and 25. One of the issues that will be

discussed is whether or not the CPOs should be represented on the C-4 Committee. The hamlets were recently included.

Director McTeague shared that Metro plans to not expand the urban growth boundaries. Implications of this move will be discussed at the retreat.

**EMS/EMS Consortium** - Noted

**Executive Staff** - Noted

**Foundation**

Chairperson Trotter reported that there was a meeting on September 15. He reported that the Foundation's golf tournament had a profit of \$13,047. The next golf tournament will be on August 24, 2010.

Chairperson Trotter shared that the Foundation had received a request from one of the Fire District crews to repair a wheelchair ramp that was discovered when the crew responded at a home for another reason. They requested funds from the Foundation to repair it. The Foundation authorized \$375 for supplies. The crew repaired it on its own time and came in under budget. He shared the report that included pictures with the other board members.

**Legislative**

Chairperson Trotter reported that there will be a meeting with Metro on October 15. This will be a briefing on Metro's plan for urban growth. Director McTeague, Chief Kirchhofer and he will be attending. Chairperson Trotter requested scheduling a meeting prior to the October 15 meeting in order to discuss what CFD concerns there might be.

**Oversight/Interagency** - Noted

**REMG**

Director Doane reported that a meeting is scheduled for October 9.

**Volunteers**

Director Doane reported that 101 applications have been received for the Volunteer Program. On September 19, 2009 61 applicants attended the oral interviews.

**Proposed Board Committee Assignments**

Chairperson Trotter distributed a draft of the new Board Committee assignments. He requested that the board members review the assignments and contact him by September 28 to let him know if the assignments will work for them. Once this is completed, a final list will be generated.

## **IX. INFORMATIONAL ONLY**

### **A. Divisional Reports**

#### **R-1a. Administration**

Chief Kirchhofer reported that staff has been working diligently on options for health insurance. Kim Nicholson from Wilson-Heirgood Associates has been receiving the proposals from the various companies. PSC Cauthorn will discuss this information further in his report.

The Staff Planning Retreat is scheduled for Wednesday and Thursday, September 23 and 24. Focus will be on strategic execution. There will be guest speakers who will speak on factors that will influence the Fire District as it moves forward with its strategic planning.

Chief Kirchhofer reported that an issue will be taken before the County Commissioners on October 5 regarding an appeal for the system development charges for the hooking up the sewer at the Pleasant Valley Fire Station. The System Development Charge (SDC) for the estimated daily use of units has gone up significantly in the last few months. Currently, the estimated cost of the hook-up is \$27,000. He explained that many County facilities have been constructed and there have been no SDC implemented to help pay for the impact on the Fire District. Staff will prepare information showing the number of responses to the County facilities and the impact this has on the Fire District as a service provider with the absence of SDCs.

Chief Kirchhofer reported that the Fire District has been working with the Clackamas County Sheriff's Office on the concept of establishing an EMAC, which is a response team for swiftwater and flood disasters. After Katrina, the Federal government was criticized for failing to respond to the disaster in a timely fashion. Chief Kirchhofer wanted to participate in the beginning of this program to help identify, answer and address all of the questions and concerns relating to cost recovery, liability and exposure prior to an incident so that when the incident occurs the issues have been addressed. An intergovernmental agreement has been drafted by County counsel regarding the formulation of the SWIFT team. It is not ready for presentation to the Board as there are still some issues that need to be addressed and it has not been reviewed by the Fire District's legal counsel. There may be more information to present to the Board at next month's board meeting.

Chief Kirchhofer reported that the Hilltop Safety Fair on September 19 went well. He recognized PIO Steve McAdoo and Administrative Assistant Kasey DeLair for their work in organizing it. Despite the rainy weather, it was well attended.

He will be attending an economic forecast breakfast on September 29 at the Monarch. The focus is where the economy of the state and region is going.

Chief Kirchhofer reported that he will be meeting with Chief Duyck from TVF&R on October 1 to strategize a joint senior staff meeting that is scheduled for October 8 at CCFD's Training Center. Discussion will include cooperative efforts and the potential for working more efficiently between the two agencies.

### **R-1b. Administrative Services**

PSC Cauthorn reported that the first insurance meeting with Wilson-Heirgood produced quotes for health insurance that were less than exciting. Representatives from Wilson-Heirgood were instructed to try for better responses from insurance companies. PSC Cauthorn shared that the self insurance model was very intriguing. Staff will look into this further. Discussion included how to enhance the District's own wellness as the District has an excellent wellness program. Chief Kirchhofer suggested that the retirees could be included, which has not been done in the past. Wellness checks could be conducted by Wellness Coordinator Heather Goodrich, which would be a cost saver. The Fire District could have its own urgent care clinic. The next insurance meeting is scheduled for October 1.

### ***Financial Update***

Finance Director McSperitt reported that the report was as submitted, but that one page was corrected and distributed. The total for the Short Term Investment Portfolio should be \$5 million, not \$4 million.

Finance Director McSperitt reported that as the District was preparing for the audit, an error was discovered in the trial balance. When the LGIP reconciliation was being completed, the information for the wrong month was pulled for allocating funds. This resulted in throwing each fund out of balance. It affected the general, special revenue and bond revenue funds. This increased the special revenue fund and decreased the balance in the bond fund. The interfund loan resolution that was approved is no longer adequate to provide funds for the rest of the year. A revised resolution will be presented for approval at the October meeting along with a request for a supplemental budget. Finance Director McSperitt reported that the Accounting Policy will be revised to prevent this incident from happening again. It will also be presented for review at the next board meeting.

Finance Director McSperitt explained that the auditors also reported that the Local Government Investment Pool (LGIP) was funded at 99.11 percent due to losing \$200 million in funds last year. The State proposed to amortize over a period of time. The cost to the District is \$92,545. However, the District has not received a notice from the State regarding this loss to its fund. The auditors suggested the loss to be noted in the books, but Finance Director McSperitt wanted to wait until the notice was received. Director Wall inquired as to why the District has not been notified. Finance Director McSperitt replied that the State was afraid of a run on the banks. Chairperson Trotter requested an update be included at the October board meeting.

Finance Director McSperitt reported that five offers have been received from banks. The lowest rate was provided by Key Bank. However, they require that a customer move all of their banking services to them. The District will remain with Wells Fargo, which is the current bank the District has for its accounts. This was the first time that Wells Fargo responded to the Fire District's request for a bank anticipation note. The total cost including fees is approximately \$6,600.

**R-1c. Fire Prevention/Information Services**

DC Weninger reported that on the second page of his report regarding the inspection program, the Fire Prevention staff is at 106 percent and the report only goes through August. It is much better than where they were at last year.

Software has been purchased that has helped to obtain reports from the RMS package. This has been very successful as many errors have been detected. In the past, it has taken staff up to six months to prepare the updated Standards of Response document. Now, this information can be retrieved within 10 minutes.

**R-1d. EMS, Planning, and Government Relations**

As presented. EO Gorman reported that two major referendums may be placed on the ballot if enough signatures are received. One has to do with personal and corporate income tax changes. The Legislature will meet in February to discuss how to make up for the lack of funds in the state budget. Often, the cuts come through public safety services.

Chief Kirchhofer shared that EO Gorman just returned from China where he not only attended by was a speaker at an EMS conference.

Lobbyist Genoa Ingram from Court Street Consulting reported that the Legislature will be in session in February.

**R-1e. Operations**

As submitted.

**R-1f. Training, Safety and Wellness**

BC Oliver reported that OR-OSHA will be taking a more critical look at the Fire Service agencies when they perform their inspections. CFD is well above the mark and is in good standing with them. Also, the new Metrix software is working well

The Oregon Fire Chiefs Association had its first Safety and Health Section meeting on September 17. Safety Office Dave Phillips has been instrumental in getting this board up and running. He is also running for a position on the board.

Chief Kirchhofer reported that BC Oliver was at the Live Fire Exercise that Jeff Griffin mentioned earlier in the meeting. This took place in southern Oregon earlier this summer. BC Oliver helped with the investigation of a near miss. Chief Kirchhofer shared that this was a testimony to our Training Division because when they wanted to do it better, they called CCFD to help.

EO Gorman commended Administrative Technician Shelby Martin for ensuring that the data program is reliable, good and clean.

**B. Correspondence**

Noted

**C. Informational Items**

Noted

Chairperson Trotter recessed the regular board meeting at 8:33 p.m.

**X. EXECUTIVE SESSION REGARDING PERSONNEL ISSUES PURSUANT TO ORS 192.660(2)(b) AND REAL PROPERTY TRANSACTIONS PURSUANT TO ORS 192.660 (2)(f)**

Chairperson Trotter called the Executive Session to order at 8:38 p.m.

Chairperson Trotter adjourned the Executive Session at 9:26 p.m.

**XI. REGULAR BOARD MEETING RECONVENED**

Chairperson Trotter reconvened the regular meeting at 9:26 p.m.

**XII. ADJOURNMENT**

The regular meeting adjourned at 9:26 p.m.

Karen Strejc  
Executive Assistant

  
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Chairperson, Don Trotter

  
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Secretary, Dave McTeague