

Clackamas Fire District #1



REGULAR BOARD OF DIRECTORS MEETING March 16, 2009

(This meeting was recorded.)

- 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 Warren called the meeting to order at 7:08 p.m.

Present: Board of Directors Dave McTeague, Don Trotter; Marilyn Wall, George Warren; Chief Ed Kirchhofer; Deputy Chief Jonathan Smith; Deputy Chief Scott Weninger; Personnel Services Chief Mark Cauthorn; Executive Officer Kyle Gorman; Finance Director Susan McSperritt; Battalion Chief John Oliver; Battalion Chief David Scheirman; Legal Counsel John Osburn; Lobbyist Genoa Ingram from Court Street Consulting; Citizen Newell Weatherly and Executive Assistant Karen Strejc. Director Jim Doane was absent due to a retirement for a fellow employee.

II. **CHANGES TO AGENDA**

Chairperson Warren requested the discussion of having paperless board packets. This would be Item B-5.

III. **APPROVAL OF MINUTES FROM THE REGULAR BOARD MEETING ON FEBRUARY 23, 2009**

Since there were no changes to the minutes from the regular board meeting on February 23, 2009, Chairperson Warren declared that they stand as approved.

IV. **SECOND PUBLIC HEARING FOR ORDINANCE NO. 09-01 – AN ORDINANCE ESTABLISHING MECHANISMS TO RECOVER COSTS ASSOCIATED WITH SERVICES PROVIDED BY THE DISTRICT; REPEALING ORDINANCE 07-01 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

Chairperson Warren read the title of Ordinance 09-01. There was no discussion. Chairperson Warren announced that the second reading was accomplished.

Chairperson Warren shared that he was interested in open burning. He did not read it in the Ordinance, but he hoped that citizens with open burning violations would be given the same consideration as those having false alarm calls. He hoped that they would be allowed three visits before being sent a warning letter. Chief Kirchhofer explained that these are two very different issues. If there is a gross violation of burning violations, the District would like to have the

flexibility to invoice on the first violation. An automatic fire alarm that malfunctions is sometimes out of control of the occupants. Providing two additional opportunities allows the occupants to fix the alarm. DC Weninger shared that the District wants to provide educational information first before any citations are written and invoices sent. There have been occasions where the burning incident was beyond reasonable actions, which is why the Ordinance was written with the latitude that it has. Discussion followed.

Director Trotter moved and Director Wall seconded the motion for adoption of Ordinance 09-01 – An Ordinance Establishing Mechanisms to Recover Costs Associated with Services Provided by the District; Repealing Ordinance 07-01 and All Other Ordinances and Parts of Ordinances in Conflict Herewith. The motion passed unanimously. Director Doane was absent.

Chairperson Warren asked for discussion of Resolution 09-01 – Rules for Cost Recovery Fees. DC Weninger explained that it was a draft. It was an update of what the Board had approved in February 2007. He explained that the “reasonable estimate of cost recovery” was the terminology used to explain cost recovery. By statute, the District may recover costs, but cannot make a profit. On page 2, the term “reasonable estimate of the actual average cost” was used to describe flat fees for incidents that are not cost effective for staff to calculate the cost each time. A 30-minute average was decided upon to use as an estimate. Director Wall suggested eliminating the term “flat fee” since the District was charging for the reasonable estimate of the actual cost for 30 minutes. This would make the information consistent in the Resolution. Discussion followed.

DC Weninger suggested that in the Automatic Monitored Fire and Medical Responses section, the term flat fee could be removed and the first sentence could read, “nuisance automatic fire and medical alarm responses will be billed on a \$125 minimum fee.” Director Wall shared this would be agreeable.

Discussion followed regarding the codes and regulations that a citizen would need to know prior to burning. The District has brochures available regarding burning regulations as well as information provided on the website that make burning regulations very clear. Director Trotter suggested including a paragraph in the Resolution that refers to the website.

Director Wall asked Legal Counsel Osburn if the District could have a resolution that imposes fines that can be appealed to the Fire Chief. Legal Counsel Osburn shared that this was acceptable.

DC Weninger shared that he would continue to develop the language in the Resolution to better communicate the intent and meaning of it. It would include that the District would bill for open burning violations during a burn ban. The rest of the year an education contact would be made prior to an invoice being given for a burning violation. DC Weninger shared that the Ordinance would go into effect in 30 days. The amended Resolution could be approved at the April board meeting.

Chief Kirchofer suggested tabling the Resolution until the next meeting.

Director Wall suggested changing the word “airplane” to the word “aircraft.” DC Weninger shared that the term “flat fee” would be removed from the Resolution.

Discussion followed regarding transport billing to the hospital. EO Gorman shared that the County has set the rate that can be charged by AMR. The Fire District can charge up to the County maximum; however, the District charges significantly less than the County maximum. EO Gorman shared that the Fire District agreed to follow the County rules for ambulance services, since it is a licensed ambulance provider. Director Wall shared that she does not want the ratepayers to pay more than if AMR transported them.

Discussion followed regarding facility rental fees. DC Weninger explained that the majority of the time, there is no charge for use of the facility. On occasion, rent is charged for a class. Often, free employee registrations are given in exchange for the class rental. BC Oliver explained that the Training Division Enterprise Fund was reopened. The District will supply training for a fee, which will help to recover training costs and enable the Training Division to purchase equipment out of it. Discussion followed.

Any additional changes were to be sent to DC Weninger.

V. PUBLIC COMMENT

None

VI. BUSINESS – Action required

B-1 Request Board Approval of Ordinance No. 09-01 – An Ordinance Establishing Mechanisms to Recover Costs Associated with Services Provided by the District; Repealing Ordinance 07-01 and All Other Ordinances and Parts of Ordinances in Conflict Herewith

Approved during the discussion following the hearing for Ordinance 09-01.

B-2 Request Board Approval of Resolution 09-01 – Rules for Cost Recovery Fees

Tabled until the April 2009 board meeting.

B-3 Request Board Approval of Three-Year Term Renewals to the Clackamas Emergency Services Foundation Board of Trustees for John Blanton, Tina Mataya, John Osburn, Harvey Platt, Angie Secolo, Don Trotter and Norm Whiteley

Chief Kirchhofer explained that the term of a Trustee on the Clackamas Emergency Services Foundation Board was for three years. The term for each of the listed people had expired and each of the people agreed to serve for another term.

Director Trotter shared that he would not be voting on this issue, as he was one of the Trustees being approved for a term renewal.

Director McTeague moved and Director Wall seconded the motion to approve the three-year term renewals of John Blanton, Tina Mataya, John Osburn, Harvey Platt, Angie Secolo, Don Trotter and Norm Whiteley to the Clackamas Emergency Services Foundation Board of Trustees. The motion was approved by Directors McTeague, Wall and Warren. Director Trotter abstained and Director Doane was absent.

B-4 Request Board Approval of Intergovernmental Agreement (IGA) with Oregon State Fire Marshal's Office Regarding Training for Ammonia Release

BC Oliver explained that the Intergovernmental agreement (IGA) being presented was between the Oregon State Fire Marshal's Office and the Fire District to receive a portion of the State's 2008 Hazardous Materials Emergency Preparedness grants. As an organization, the Fire District has the majority of the hazardous ammonia in the Northwest in its response area. This grant would allow for training for anhydrous ammonia training with the District and would provide for matching funds. The soft funds the District has to match is only 25 percent, which can be just personnel costs. Drills will be in June and have to be completed by July 1, 2009. Evaluators will be reviewing the training and a document will be provided that explains what the District needs to improve upon and what training needs to be developed.

Director McTeague moved and Director Trotter seconded the motion to approve the Intergovernmental Agreement with the Oregon State Fire Marshal's Office regarding training for ammonia release. The motion passed unanimously.

B-5 Discussion Regarding the Use of an Electronic Board Packet

Chairperson Warren requested discussion regarding implementing the use of an electronic board packet each month. He asked each board member for his or her opinion.

Director Trotter shared that he was very happy to continue receiving a hard copy of the board report. He would pick it up at the Admin Office when ready.

Legal Counsel Osburn shared that it would be helpful to have a table of contents with page numbers for reference.

Director Wall shared that it was more time consuming to flip back and forth, but was very easy to read. She would like to try the electronic method for several more months.

Chairperson Warren shared that it was easy to read, but not the same as reading a hard copy. He found he had to transfer pages to his home computer in order to print off pages. He felt there were still a few things to be worked out in order for this process to run smoothly.

Director Trotter would like to have the page numbers listed on the agenda to enable the reader to go directly to it on the website.

It was noted that no highlighting could be done on the pages as they were in a PDF format.

Director McTeague shared that he only printed out a few pages that were of interest to him, such as the agenda and business items.

The consensus was to continue the electronic board packet format for several more months.

VII. OTHER BUSINESS – No action required.

OB-1 Update on Strategic Business Plan

Chief Kirchhofer said that he would be providing updated Strategic Plan information, as BC Dahl was ill. He explained that over the last few weeks, an organizational goal was reviewed each Monday at the Executive Team meeting. Progress continues to be made towards completion of the Strategic Business Plan. This process was very good for the organization. More information would be shared at the upcoming board meetings.

OB-2 Board Committee Reports

Capital Projects - Noted

Check Register Review - Noted

Clackamas County Coordinating Committee (C-4)

Director McTeague reported that there would be a meeting in April.

EMS/EMS Consortium - Noted

Executive Staff

Director Trotter reported that he and Director Doane would be meeting in the near future.

Foundation

Director Trotter reported that a meeting is scheduled for March 17, 2009.

Governor's Fire Service Council Report

Chairperson Warren reported that the meeting scheduled in March had been cancelled.

Legislative

Director McTeague reported that the Legislative Committee met on March 2, 2009 in Salem with EO Gorman and Genoa Ingram from Court Street Consulting at her office.

Chairperson Warren shared that Director Doane called him earlier in the afternoon to explain that he had a conflict and would arrive late to the meeting. Chairperson Warren suggested that he enjoy his pursuit. Director Doane shared that he had attended the Legislative Committee meeting in Salem and that he learned a lot.

Director McTeague reported the following:

1. Genoa walked them through the ethics legislation, which has little affect on the Fire District.
2. They learned about the PERS bill that would enable retired fire chiefs to go back to work more than the 20 hours per week they can currently work after retiring.

3. The Cancer Presumption bill passed the House.
4. Kyle will share more about urban renewal. There is a lot of power and push behind the effort to maybe make some changes in urban renewal. The bill is sponsored by the Speaker of the House, Dave Hunt.

EO Gorman explained that the Fire District has been working with urban renewal agencies over the past two months. The goal is to return value to the tax rolls after fixing the blight in the renewal area. Once the blight has been fixed, the funds could be returned to the tax rolls. Urban renewal agencies want to have the flexibility to extend the urban renewal areas if needed. The urban renewal agencies seem to be sensitive to what is going on and are bargaining in good faith.

EO Gorman explained an important point, which is that that up until recently, urban renewal agencies have always said that schools were not affected by urban renewal areas. This does affect schools from Portland and throughout the entire state. Discussion followed.

Oversight/Interagency - Noted

REMG

Chairperson Warren reported that Director Doane would be attending a meeting later this month.

Volunteers

Chairperson Warren reported that the Support Volunteer Academy Graduation is scheduled for March 17, 2009 at 7:00 p.m. at the Training Center. Director Doane and Chief Kirchhofer will be attending.

VIII. INFORMATIONAL ONLY

A. Divisional Reports

R-1a. Administration

Chief Kirchhofer reported that Finance Director McSperitt just completed an analysis of the Fire District's revenue after looking at the March figures. There was a pick-up in collections for March due to people paying their property taxes in thirds this year. It is projected that there will be \$308,000 fewer funds received this year than was projected last year. The District is trending fine to deal with this. The average over the last four years for collections has been 94.29 percent and this year the District expects to collect at a rate of 93.35 percent. This is very good news from what had been reviewed several months ago.

On March 19, staff will be reviewing the budget. They have been given challenges regarding targets to review. The goal is to bring the budget in line within the next month. Chief Kirchhofer asked Finance Director McSperitt to discuss the PERS rate information.

Finance Director McSperitt reported that she had attended the Oregon Municipal Finance Officers Association Conference the previous week. One of the sessions had to do with PERS. She explained that as of the end of 2007, Oregon's PERS system was funded to 112 percent. Because of the economic downturn, it is currently funded from 74 percent to 81 percent. This is still one of the top five funded retirement systems in the United States and it is still in fairly good

shape. The PERS rates have been received for the next biennium and have been set to go down because the rates were based off the 2007 actuarial report. The Fire District's rates will go up in two years fairly significantly because of the decrease in funding. The funds went down by approximately 27 percent overall. Because the Tier 1 accounts are guaranteed at eight percent, this means a 35 percent decrease in funding of those accounts. If the system is funded 80 percent or more, the rates can go up by three percent. If it is below 80 percent, there could be an increase of up to six percent.

Chief Kirchhofer shared that he had a proposal, which will be formally brought before the Board at a later date. Rather than having the Fire District's PERS contributions reflect the decreases, he is proposing to establish a PERS reserve fund to try to smooth the impact of what the District knows will be an increase during the next biennium. The savings that would be earned during the short term would be set aside to ease the impact of the long-term affect.

On March 18, Chief Kirchhofer will be presenting an update of the Fire District to Oregon City's Commission. This is the same information he gave to City of Milwaukie's Council.

There are 14 firefighters that are nearing the end of probation. It is a testament to the District's HR staff and the Training Division that all 14 have passed their probation. It is a very solid group. The employees hired through the Safer Grant have also been an outstanding group.

R-1b. Administrative Service

As presented.

***Financial Update* – Finance Director McSperitt**

As presented.

R-1c. Fire Prevention/Information Services

As presented. DC Weninger reported that today on the five o'clock news and again on the eleven o'clock news PI/CLO Steve McAdoo and Lt. Jed Wachlin demonstrated/instructed one of the anchors on Channel 6 how to use an AED. This was an excellent training segment of the news. This feature will undoubtedly cause more requests to be received for AED presentations. This was the same presentation that PI/CLO McAdoo and EO Gorman gave at one of the North Clackamas County Chamber of Commerce's meeting several months ago.

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

As presented.

Director Wall asked about the response times mentioned in EO Gorman's and how the District was meeting the percentages. She thought the District had a six-minute performance level and the report showed a nine to ten minute performance level. EO Gorman replied that the performance was aligned with the performance required by the contract with the County. The County contract and the Standards of Response (SOR) Document have not been fully integrated. The County document requires 90 percent performance and the SOR requires 75 to 80 percent. He explained that there were certain responses that the District was not held accountable for in its response times such as being downgraded to Code 1 or given an incorrect address. The

District was also not responsible for inclement weather. The response time focuses on what the District is responsible to do.

R-1e. Operations

As presented.

R-1f. Training, Safety and Wellness

BC Oliver reported that Keith Smith would be leaving the Training Division as he was recently promoted to lieutenant and would be returning to on-line duty. Lt. Will Weatherly will be taking his place next month.

B. Correspondence

Chairperson Warren commended EO Gorman for his work on the National EMS Advisory Council.

C. Informational Items

Noted

Chairperson Warren recessed the regular board meeting at 8:26 p.m. He asked for a five-minute recess.

Chairperson Warren called the Executive Session to order at 8:34 p.m.

**IX. EXECUTIVE SESSION REGARDING PERSONNEL ISSUES PURSUANT TO
ORS 192.660(2)(b)**

Chairperson Warren adjourned the Executive Session at 8:51 p.m.

Chairperson Warren reconvened the regular meeting at 8:51 p.m.

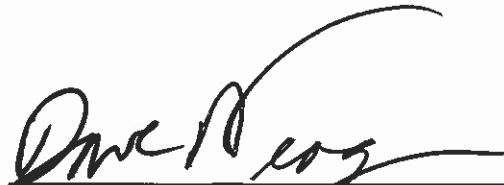
X. ADJOURNMENT

The regular board meeting was adjourned at 8:51 p.m.

Karen Strejc
Executive Assistant



Chairperson, George Warren



Secretary, Dave McTeague