

(1-0265.5) Supervisor Bennett requested Ms. Hinton keep her posted on any weed control programs which are available. Supervisor Bennett and Mr. Berkich thanked Ms. Hinton for the assistance she and her staff had provided to the City/community during the year. (1-0318.5) Mayor Masayko requested the Board's mission statement be revised to: "Our goal is to continue our legacy as a progressive, responsive, and innovative community in the future." Supervisor Bennett's supplemental request for improvements to the Sierra Room had been included in the Capital Improvements Program.

(1-0680.5) The City Manager's revised budget sheets were distributed to the Board and Clerk. Supervisor Bennett stated for the record that she has deep reservations about the proposed Deputy City Manager position and that she expected to discuss this on the 21st during the Board's meeting with the City Manager. She questioned Ms. Walker about whether the position was "locked in stone". Ms. Walker indicated that the Board would set the budget on May 19th. The budget is then finalized and submitted on June 1 to the State. The Board always has the flexibility through the budget augmentation process to retain/eliminate positions. Mayor Masayko supported Ms. Walker's comments and indicated that the issues should be discussed on May 21. (1-0804.5) Supervisor Smith and Mr. Berkich commended Ms. Drake, Ms. Bussey, and Ms. Fortino of the City Manager's office on their dedication, attitude, hard work and support.

(1-0948.5) Ms. Walker corrected for the record the ad valorem rate for the State Medical Indigent fund to be 1.37560 cents which created a difference of \$52 in the figures.

(1-0422.5) Supervisor Bennett placed \$15,000 from one shot funding for Highway 50 beautification on the wish list.

(1-1035.5) Mr. Berkich distributed supplemental requests for Risk Management to the Board and Clerk.

(1-0575.5) Supervisor Smith placed \$6,000 for North Carson Street median beautification on the wish list.

(1-0660.5) Supervisor Tatro placed the Tahoe Transportation District's shuttle bus funding request of \$3,000 on the wish list.

(1-1365.5) Supervisor Tatro moved that the Board take the supplemental request presented by Risk Management and fund it from the Workers Comp budget. Supervisor Smith seconded the motion. Supervisor Tatro explained his reasons for supporting the request as being based on the work Risk Management had done with the employees and innovative programs which had been developed, such as encouraging wellness, which drive down the insurance costs. They have really improved the quality of the environment for people when they go to work. This is an investment. It does show a return and they can prove it. They do a good job and the Board should give them what they need because they are on the right track. Mayor Masayko responded by explaining his philosophy due to his preference to have an hourly position. The motion is to convert the hourly half-time position from one-shot funding to a permanent position. He preferred retaining the hourly part-time position. **The motion was voted and carried 4-1** with Mayor Masayko voting Naye as he preferred the position remain hourly as opposed to permanent part-time.

Mayor Masayko requested reports indicating the accident-incident rate, accident severity rate, and the number of vehicle accidents as a performance report for future years. Mr. Mayes indicated that these reports had been provided in the past, however, were discontinued in an attempt to reduce the volume of information provided in the budget process. He agreed to provide the reports. Mayor Masayko indicated that the reports should fit on one page.

(1-1515.5) Board comments commended Ms. Walker on her dedication and innovative programs during her tenure with the City. Supervisor Bennett requested Mr. Berkich and Ms. Walker keep the Board informed on the interviewing process which would be used to hire Ms. Walker's replacement.

BREAK: A ten minute recess was declared at 7:40 p.m. The entire Board was present when the meeting was reconvened at 7:50 p.m., constituting a quorum.

O. CARSON CITY FISCAL YEAR 98-99 FINAL BUDGET (1-1698.5) - Mr. Berkich explained the additional information which had been received through which OSHA has mandated a two in, two out policy when firefighters enter burning buildings. His comments referenced a memo from Chief Buckley and a study of the options. (The Clerk did not have a copy of these documents.) Mayor Masayko indicated a final decision on the funding request will be made on Tuesday, May 19th.

Fire Chief Buckley introduced his staff--Battalion Chief Dan Shirey, Assistant Chief Steve Mihelic, Second Assistant Volunteer Fire Chief for Warren Engine Company Shane Saucido, Emergency Medical Services Battalion Chief Vince Pirozzi, and Operations Battalion Chief Rich Chrzanowski. Chief Buckley briefly reviewed staff's analysis of the options. He felt that between 1992 and 1996 there had been between 350 and 500 structure calls where the response method may have been impacted by the ruling. If the system alarms/false alarms are removed from these figures, the remaining 70 to 120 IDLH (Immediate Danger to Life and Health) atmospheres would fall under the new regulation. At this time the recording mechanisms for emergency calls are not marked in a fashion so that an individual can quickly determine the type of fire, e.g., a vehicle fire which was in a garage attached to a house had been reported as a vehicle fire, however, part of the house had also burned. He then explained his recommendation that nine additional firefighters be hired. This will provide the fourth person at the fire and maintain the current service level which three firefighters have been providing. The justification criteria which will allow a three man crew to search a building structure was described. All of the surrounding Departments had been contacted about the requirement. Their responses were available if the Board wished to see them. The cost for overtime to use the current staff to meet the requirement was prohibitive and more than that requested for the nine additional personnel. He also felt that after four months, staff would not be willing continue to work the overtime. A comparison with the Sparks Fire Department was made. His recommendation was based on the desire to maintain the current service level. The cost and funding issues were left to the Board. Board direction would guide his operation. (Copies of the referenced material were distributed to the audience. A copy was not given to the Clerk.)

Second Assistant Volunteer Fire Chief Saucido explained his Executive Board's meeting. The Warren Volunteer Engine Company does not at this time have adequate manpower to support the option which suggested using volunteer support.

Discussion ensued between Mr. Berkich and Fire Chief Buckley on other manning options. Chief Buckley supported a phasing program which would hire six additional firefighters now and three in the following year. Another option is a three year phased program of 3 firefighters per year. He explained the reasons the OSHA regulations could not be ignored. Mayor Masayko reiterated for the record that the City could undertake a program whereby less than a four man crew could be used if a safety issue is apparent. He stressed for the public's benefit that the Board was not creating a compromised life safety issue. Fire Chief Buckley explained the procedure when a fire engine arrives at a structure fire including doing primary and secondary searches. The procedure under the new OSHA requirement requires, before doing a primary search, that justifiable criteria be found to support a decision to enter the building unless there are two firefighters on the outside and two firefighters who will enter the building. The original assumption that a life is involved could no longer be used to initiate a search. The procedure mandated for doing a search with less than four firefighters if justification can be found was explained. Such searches violate the standard and require an internal investigation, a written report and recommendation which are submitted to the fire chief, who reviews it and determines the validity of the search or recommends punitive action. This is the price the State must pay if it wishes to be considered an OSHA State and accepts \$9 million in federal grants. Discussion indicated that six additional firefighters will provide coverage for 80 to 90 percent of all IDLH events based on a five year average. (1-2151.5) His contact with surrounding Departments was explained including a Lyon County incident where less than four firefighters were present. The involved homeowner/family were most unhappy with the result of that incident. Chief Buckley also explained that if the fire department is staffed 100 percent by volunteers, the OSHA requirement does not have to be met;

however, if only one paid firefighter is on the scene, OSHA requirements are mandated. Mayor Masayko thanked Chief Buckley for the report and the alternatives. The risk factors will be considered by the Board in making its final decision.

(1-2294.5) Public questions/comments were solicited. George Groth disputed Chief Buckley's guarantee that four firefighters would always be on each engine based on his personal contact with Reno Fire Marshall Larry Phair and Marshall Phair's personal experience since 1980 with Reno's four man coverage. If Carson City guarantees a four man engine company, it may be necessary to require additional staffing next year. He explained his personal investigation of the fire dispatches and questioned the statistics used by Chief Buckley. Chief Buckley responded by explaining that he had used the same information Mr. Groth had used with the only difference being the timeframe studied. He also explained the criteria he had used in making his guarantee statement and staffing request. He reiterated the need to carefully scrutinize each dispatch report in order to determine the type of fire which had occurred. Assistant Chief Mihelic felt that a statistical report on residential fire losses could be provided. Chief Buckley indicated that the City had low fire loss statistics. He agreed to asterisk any wildland/timberland fires in the loss report. The City's aggressive approach to interior structure attacks causes the reduced the fire loss statistics.

(1-2449.5) Dick Murray explained his personal experience with OSHA and his feeling that OSHA was attempting to "micro-manage" through its rules and regulations. Common sense is no longer a factor. The tradeoff between good common sense and politics needed to be found. He read two paragraphs from the book The Death of Common Sense supporting his comments. He also felt that 50 percent of the OSHA violations were based on a failure to complete OSHA forms correctly.

Chief Buckley reiterated his intent to work with whatever direction the Board provides.

(1-2528.5) State Senator Ernie Adler noted the Legislative efforts which had resulted in the construction of \$180 million in buildings and building improvements in the Carson City area. These buildings mandate a rapid response from the City's Fire Department when a problem occurs. Contained within these buildings are records of historical significance which cannot be duplicated. He encouraged the Board to keep these points in mind when making its final decision even though these building may not have the same potential human risk factors as residential buildings. He questioned whether these losses had been included in the City's figures. Chief Buckley indicated that he could not determine the cost for the irreplaceable records. The building losses would be determined based upon the replacement cost. If a fire in a large structure is not caught when it is small, it is seldom stopped. This is the reason for using rapid attack standards. Carson City's response standards were compared with Douglas County's. The service level issue is up to the Board. Supervisor Tatro supported Senator Adler's comments concerning the impact a major fire would have on a State building. Not all of the State buildings have sprinklers. Mayor Masayko urged Senator Adler to have the State address the lack of duplicate records. Discussion expressed support for sprinkler systems as an effective fire suppression system. Supervisor Bennett acknowledged Senator Adler's efforts and resources which he had brought to the community and thanked him for his hard work in this endeavor. Discussion indicated previous discussions had been held about the State's participation in the staffing requirement. State participation had been provided when the land value for the Fire Station #1 site was established.

(1-2748.5) Discussion ensued between the Board, Chief Buckley, and Chief Deputy District Attorney Lipparelli on the amount of time it would take for additional engines to respond to a fire, the liability failing to conduct a search may create, the current response procedure, the OSHA mandated response procedure, the variables in response time, and the complexity and liability restrictions involved in any lawsuit(s). Supervisor Smith indicated his support for Mr. Murray's comments, however, he lacked the ability to abolish/modify OSHA. He also pointed out the safety concerns for the firefighters who enter a structure, which is an area regulated by OSHA. This factor must also be considered in the formula. Chief Buckley explained his frustration with the OSHA requirement mandating justification for conducting a search of the structure without the two in, two out staffing. Mayor Masayko also pointed out that OSHA is not considering the life safety issue but merely the work place and worker safety issues. He felt that the firefighters, from his personal experience, would respond appropriately if a rescue

was apparent regardless of the two in, two out requirement. Chief Buckley reiterated the criteria required to justify such searches under the new OSHA standards which he felt would create "heartache" for firefighters. Supervisor Bennett noted the legal and labor issues which would arise if the standard is not met. She also pointed out the City's limited resources. There must be a middle ground which should be found. She agreed that the Fire Department's resources were being stretched to the limit to meet the growing demand. Whatever additional staff the Board provides could be used to meet this demand.

(1-3175.5) Additional public comments were solicited. George Groth read his prepared statement into the record. (A copy is included in the file.) He assured the Fire Department, Chief Buckley, and his staff that he did not harbor any animosity toward the Department or its staff based upon his research. He was not attempting to jeopardize any of the Department's members. His purpose was to analyze the situation carefully and review all of the options. Although the City was being forced to man the two in, two out program, justification for the staffing should be provided. His investigation of the Sparks Department and its staffing program were explained. His options were reviewed. Some may appear be politically difficult to mandate, however, other areas have required them. His concern with the financial impact required for the increased staff was noted. Fiducial responsibility was emphasized. His statistical research was explained. New fire construction codes will help reduce the numbers. He felt that there had only been six percent of all the City fires which could be classified as IDLH incidents. Information requested from OSHA and, specifically, Director Ron Swirczek, was explained. He had yet to receive this information. He felt that the OSHA requirement had been reached after a group discussion as OSHA does not have to validate its claims nor balance the City's budget. He agreed that Carson City had never lost a firefighter in the line of duty although other agencies have. As far as he knew the City had never been sued nor threatened to be sued as a result of the loss of a life at a structure fire due to inaction by the Department. He agreed that lives had been lost during fires but such incidents occurred before the Department arrived. This provided substantial information to support the current three man staffing level. He urged the Board to maintain the current staffing, analyze the options further, and man the engines with the present staff at the four man level until a decision can be made. Current response time data needed further study as it indicates that all engines arrive at the same time and are released at the same time. This does not occur. He committed to continuing to analyze and supply the Board with detailed data from which it could make a final decision. He compared OSHA to the IRS and expressed the hope that OSHA will also be called to task. He purported to have a letter suggesting this ready for mailing to Congress. Mayor Masayko thanked Mr. Groth for his comments and pointed out the cooperation which Mr. Groth had received from the Fire Department during his research of the issues. He, too, agreed that there is no animosity. The need for Mr. Groth to present a citizen's view point was acknowledged.

(2-0041.5) Additional public comments were solicited. David Park felt that the only one who would lose would be the property and business owners if adequate staffing is not provided. He felt that the current staffing level would provide for two four man engine companies located at Stations 1 and 2. Station 3 would have less than a four man company. He suggested that the previously approved Fire Bond election question should be used provide additional staffing as allowed under NRS 318. This process would require another ballot question creating a Fire District. Support for his position could be found by contacting the business owners whose buildings had recently burned on Carson Street between Fourth and Fifth Streets. Chief Buckley had purportedly already issued an order mandating that the firefighters wait until the fourth person arrives. He hoped that such property losses would end on July 1.

(2-0076.5) Carson City Firefighters Association President Bob Schreihans indicated that he had met with Mr. Groth. He agreed that they were on opposite sides of the fence. Suddenly, everyone appears to be an expert on this issue. Chief Buckley is the CEO of the Fire Department and had made his recommendations to the "Corporate Board of Directors". He urged the Board to support that recommendation. He explained the current five man staffing level at the Stations has two individuals assigned to Emergency Medical Service activities. These individuals are often involved in their own emergencies and not available to assist with fire coverage. The fiscal responsibility issue will be tough to resolve. He pointed out the moral problem which will occur if the three man engine arrives at a fire and a death occurs. He explained, in response to Supervisor Bennett's question, the reasons he felt a four man crew was better for the efficiencies, health, and safety of the residents/firefighters. He expressed willingness to provide studies supporting his position. Response requirements for structure fires were described.

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It indicated that the fire engine and medical unit may not be from the same station, therefore, may not arrive at the exact same moment.

Additional public testimony was solicited but none provided. Mayor Masayko then closed public testimony and thanked the public for its input and attendance. A decision is to be made on May 19 regarding the policy issue.

(2-0168.5) Ms. Walker's memo concerning the available resources was briefly described. (A copy was not given to the Clerk.) A listing of the first cut items and the first page of the supplemental request for these items were attached to this memo. There is \$260,000 available for on-going funding items. The change in the utility assessment by the State Department of Taxation was explained. Ms. Walker projected this loss at \$35,000 which increased the on-going funding level to \$140,000 and reduces the ending fund balance to 8.3 percent. Discussion ensued on the total impact the devaluation would have on Carson City's General Fund as well as to small rural Counties. The telephone franchise fee had been increased to five percent from four percent. Board action implementing this Code change will be considered at a future meeting. The one stop shop concept and the building fee increase proposal to fund it were noted. One shot funding for Capital Acquisition and the funding allocation for the Rural Nevada Health Care Center were described. The Northgate lease costs \$65,000, however, by relocating the Transit Program and Cooperative Extension, revenue could be generated to offset the rental cost. The outstanding balance of \$32,000 would still be required for next year. This left a balance of \$168,000 in one shot funds for Board allocation.

Discussion ensued on the procedure which would be followed on Tuesday evening. Mayor Masayko expressed a willingness to announce the rules of "engagement" at the beginning of that meeting. Mr. Berkich requested the Board members contact his office for any additional material prior to the meeting. There being no other matters for consideration, Supervisor Plank moved to adjourn. Mayor Masayko seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 9:32 p.m.

A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

The Minutes of the Special May 13, 1998, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ___August_6___,

1998.

_____/s/_____

Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder