

**STATE OF NEVADA**  
**NEVADA STATE BOARD OF FIRE SERVICES**  
**April 18, 2012 – 10:00 a.m.**  
**107 Jacobsen Way**  
**Classroom “C”**  
**Carson City, Nevada**

**MINUTES OF MEETING**

**Board of Fire Services**

**Members**

**Present:**

Pete Anderson – State Forester, Nevada Division of Forestry  
Steve DiGiovanni – Professional Engineer, Clark County Fire Department  
David Fogerson – Chief, Deputy Chief, East Fork Fire & Paramedic District  
Eric Guevin – Fire Marshal, Tahoe Douglas Fire Protection District  
JoAnne Hill – Member of General Public  
Pete Mulvihill – Secretary to The Board of Fire Services, Nevada State Fire Marshal Division  
Elaine Pace – Chief of a Volunteer Fire Department, East Fork Fire & Paramedic District  
Gary Stevenson – Training Officer, Clark County Training Center  
Thomas Tarulli – A Chief, Deputy Chief, Assistant Chief or Division Chief, Carson City Fire Department

**Members**

**Absent:**

**Also Present:**

Patrick Bowers – Bureau Chief, Nevada State Fire Marshal Division  
Danny Brennan – Bureau Chief, Nevada State Fire Marshal Division  
Lori DeGristina – Training Officer, Nevada State Fire Marshal Division  
William Geddes – Deputy Attorney General, Attorney General’s Office  
Denesa Johnston – Administrative Assistant, Nevada State Fire Marshal Division  
Tom Martinez – Training Officer, Nevada State Fire Marshal Division  
Dennis Pinkerton – Bureau Chief, Nevada State Fire Marshal Division  
Don Wilkins – Bureau Chief, Nevada State Fire Marshal Division

- I. **Call to Order** – Chief Pete Mulvihill, Secretary, Board of Fire Services called the meeting to order.
- II. **Verification of Notice of Compliance with Open Meeting Law** – Compliance by the Board of Fire Services was verified by Denesa Johnston.
- III. **Roll Call and Introductions** – Roll was called for the Board of Fire Services and a quorum of eight members present was determined. All the board members and guests introduced themselves.
- IV. **Public Comment** – Chief Mulvihill called for public comment and there was none.
- V. **Election of a Board of Fire Services Chairperson** - Chief Mulvihill stated that they would consider the election of a Board Chairperson pursuant to NRS 477.020 to serve a 1 year term as stipulated in NRS 438,§3(6). It was opened to the Board.

**Eric Guevin moved to nominate Chief David Fogerson for the position of Chairperson of the Board of Fire Services. Elaine Pace seconded the Motion. Motion carried.**

Chief Mulvihill asked if there was any discussion or deliberations and asked that they reconfirm the vote. The vote was confirmed.

**VI. Presentation of the Nevada Open Meeting Law by the Attorney General's Office** – Chair Fogerson indicated that the presentation would focus on Nevada's Open Meeting Law requirements as they would relate to public meetings held by the Nevada State Board of Fire Services and derived from NRS Chapter 241 including matters regarding: Open and Public Meetings; Limitations on Closure of Meetings; Notice Requirements for Meetings; Copy of Materials; Exceptions to Requirements for Open and Public Meetings; Minutes for Public Meetings; Voting Issues; and Compliance Issues. Will Geddes, Deputy Attorney General, Attorney General's Office noted:

- Indicated that a package of materials had been distributed to the members.
- Stated that he would not go into great detail as many members had a good working knowledge of Open Meeting Law. Added that for new members and those interested in a review he had prepared a brief discussion excerpted from the distributed materials.
- Noted that the central concern of Open Meeting Law is the point that all public bodies existed to aid in the conduct of the people's business and it would follow that with the intent of the law that their actions and deliberations should take place openly as stated from NRS 241.010 (Mission Statement of the Open Meeting Law).
- Stated that it is important that the public has confidence in the transparency of the Board as it proceeds to conduct its business through meetings, actions, and deliberations.
- Reviewed the compliance checklist which covered the major areas that each of the Board's meetings must satisfy.
- Added that all the materials, checklist and manual on Open Meeting Law could be downloaded from the Attorney General's Office website.
- Reviewed some issues on the checklist including: the question of does the Open Meeting Law apply; setting of agendas; notice posting and mailing; support materials for agendas and its availability to the public; emergency meetings; closed sessions; accommodations and open meetings to the public; recordings and keeping minutes; and issues of non-compliance.
- Noted that the Open Meeting Law would apply to public bodies and he elaborated on the definition of public bodies and gave some exemption examples which would not apply to the Board.
- Added that the Board might qualify for confidential meetings and gave some examples such as investigative Hearings, discussions concerning an individual's competence or ethics or anticipated litigation.
- Discussed the issue of quorums including a walking quorum, serial meetings and reviewed inappropriate conduct concerning a quorum and penalties. Explained the importance of intent and good faith with establishing a quorum. Restated the fact that if there was a quorum that would constitute a meeting.
- Reviewed the need for a clear and concise agenda that would allow the public to easily discern the topics to be covered. It should provide the public with clear notice to allow interested parties to attend. Noted that technical requirements were recently changed and in place allowing for different options for public discussion.
- Outlined the procedures for closed sessions and emergency meetings including having an agenda, minutes, notice requirements and recordings.
- Noted that no actions could be taken in a closed session, only an open session.
- Finished reviewing the general checklist by mentioning: public accommodation; adhering to an agenda; recordings; minutes; and noncompliance.
- Indicated a new manual for Open Meeting Law 2011 Legislative Changes would be out soon and provided a second handout for it. Added that there was a summary on the first page followed by a discussion.
- Mentioned the new options for public comment.
- Thanked George Taylor, Senior Deputy Attorney General for the PowerPoint slide presentation.
- Concentrated on several issues in the presentation:
  - Complaints are usually in the best interest of the public and the Board and there were 70 complaints during 2004.
  - The issue of intent and how it relates to public Boards.
  - Legislative amendments.
  - Public comment changes.

- The difference between discussion and deliberation. Discussion is not for the purpose of deliberating. Deliberating is defined as a weighing of the issues for the purpose of taking an action and a decision. Deliberations as related to the Board of Fire Services would be when they would have to comply with the Open Meeting Law.
- New agenda notice requirements in which the agenda items have to state yes or no as to whether there could be an action. This alerts the public of an issue which would cause them to want to attend. It was also noted that the public should be notified at the beginning when they arrive at Board meetings that items could be taken out of order or combined or removed altogether.
- Any restrictions on public comments concerning time, place and manner should be clearly stated but limitations should not be based on content.
- Stated that applicants for employment do not have to be noted on the agenda but the election of Chair Fogerson was an appointment made and therefore would have to be added to the agenda.

Chair Fogerson commented that in the past when they selected the State Fire Marshal it would be an open meeting and interviews were done in front of the Board. He asked was the position now that they would not have to do that. Will Geddes responded that if the Board was going to hire someone to serve the Board or the appointment of the Chief it would have to be agendaized. He said that if there was a gray area and the Board was not sure it was preferable to put it on the agenda. He added that for their Board 6 would be a quorum and if they were gathered they should be mindful of discussions with regard to matters that had been agendaized. He noted that they should err on the side of being conservative and not discussing it thereby avoiding the appearance of impropriety. He discussed some of the problems which could occur with a discussion of issues through emails and when and if they would fall under a quorum. He further reviewed substantial sections of the manual concerning Open Meeting Law.

He reviewed circumstances if litigation was being discussed with Board members and said it would be a non-meeting. Thomas Tarulli asked if it was on the agenda would they have to make a motion to go into a closed meeting. He responded yes.

Will Geddes commented that Board members should be conscious of their actions with regard to the requirements of the Open Meeting Law and should ask was it intentionally done. They should ask do we have knowledge that there was a violation and was action taken. He stated some action might be inadvertent and if so there was no 'safe harbor' provision but the Attorney General's Office would encourage vigorous, corrective action. He provided an example of this where a group discussed a matter during a break and realized they had a quorum. They rectified this by going back and discussing the issue again publicly avoiding the violation.

Peter Anderson asked if the Attorney General's Office was still putting on the Open Meeting Law workshops and he responded yes they were ongoing.

Chair Fogerson asked if there were any further questions.

Thomas Tarulli commented on agenda items being taken out of order. He asked if that should be stated up front in case an audience member would like to address an issue. Will Geddes responded that their obligation to say that or give notice was dispensed by putting it on the agenda and he gave as an example the agenda for the current meeting, "At the discretion of the Chair, items may be taken out of the order indicated. The Board may combine two or more agenda items and the Board may remove an item". He said that would be sufficient.

Chair Fogerson asked if there were any further questions and there were none.

**VII. Introduction and Overview of the Nevada State Fire Marshal Division by Chief Mulvihill, State Fire Marshal** – Chief Mulvihill noted that since it was the first meeting of the newly-formed Board of Fire Services and changes had occurred during the past year he thought it would be appropriate to give a review of the Division:

- Stated that the distributed packet contained a copy of Chapter 477 from NRS.
- Noted that there was a section covering the duties of the State Fire Marshal and the responsibilities of the Board of Fire Services.

- Outlined some of the changes and noted that the new Board of Fire Services had the responsibilities of the previous Board, the former Fire Service Standards of Training Committee and acted as an Appeals Board.
- Advised there were five bureaus handling the following: Licensing; Fire Protection and Engineering; Enforcement Bureau; Fire Service Training Bureau; and the Financial Services Bureau.
- Noted that due to budgetary constraints some positions had been eliminated from the Division adding that they had 21 full time positions currently down from 38 full time positions six years ago.
- Stated that over the last 10 years the funding of the State Fire Marshal's Division has stabilized.
- Provided an organizational chart that was color-coded by its funding sources. Discussed the funding sources of the Division.
- Stated that several of the Bureau Chiefs would be giving brief summaries.

**Dennis Pinkerton, Bureau Chief, State Fire Service Training** – He stated that he had handed out a brief summary about their Bureau. He introduced his training staff, Lori DeGristina and Tom Martinez. He noted:

- Stated that through NRS 477.039 their responsibilities are to administer a training program to train firefighters, certify fire fighters, develop instructors and train for a response to hazardous materials.
- Noted that the demand for fire service training and certification was continuing to grow with the IFSAC accreditation.
- Said it was the mission of IFSAC to administer high-quality uniform delivery of international accreditation systems. Provided some highlights regarding the IFSAC accreditation.
- Provided examples of growth and stated that in their certification program in 2001 they had 13 Nevada Fire Departments participating and in 2011 they had 41 representing a 215% growth rate.
- Noted they had joined with Nevada POST in trying to get some of their programs accredited.
- Stated they had received minimal funding and most of their funds were coming from Haz Mat permit fees and some federal grants to support fire officer training throughout the state and were using local instructors.
- Haz Mat training consisted of training for awareness operations and technician level.
- Noted that they had one large LP gas prop used for training which had been very successful and they have partnered with the LP Gas Board and built three smaller props.
- Stated that their training staff consisted of three and they had lost a few positions.
- Added that they continued to update the certification guidelines, procedures and programs.
- Commented that their staff had been recognized throughout the State as an authority in assisting local fire agencies in developing and implementing training programs.

Chief Mulvihill pointed out that Chief Pinkerton had recently been appointed to an NFPA Technical Committee, a special qualifications committee for fire inspectors illustrating that his skills were recognized within and outside of Nevada. He introduced the next Bureau Chief Don Wilkins from the Fire Protection Engineering Unit.

**Don Wilkins, Bureau Chief, Fire Protection and Engineering Bureau** – He thanked the Chair and members of the Board and indicated he would give a short review:

- Explained that the purpose of the Fire Protection Bureau was the oversight of the plan review process and the inspection process.
- Said that he had two positions in his Bureau, one currently vacant, to be based in the southern Nevada office, a fire inspector position and a fire inspector based in the Carson City office.
- Noted that due to budgetary issues their primary inspection concerns were the annual inspections of state-owned properties.
- Stated they also have new construction inspections on state-owned projects comprised of buildings in the college system and any state agency construction that would go forward with a permit from the State Public Works Board.
- Advised that his office networks with the State Public Works Division and added that they also are the authority having jurisdiction over certain rural counties. Noted as a result they partner with the local authorities with inter-local agreements.
- Noted they perform inspections of licensed care facilities through State Health such as child care, foster care, hospitals and assisted-living facilities.

Eric Guevin whether facilities just required the first initial inspection. Chief Wilkins responded the requirements for the inspections are found in the regulations at other state agencies and they request their involvement at the licensing stage. He added that for child care facilities they are required to perform annual inspections. He added that currently due to staffing issues that obligation was being filled through a self-inspection form that the applicant would file with their office and then their office would follow-up with audits of those self-inspections.

Chief Mulvihill stated that with a staff of only two inspectors they could not do all of the work so they relied on partnerships with local agencies in the rural counties and added that they had inter-local agreements with some building and fire departments where they would conduct inspections on behalf of the Bureau. He added that the inspector's position in Las Vegas is in the process of being filled.

**Danny Brennan, Bureau Chief, Licensing and Fire Prevention Education** – He provided a review of his Bureau as follows:

- Indicated that his Bureau worked in conjunction with the investigation and inspections officers.
- Noted that they dealt with fire protection licensing, blasters, fire extinguisher system staff ranging from alarms to the fire suppression systems in the buildings.
- Reviewed his staff and commented on some of their duties.
- Indicated that Ginny Capucci was the Haz Mat permitting administrative assistant.
- Stated that a staff member deals with the certificates of compliance and works with Chief Wilkins.
- Noted that he deals with the data, the NFIRS information and fire prevention including the fire safe cigarette program and described the Fire Safe Cigarette Law in Nevada.
- Stated that the cigarette companies provided funds to certify their cigarette brands 'fire safe' in Nevada and those funds contributed to fire prevention programs.
- Noted that he did fire extinguisher training throughout the state both water-based and electronic.
- Advised they had trained over 700 students in Nevada during the past year.
- Commented that he was also responsible for the Bureau website.

Chief Mulvihill commented that the state was in the process of rebuilding its whole website system and the launch was scheduled for the near future. He noted some review points regarding the fourth bureau:

- Advised that the fourth bureau was the Enforcement Bureau and Lieutenant Mike Dzyak was in charge and has four officers.
- Stated that it had two officers based in Carson City, one based out of Las Vegas and a fourth officer located in Elko.
- Noted that Mike Dzyak could not be present at the meeting due to illness.
- Stated that his bureau was responsible for fire investigations in rural counties involving fatalities or suspected criminal activities and this service was also provided in some additional urban counties.
- Added that his officers also did the licensing investigation and enforcement.
- Noted that they also provided wildland fire investigation.
- Added they also assisted other department public safety divisions and the Nevada Division of Environment Protection with investigations.
- Stated that they assisted with the inspections and training activities conducted by other bureaus.

**Patrick Bowers, Bureau Chief, Financial Services Bureau** – He provided an overview of his Bureau:

- Stated that he would group the responsibilities of his bureau within three areas.
- Noted that the first was the day to day, monitoring and management of the budget and ensuring that all financially-related transactions were in compliance with NRS, the State Administrative Manual, internal controls and the legislatively approved intent of the budget.
- Stated the second was contract management, primarily his responsibility as he was the contract manager for the Division and liaison with the Director's Office to build or start the construction of new contracts, amendments and work with them to get them approved.

- Noted that the third main focus was the issues concerning the budget. He added that they were starting the process of constructing the new 14/15 biannual budget using a new process.
- Indicated that he would be assisting Chief Mulvihill in building the new budget in conjunction with the Director's Office.
- Indicated he had one staff member, Dawn Nenzel, his Accountant Technician I.

Chief Mulvihill noted that with limited staff they relied heavily on partners and as a result the oversight provided by Chief Bowers and the Bureau of Financial Services was very important.

**VIII. Reconfirm the IFSAC Accreditation Schedule Previously Approved by the Former Fire Service Standards and Training Committee** – Chief Pinkerton, Bureau Chief – State Fire Service Training – He noted that several years ago the Fire Service Training had wanted an accreditation plan for IFSAC accreditation. He handed over the presentation to Lori DeGristina for review.

**Lori DeGristina, State Fire Marshal** – She reviewed the handout:

- Handed out copies of the revised IFSAC plan which differed from the packet.
- Advised that according to the IFSAC accreditation plan that was adopted in 2010 they were due to become IFSAC-accredited in the Fire Service Instructor I, II and III and the Fire Officer I and II in July 2011.
- Noted that unfortunately there was no funding in the budget for it and they also did not have in place a Fire Service Standards and Training Committee to assist in pushing the plan forward.
- Stated that consequently they were behind in that proposed plan.
- Stated that the plan was first developed in 2010 and the prices of the test banks were going up. Added that the prices they were seeing, as of May 15, 2012 showed the prices for all their test banks would be going up substantially.
- Advised that to become compliant with the plan they needed to apply for their IFSAC accreditation and purchase the updated test banks for the Fire Services Instructor I and II and also Fire Officer I and II.
- Added that they also needed to purchase a new test bank because currently they did not test for Fire Instructor III.
- Commented that in addition they needed to purchase updated test banks for their Haz Mat Awareness and Operations Fire Fighter I and II.
- Stated that they also needed to purchase the upgraded manuals.
- Stated that if they could purchase the nine test banks before May 15th including: the Haz Mat Awareness and Operations; the Fire Fighter I and II; Fire Instructor I, II and III; and a Fire Officer I and II they would save \$573.00.
- Discussed the three main curricula and advised since the new test banks had been made one of them, Del Mar had chosen not to become part of the test generations. Advised that if anyone had agencies using Del Mar she suggested that they ask them to contact Del Mar and encourage them to become part of the performance training system.

Eric Guevin asked if Del Mar had offered any reason why they backed out. Lori DeGristina advised they did not say why, just they chose not to participate. Chief Pinkerton commented about publishers that were going into test banks generations themselves based on their own texts. He noted that he would be looking to see if Del Mar was doing that. Lori DeGristina noted that Del Mar wanted clients to buy the test bank from their company. Chair Fogerson asked if there was funding available for it. She responded that it was going to be \$5,821 if they waited until after May 15th but \$5,248 if they went ahead now. Chief Mulvihill noted that they had identified partial funding to cover some but not all. He added that in the past they had had some external agencies or entities step up and purchase certain test banks. He said that they had identified funding that could cover the Fire Service Instructor I, II and III but not the Fire Officer I and II yet.

Chair Fogerson asked how much funding was needed, in other words exactly what was available and what was needed. Chief Pinkerton explained that a major portion of the funding was now in Haz Mat and that they had gone from several thousand dollars eight years ago to roughly \$500 per fire service related issues. He added that if they were unable to directly link purchase to hazardous materials they could not do it so they were looking for partners.

Chief Bowers explained that in the current biannual there was no funding budget for the FY12/13 budget and next year would also be a challenge. He suggested that for FY 14/15 they could request funding within the budget to continue with accreditation.

Chief Mulvihill said that the FY14 fiscal year started July 1, 2013 so what they needed now was the Fire Officer I and II. Eric Guevin asked if the amount they were looking for was roughly \$1400.85. Chief Mulvihill responded yes. Eric Guevin asked if the Nevada Fire Chiefs supported the program. Chief Pinkerton responded that all the participating agencies were using their certification for hiring, for promotions within agencies. He added taking that into consideration he was of the opinion that they did support them.

Pete Anderson asked did they need \$1400.85 immediately before the end of the fiscal year and \$5,820 for the next fiscal year. Lori DeGristina clarified that the first two, Hazardous Awareness and Operations and Fire Fighter I and II, were currently at the latest standards but the manuals that everyone would be using would be different. The Fire and Service Instructor and Fire Officer had not been updated in several years so needed to be updated before the end of 2012. Eric Guevin asked if the whole second block needed to be funded which would be the Fire Service Instructor and the Fire Officer I and II. She responded yes.

Chair Fogerson stated according to Chief Mulvihill all the Instructor I, II and III funds had already been identified. He was told that was correct. He then added that they were only looking for \$1400.85 for Fire Officer I and II and was told that was correct. A member noted that they were hoping that the Board would endorse the program, reconfirm it so they could go forward with partners and fill the gap.

Eric Guevin was told that the IFSAC was an international standard. He asked what the position was of the National Fire Academy, did they have a statement. Chair Fogerson responded that the NFA was promoting the IFSAC.

**Eric Guevin moved to support the IFSAC accreditation and get back on schedule and firm up the funding. Elaine Pace seconded the motion. Motion Carried.**

**IX. Review and Possible Approval of Revisions to the “Nevada Fire Service Professional Qualifications Manual”** – Chief Pinkerton, Bureau Chief, State Fire Service Training. He stated that changes were made to represent the new Board:

- Took out all references from “Nevada Fire Service Standards and Training Committee” and changed it to “Nevada Board of Fire Services”.
- Changed the date of the Nevada Fire Service Professional Qualification Manual from August 23, 2010 to April 18, 2012.
- For 3.5 “...shall meet four (4) times in a calendar year.” Changed to read “The Board shall meet at least twice each year and on the call of the Chair, the Secretary or any three members.”
- Removed 5.15 completely.
- 5.70 Changed the current definition of QUORUM which reads: “A minimum of *four* of the *seven* members of” to read “A minimum of *six* of the *ten* members of”.
- 7.2.5 – c Changed from “Refer the situation to the Certification Committee for discussion and action” to “Refer the situation to the Nevada Board of Fire Services for discussion and action.”
- 9.5 Removed the sentence which reads “New evaluators shall be part of three separate examinations prior to being sent out alone.”
- 9.11 Changed the word “Manager” to “Bureau Chief”.
- 12.1 Changed “NRS 477.080” to “NRS 477.090”
- 17.3.4-b and 17.3.5-b Removed from both “Shall take part of three separate Nevada certification examinations prior to being certified.”
- 17.5 Changed to read: 17.5.3 “Technician Level”, 17.5.4 “Incident Commander” and 17.5.5 “Safety Officer”.
- 18.6.4 Changed “no numerical score will be given” to read “a numerical score will be given only for candidates that do not achieve a passing score”.

Eric Guevin stated it appeared to be cleanup, with no major content change. Chair Fogerson commented about the last item 18.6.4 and explained why the change was made indicating that this would provide quantification rather than just a pass or fail, so people would know how far off passing they were. Thomas Tarulli asked if this was still an issue. Chair Fogerson said no, it was the language they had requested. Thomas Tarulli asked for a confirmation that the content before them was the final wording. Chief Pinkerton responded yes and added that the FSSTC had given them leeway to make minor changes.

**Chair Fogerson moved that they approve the changes as referenced in the agenda and minutes along with allowing staff the ability to make any grammatical changes that would not affect the intent of the manual. Pete Anderson seconded the Motion. Motion carried.**

- X. **Report from the Chief of the State Fire Marshal Division Regarding Activities that Have Taken Place at the State Fire Marshal Division Since June 9, 2011** – Chief Mulvihill noted it had been a year since the last meeting with the last joint meeting of the former Board and the Fire Services Standards and Training Committee. He commented that the draft of the last minutes from that meeting were included in the packet.
- Noted that from the time period of June 9, 2011 to April 18, 2012 the FY 2012 and 2013 budget changes to the division had taken effect.
  - Stated that the NFIRS program, work program funding had gone to zero. He added that the Board was no longer the funnel for agencies to report to FEMA and they now had to directly report and therefore the response rate as a result plummeted. He stated that that was an issue that needed to be addressed as NFIRS compliant reporting was a requirement in many agencies except grant funding. He commented that for the budget for FY14 and FY15 if enhancements were allowed they had been asked to suggest enhancements.
  - Noted that Chief Brennan was still taking time to address questions from agencies.
  - Suggested that when they did go ahead with their budget package that they receive support from the Board, the fire agencies in the state and the Fire Chiefs Association to help to promote the message.

Chair Fogerson asked how the loss of NFIRS was affecting fire death reporting with respect to statistics. Chief Brennan responded that the preliminary numbers currently were running somewhere between 68% to 73% in the last few years and that was with 166 fire departments active in the state. He said for 2011 the number was 34%, a large drop. He noted with without guidance and oversight a drop can occur. Chair Fogerson commented about the drop in the NFIRS reporting and asked if they were still getting the NFIRS required fire death notifications or would the fire department not be doing that because they were not taking the NFIRS data. Chief Mulvihill responded that they were not relying on NFIRS reporting as different departments had different time periods for reporting, (monthly, quarterly or year-end). He added that in the rural counties they were notified as required by statute and the breakdown in notifications was coming from Washoe and Clark Counties. He stated that they would also obtain information from their own staff or news media in those areas.

Chief Mulvihill commented that in his office they tracked Nevada fire fatalities. Chief Mulvihill noted that by statute the local fire departments are the ones required to be notified of serious burns and in the rural counties it would be the State Fire Marshal who would be notified. He added that they did not track name or confidential information but they did collect information on the cause and origin of the fire and type of building. He confirmed that this information had been tracked since 2008. He said there were 4 fatalities now state-wide for 2011, 29 for 2010 and 22 for 2009.

Elaine Pace asked how much funding would be required to put NFIRS back in. Chief Bowers responded that the funding that was removed during the last session was based on the FY10 which was at \$1200 and he noted that they wanted to increase it a bit to \$1500 and then review its progress.

- Stated that there had been a couple of significant staff changes. He advised that Chief Wright was promoted to Deputy Director of Department of Public Safety and Ray Pagni had retired.
- Noted that Tom Martinez had been an officer there and had transferred to the Training Bureau.
- Stated that Vicki Stevens, an inspector, based in Carson City had retired.
- Noted that they were in the process of hiring an inspector in Las Vegas (the position formerly held by Vicki Stevens) that was relocated from Carson City to Las Vegas due to a heavier workload.

- Advised that he (Chief Mulvihill) had come onboard as the new Chief of the Division in November of 2010.
- Stated that as part of the budget process all of the vacant positions were eliminated.
- Commented that at the end of December the Legislative Commission approved their rule-making begun in May of 2010 involving an extensive clean-up of the licensing language and the adoption of the international Wildland Urban Interface code.
- Explained that previously they were required by statute to inspect all state buildings annually and the Legislature in reducing staff gave relief from annual inspection criteria. They had established a prioritization program for inspections.
- Stated that they had divided the list for State buildings into three categories:
- Category 1 Buildings are significant for either life safety issues or significant assets to the state or significant building business interruption to be inspected annually. He gave as examples: the Governor's mansion; Pete Anderson's office building, a critical infrastructure building; prisons; conservation camps; university dormitories; the Capital Building.
- Category 2 Buildings that are looked at every other year. He advised that they had less impact or lower life safety impacts.
- Category 3 Buildings that are reviewed at least once every four years.
- Stated that they had given their staff increased flexibility if they saw recurring problems.
- Stated that for most of the counties they would have everything taken care of but might fall a bit short in Washoe and Clark Counties.
- Noted that there was a new fire prevention education trailer on the road. Added that Chief Brennan had the fire extinguisher training set up in that trailer and they also had portable tents and shelters.
- Advised that they would be out at the Wildfire Awareness Week kickoff event in Mills Park at the end of April 2012. He added they would have their fire extinguisher training set up.
- Noted that they had three LP trailer props that they had received from the LP Gas Board. He added that they had received video on some of the training and it looked good.
- Stated that the Division participated with the Division of Emergency Management in March in a large multi-day state exercise which he considered helpful.

Chair Fogerson and the Board members took a five-minute break.

**XI. Discussion of Newly Adopted International Wildland-Urban Interface Code as Requested by Chief Fogerson** – Chair Fogerson explained that he asked for it because in northern Nevada they had a couple of fire chiefs that were anxious to see how the code process came out and how it evolved to where they currently were. Chief Mulvihill reviewed the history of the codes.

- Advised that it came about as part of their rule-making from 2010 having been initiated in May 2010 and was not finalized until December 2011.
- Noted that they adopted the Wildland-Urban Interface Code, the 2009 edition from ICC.
- Advised that he would begin by reviewing the scope and its objectives.
- Stated that it became effective December 30, 2011 and was based on two sections out of their statute that was in the administrative code.
- Advised that the code itself was about 24 pages long but the scope had several objectives: one was to stop the wildland fire from getting into a structure; a structure fire from going into another structure or a fire that would start within a structure breaking out and going into the wildland and then becoming a wildland hazard.
- Stated that it originated at the state level when they previously adopted 1141, 1142 and 1144 and the concern regarding standards on water supplies for suburban rural fire fighting, fire protection infrastructure for land development in suburban rural areas and reducing structure ignition hazards from wildland fires.
- Noted that the origin of the documents went back to 1935 when the NHPA adopted the first standard.
- Stated that it now incorporated four standards and noted that 1143 was an operations standard that they did not adopt.
- Advised that over the years there had been various blue-ribbon reports and ICC published a report in 2008.
- Stated that following the Angora fire in South Lake Tahoe the governors of California and Nevada formed a bi-state commission and produced a number of recommendations.
- Advised that some of the recommendations were adopted by the 2009 general session in Senate Bill 94.

- Stated that single-structure fires did not receive a lot of attention but multiple structure losses in a fire crossed a line and was considered unacceptable in communities and by political leadership.
- Gave examples of these types of fires in northern Nevada happening in both rural and urban areas.
- Showed a video to the Board members concerning some of the hazards described in the presentation.
- Chief Mulvihill commented on the video with respect to the ember storms with the fires and how structures could be protected.
- Reviewed several slides from Ed Smith from the Cooperative Extension who had travelled with them on several presentations and contributed an educational component.
- Reviewed some statistics on some large national fires during the 19th century and noted that during the 60s the number of structures lost to wildland fires was 209, the 70s slightly over 400, the 80s approaching 700, the 90s over 900 and in the first eight years of the 2000s for available data it was 2,726.
- Showed a slide showing wildfires in the United States larger than 250 acres and he noted that Nevada had problems everywhere and discussed the trends, data and commented on specific counties.
- Discussed the different types of interfaces between wildland and urban areas.
- Stated that the applicability of the code applied to mainly new subdivisions and also some new structures. He added that some structures had exceptions and existing conditions were recognized.
- Detailed some of the details for structures and land and defensible space.
- Advised that education was found to be far better than a punitive approach.
- Commented on some educational initiatives taken and participation by citizens with regard to presentations on the code.
- Noted that in the spring the Cooperative Extension sponsored a Wildfire Awareness Week with a Junk-the-Juniper program encouraging the planting of fire-safe plants.
- Reviewed many of the workshops available and website information.
- Advised that the flexibility of the code was challenging but it asked that judgement be used in varying circumstances and provided options so it was in actuality a more performance-based code as opposed to prescriptive code.
- Stated that the next updates would be going to the 2012 codes and he asked for any input to improve the code.

Eric Guevin commented that Lake Tahoe was holding a Wildfire Awareness Week in conjunction with University of California at Davis on May 28, 2012.

## **XII. Schedule the Next Regular Meeting of the Nevada State Board of Fire Services in October 2012 –**

Chair Fogerson suggested that they consider holding the meeting in conjunction with the conference and he added that in October there was the FireShows Reno Conference which often produced more audience interaction. He asked for the assistance of JoAnne Hill in organizing a room. JoAnne Hill indicated that she brought the schedule and offered a couple of options which she then proceeded to detail. She added that Thursday morning October 25<sup>th</sup> they also had meeting space available either 10:00 to noon or in the afternoon.

Eric Guevin asked how many times they were supposed to meet and was told twice a year. Chief Mulvihill stated that their next active support would be for the budget presentation which would not occur until early 2013. He said there might be an extra early meeting in 2013. Chair Fogerson asked if they could call a meeting if they needed to and was told by Chief Mulvihill that the Chair or three members of the Board could call a meeting.

Eric Guevin asked if a meeting was required for code adoption and Chief Mulvihill responded that he was working on some internal requirements and had a meeting with the State Public Works Division regarding regulation matters. He said when they were ready to publish it, would be published as a workshop with notice of 30 days. Eric Guevin commented about the task books and asked if they would review those as part of the Board of Fire Services. Chief Pinkerton mentioned the certification review and said it had changed as it would go to a subcommittee and they would make recommendations to the Chair to approve.

Chair Fogerson proposed a meeting for Thursday, October 25<sup>th</sup> from 10:00 a.m. to noon.

**Eric Guevin moved that the meeting be held on October 25<sup>th</sup> from 10:00 a.m. to noon at the FireShows Reno. GaryStevenson seconded the Motion. Motion carried.**

- XIII. Public Comment** - Chair Fogerson said he had two public comment items. He asked Chief Mulvihill to mention the passing of the late Fire Marshal Lodie Smith and his legacy. Chief Mulvihill commented that during the last two months they had lost two pioneers.

Pete Anderson gave a brief overview of the legacy of Lody Smith, who was a state forester through the late 80s and early 90s. He indicated that Lodie dedicated his whole life to the fire service and was instrumental in getting a fire memorial constructed. He worked productively with legislators throughout the state. He was also instrumental in taking a single conservation camp program and expanding it to ten camps around Nevada. It was also noted that he had a great sense of humor and could alleviate any tense situation and used that skill throughout his life. Peter Anderson stated that he was one of the most dedicated and focused people he had ever know and would be greatly missed.

Chief Mulvihill gave his thoughts on Tom Huddleston who passed away at the end of March. He said he started his career with the Las Vegas Fire Department in 1968 and in 1977 became the State Fire Marshal at the request of the governor. He served in that position for ten years. In 1980 following several large fires at the MGM Grand and the 1981 Las Vegas Hilton and subsequent to those events he was able to put into place the first minimum state-wide building fire codes and retroactive requirements for sprinkler protection. He noted that they all owed much to him for his dedication and perseverance for all his accomplishments. Tom Huddleston left the State in 1987 and went to Corona, California where he was the fire marshal followed by a move to the Puget Sound area where he was a fire marshal and promoted to Deputy Chief. He retired several years ago.

Chair Fogerson encouraged everyone to review the last Board Minutes and to consider what the Board would need to do to plan to assist the Fire Marshal's Office but also the citizens of Nevada, to ensure they are always safe from fire whether it would be wildland, high-rise, or any residential structure.

Eric Guevin commented to the Chair that Pat Irwin from the state EMS had asked to give a perspective on EMS in the State of Nevada at the next meeting and if it could be included on the agenda. The Chair agreed.

- XIV. Adjournment**  
**Thomas Tarulli moved to adjourn the meeting. Gary Stevenson seconded the motion. Motion carried.**