

**STATE OF NEVADA
NEVADA STATE BOARD OF FIRE SERVICES
October 25, 2012 – 10:02 a.m.
4590 S Virginia Street
Rooms A14-A15
Reno, Nevada**

MINUTES OF MEETING

Board of Fire Services

Members

Present:

Domingo Cambeiro – Professional Architect, DCC Architects, Las Vegas
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 – State Fire Marshal, Nevada State Fire Marshal Division
Elaine Pace – Chief of a Volunteer Fire Department, East Fork Fire & Paramedic District
Thomas Tarulli – A Chief, Deputy Chief, Assistant Chief or Division Chief, Carson City Fire Department

Members

Absent:

Peter Anderson – State Forester, Nevada Division of Forestry
Gary Stevenson – Training Officer, Clark County Training Center

Also Present:

Tod Carlini – District Fire Chief, East Fork Fire Department, Minden
Dave Cochran – Reno Fire Marshal, Interim Fire Marshal, City of Reno
Lori DeGristina – Training Officer, Nevada State Fire Marshal Division
William Geddes – Deputy Attorney General, Attorney General's Office
Scott Gorgon – Battalion Chief, North Las Vegas
Gary Hames – Fire Chief, Storey County Fire Department
Michael Heidemann – Executive Director, Nevada State Firefighters' Association
Patrick S. Irwin – EMS Program Manager, State of Nevada Health & Human Services
Denesa Johnston – Administrative Assistant, Nevada State Fire Marshal Division
John Kasinger – EMS History Project
Gene LeBlanc – Retired Fire Chief, Truckee Meadows Fire Protection District
Dennis Pinkerton – Bureau Chief, Nevada State Fire Marshal Division
Mark Regan – Fire Marshal/Battalion Chief, North Lake Tahoe Fire Protection District
Ross Rivera – Fire Chief, Ely Fire Department
Elwood L Schmidt – EMS History Project
Doyle Sutton – Owner, D & D Fire Safety
Jay Wittwer – Secretary/Treasurer, Nevada Fire Chief's Association

- I. Call to Order** – Chief David Fogerson, Chair of the Board of Fire Services called the meeting to order.
- II. 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.
- III. Verification of Notice of Compliance with Open Meeting Law** – William Geddes, Deputy Attorney General, Attorney General's Office verified that compliance had been met in accordance with Nevada Open Meeting Law (NRS 241).

- IV. Public Comment** – Chair Fogerson noted the following: No action may be taken on matters raised in context with this Agenda item prior to inclusion of the matter itself as an action item on a future Agenda. Public comments are limited to three (3) minutes. Comments will not be restricted based on viewpoint.

Chair Fogerson called for public comment and there was none.

- V. Approval of Minutes** **Discussion/Possible Action**
Chair Fogerson noted that the Minutes of April 18, 2012 were brought forward for approval. Elaine Pace stated that there were several corrections to be made for the Minutes:
1. Noted on Page 4, under the presentation by Dennis Pinkerton, it should read: “Haz Mat training consisted of training for awareness, operations and technician level.”
 2. Noted on Page 4, Chief Mulvihill the comment should read “NFPA”.
 3. Noted on Page 10, it should read: “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.”

Elaine Pace moved to approve the Minutes of April 18, 2012 with corrections. Eric Gauvin seconded the Motion. All in favor with one abstention. Motion Carried.

- VI. Adoption of the National Fire Protection Association (NFPA) 1041 Standard for Fire Service Instructor Professional Qualification 2012 Edition** **Discussion/Possible Action**

Bureau Chief Dennis Pinkerton, Nevada State Fire Marshal’s Division – Discussed the updating of the Professional Qualifications Manual to include the 2012 Edition of NFPA 1041. He reviewed the current position:

- Stated that they were in the process of redoing the test banks for the I.F.S.A.C. (International Fire Service Accreditation Congress) accreditation.
- Needed to upgrade the standard for the instructor.
- Stated that no great changes had occurred but under NFPA 1041 they had developed techniques to recognize cultural diversity, bias and discrimination and this was a new section within the standard.
- Commented that other than that they had all the information and instruments to test for certification.

Eric Guevin asked Bureau Chief Pinkerton if he had worked with State EMS to see where they could crosswalk the new standard with State EMS instructor. Bureau Chief Pinkerton responded no. Eric Guevin asked if there were any plans to and Bureau Chief Pinkerton responded he would work with them.

Thomas Tarulli asked if the test banks were ready. Lori DeGristina responded that they had validated the test banks with a group from southern Nevada and she confirmed that the questions were all set. She added that they were not currently using the new test banks and they were waiting for it to go through the I.F.S.A.C. program. Bureau Chief Pinkerton added they had not previously but would start the skills review for certification for instructors saying that they now had skills to measure their competencies in Instructor I and II.

Chief Fogerson asked if the testing process that they were proposing for I.F.S.A.C. would be a written test plus a skills review and Bureau Chief Pinkerton responded yes.

Erin Guevin moved to approve the NFPA 1041 2012 Edition. Steve DiGiovanni seconded the Motion. Motion Carried.

- VII. Adoption of the National Fire Protection Association (NFPA) 1021 Standard for Fire Officer Professional Qualification 2009 Edition.** **Discussion/Possible Action**

Bureau Chief Dennis Pinkerton, Nevada State Fire Marshal's Division – Discussed the updating of the Professional Qualifications Manual to include the 2009 Edition of NFPA 1021. He reviewed the current position:

- Confirmed that it went in line with the I.F.S.A.C. accreditation regarding the test banks and instruments they had to test the skills for Officer I and II levels.
- Noted that there were two minor changes in the NFPA 1021 and this was the certification to qualification and some changes to due statements for Inspector and Investigator as reflected in Chapters 4, 5 and 6.
- Recommended that they adopt the 2009 Edition of the 1021.

Domingo Cambeiro asked when the next edition of NFPA 1021 would come out. Chief Pete Mulvihill responded that it would be between 5 to 7 years. He also added that NFPA runs between a 3 and 5-year cycle and NFPA 1021 was currently out for comment/input for changes. He indicated that they were forecasting a 2014 Edition to be adopted in 2013. He confirmed that their I.F.S.A.C. accreditation required them to maintain standards that were no more than 5 years from their publication date. He noted that what they had currently adopted was a previous edition of NFPA 1021 that was now more than 5 years old so this was an interim step and when the new document would come out they would review it and present it to the Board at a future meeting.

Thomas Tarulli moved that they adopt the 2009 Standard for Fire Officer Professional Qualification NFPA 1021. Seconded by Elaine Pace. Motion Carried.

VIII. Overview of the Nevada State Fire Marshal Division since the April 18, 2012 Meeting of the Nevada State Board of Fire Services

Chief Mulvihill, State Fire Marshal's Division – Provided an overview of the Division over a six-month period:

- Noted that on their inspection/plan review activity they had 158 inspection requests since July 1, 2012 with an average response time of 1 day.
- Stated that their plan review submittals are turned around within 10 business days.
- Noted that as of April 18, 2012 they had grown out to about 20-21 business days in turnaround which they had addressed by retaining the contract services of Duane Lemons, a recent retiree of the Carson City Fire Department. He added that he had been working part-time on a demand-as-needed basis under Chief Don Wilkins. He commented that the arrangement had enabled them to manage their workload in that regard but noted that they did not currently have the workload for a second plans examiner full-time. He added that they proposed to continue doing on-demand contract services until a time when they could justify a second plans examiner.
- Stated that at the last legislative session they were asked to send to the Legislative Counsel Bureau (LCB) a letter detailing a list of state-facility inspections at the end of each fiscal year. He added that as of June 30, 2012 they had sent a letter to LCB that was accepted today by the Interim Finance Committee without comment. He noted that they did not complete all required inspections at the University of Nevada, Reno (UNR) and some state facilities in Clark County. He commented that at the beginning of the current fiscal year they had been able to complete all of those facilities that were missed and were on track to complete all mandated state facility inspections before the end of the current fiscal year. He stated that they had an inspector position in Carson City and that position was moved down to Las Vegas and it was filled by Justin Donovan. He confirmed that Mr. Donovan had come to them with a good background and experience within another out-of-state fire department. He added that he had been very effective in assisting with the workload in Las Vegas and being more responsive to requests for inspections from the construction side and looking at state buildings. He acknowledged that they were happy to welcome Mr. Donovan and stated it would assist them in completing their goals and mandates for 2012.
- Stated that they had had requests to investigate 67 fires since July 1, 2012. He noted that 8 were incendiary, 2 of the cases involved juveniles which had been referred to appropriate juvenile authorities. He said there had been 2 other cases where adult arrests were made with 1 going through the federal court system and 1 was being prosecuted in Nye County. He noted that there were also 2 other previous arson cases that a Nye

County district attorney was taking forward. He added that there was also a fire caused by an inmate in a state prison facility currently being prosecuted by the Attorney General's Office.

- Stated that they provided some assistance to the East Fork Fire Protection District for a larger wildland fire that caused the loss of 2 homes in May 2011.
- Stated that David Dini in Ely had notified them that he would be retiring in December 2012. He noted that he had 32 years of service in the Nevada Fire Service and had been with them since 1998, a period of 14 years. He provided details on his work history and noted that he had been a wealth of information and experience and noted that he would be missed. He stated that the position would be filled as rapidly as possible and would look internally within state service and possibly look outside for a qualified person willing to live in Elko and do substantial travel.
- Stated that their budget had been submitted to the department and they, in turn, had submitted it to the budget office. He indicated it was a flat budget, as per the direction they had received, and so for the first time in 3 budget cycles they had not proposed any cuts. He indicated that the governor's recommended budget would come out in January 2013 and it would then go into the legislative process. He indicated that if they received any information with regard to that process they would keep the Board of Fire Services informed. He stated that currently they were not aware of any BDRs (Bill Draft Requests) that would affect the Fire Marshal's office.
- Stated that they had reached a consent agreement with Siemens Industries Incorporated, Las Vegas for investigation of activities from previous years. He added that Siemens was a fire alarm contractor licensed by the Nevada Fire Marshal's Division. He noted that they had received some complaints about the quality of the work being done by the firm. He noted that they had reached an agreement with Siemens where they were going to do internal training of their staff. In addition he said they would offer to provide training: on how to inspect a fire alarm system; recognize deficiencies; and/or hidden problems within fire alarm panels, to fire services staff in Las Vegas, Reno, Sparks and the Carson City area. He noted Siemens had also reimbursed the State of Nevada for over 900 hours of investigative time. He said that the company had also agreed to 'toe the line' for the next 2 years otherwise the state fire marshal could take action against them.
- Noted that they had a deceptive trade practices complaint which they had investigated in Clark County. He said the Clark County District Attorney's Office had agreed to accept the complaint and follow through with it.
- Stated that the Fire Safe Cigarette monies that they had received, was used for fire extinguisher training to state employees. He clarified that it was not mandatory training. He added the classes are about 90 minutes and stated that over the previous fiscal year they had put on 69 classes for 863 students in Carson City, Reno, Sparks, Elko, Winnemucca, Las Vegas, Ely, Caliente and Tonopah. He added that Bureau Chief Danny Brennan just returned from Boulder City where he put on 3 days of classes for some state offices. He added that Chief Brennan had traveled 4,457 miles all over the state for the program.
- Stated that the Fire Safe Cigarette monies which they receive on a 3-year cycle basis paid for all the training and it was also being used for fire prevention education purposes.
- Noted that they were able to support the Cooperative Extension hosting the wildland/urban interface summit at the Grand Sierra Resort and they were also able to provide matching funds for rural counties to print some education materials and publications. He added that if local communities needed materials and could come up with funding they would match it.
- Referred to the Haz Mat training and technician training contracts and noted the RFP (Requests for Proposals) went out. He said two bids came in and were currently going through the selection process and would be presented to the Board of Examiners and the Interim Finance Committee in Reno in January 2013. He said once the contract was approved by the Board of Examiners and Interim Finance Committee that would allow them to move monies from their reserves into the work program and they would notify the agencies and put on a class. He stated that the first class would need to be completed by the end of June 2013, within the fiscal year. He noted that it would be provided in the northern part of the state by the Sparks Fire Department. He added the contract would provide for 2 additional courses, 1 tentatively planned for Elko and the other, Las Vegas.
- Commented that they have a new website currently in production and should be up within the next few weeks. He added that their website might change as a result and it would go to the nv.gov format as opposed to the current one. He commented that they would advise everyone as soon as it was launched. He

stated that there was a page on the site specifically for the Board of Fire Services. He added that it had previously been static as they had not been able to update it as the new website was being developed but they hoped to put more information soon from the Board on its own dedicated page.

- Announced that the State Fire Marshal Division office and Buildings and Grounds had been cleared of junipers surrounding their buildings in the spirit of the Junk-the-Juniper program.
- Noted that their I.F.S.A.C. accreditation approvals were on track. He noted that their 5-year re-evaluation for F/Y 2014 and the test banks had been validated locally. He acknowledged the contribution from Fire Service in southern Nevada, test site people in northern Las Vegas, Clark County, and Henderson Fire all of whom participated and assisted Lori DeGristina with the validation.
- Stated that within the last 6 months an issue had arisen with regard to the integrity and security of one of the tests. He added that they had taken some steps in-house. He added that one of the steps that would be noticed if you were acting as a proctor was the introduction of a new type of security envelope and he illustrated and showed the Board members that an un-tampered envelope would have a red bar across it and he showed how it would look if it had been opened. He commented that they view the exam process seriously and referred to an incident where a person involved in an issue had provided a written statement admitting what he had done and was no longer involved in the Fire Service.

Eric Guevin asked if it was the student taking the test or the proctor who was tampering with the test. Chief Mulvihill responded that it was the student. He explained that he had opened the envelope. He found it in the proctor's office, opened it, looked at it and resealed the envelope. He added that the proctor took all of the appropriate actions, notified them and segregated all the materials.

- Stated that Bob King from Sparks Fire organized a residential sprinkler demonstration in the parking lot on October 23, 2012 and it was covered by both Channel 2 and 8 out of Reno, provided accurate information and it was well presented. He congratulated Bob King on this initiative.
- Thanked Fire Show Reno and JoAnne Hill for providing and hosting the meeting. He appreciated all the work done.

Domingo Cambeiro asked what was being done with the junipers which had been removed. Chief Mulvihill responded they would probably chip them up and use them for landscape mulch. He said they don't go to just landfill but are also used for erosion control. He added that fire agencies in the state through grants or donations acquired chippers and they did free neighborhood chippings and hauled them away. He added that at one time there was a capability of biomass co-generation producing power and steam but transportation costs made that prohibitive.

Thomas Tarulli asked about any other positions around the state within the Fire Marshal's Office besides Elko and Clark County. He asked if there were more. Chief Mulvihill responded that they had 21 persons in the division with 1 officer based Elko and in Las Vegas there was 1 officer and 1 inspector based in the Campos Building. He described the territory they covered in the state.

Eric Guevin referred to UNR and said that it sounded like they were up to date with regard to their annual inspections. He asked if they were deficient in their inspections. Chief Mulvihill said that they were caught up in their inspections. He added that UNLV (University of Nevada Las Vegas) had in their facility department 2 fire and life safety inspectors on staff and he added that they had a cooperative agreement with them where they did all the inspections and then the Nevada Fire Marshal's Division would audit the inspections. He said that UNLV would send them all the reports and they check up on them. He added that if any complaints came in their inspector would handle those complaints. He stated that this enabled them to stay right up to date on their inspections. He commented that while the UNLV was large the UNR was far larger with more buildings and they prioritized the dormitory inspections prior to the opening of the fall term. He explained that their people would prioritize what was the highest life safety hazard first, the fire hazard second, the medical school, the chemistry area, the mines building and then the third one which was the offices and classroom buildings, but he added that they had caught up now.

Lori DeGristina referred to the test validations and stated that they did the fire instructor test validation in the south and officer validation in the north and she acknowledged the people who had assisted in the different areas. She added that they still had to validate new test banks for firefighter and Haz Mat so they would be looking for volunteers for that as well.

IX. Report on the Status of the Nevada State Fire Marshal Division National Fire Incident Reporting System (NFIRS) Program.

Chief Mulvihill, State Fire Marshal's Division – Provided an overview which reflected the current position:

- Noted that in their budget preparation the direction given to them was to stay flat.
- Stated that if additional funds become available to propose 3 enhancements, special considerations to add back into the budget.
- Noted that the first consideration submitted was to restore the monies for NFIRS in the sum of \$1,500 which was the projected cost. Stated that currently fire departments and fire protection districts in the state were required to report their NFIRS data, their fire incident data, directly to FEMA (Federal Emergency Management Agency) in Maryland.
- Explained that when they had the NFIRS program funding the data used to be reported directly to them. Bureau Chief Danny Brennan would take the data and screen it as and when it came in. He added that some departments reported monthly or quarterly and some annually. He encouraged that reports be submitted as least quarterly even if reporting directly to FEMA.
- Stated that the request had been submitted and the recommendation was still at the state budget office for consideration.
- Noted that when they compile their report they have to go to FEMA and do a data download and he stated that when they did that in March 2012 for the previous calendar year they had only 35% participation. He explained that where many fire departments thought they had reported there had actually been data error or the data had been rejected by the FEMA computer system. He noted that they are not able to see that on a real time basis during the year by not being directly involved with NFIRS where they can actually assist the departments in getting data in.
- Stated that the data from Clark County Fire Department was missing and he noted that they represent 1/3 of the runs in the state.
- Noted that they called many departments advising them that data was missing for certain periods of the year and they had to go back and submit again. He said that they got back to their high 60s, low 70% participation rate after they did that follow-up.
- Stated that they wanted to be more proactive and that was their request in their budget request, to put them back into NFIRS.
- Said that more and more fire departments and protection districts were applying for federal grants and relying on federal grant monies for equipment and staffing. He added that in the past the federal agencies administering the grants used to call them and ask if the department was reporting and NFIRS-compliant and they would verify once you checked that box on the application. He said because everything was computerized now they were no longer calling but they were looking at the data that was in the system. He said right now they were no longer able to help and let departments know if the data transmission had a problem or was not there. He added that they were trying to avoid a major potential problem for some departments out there.

Steve DiGiovanni asked what steps they were taking to identify sources for the \$1,500, any strategies they were putting together. Chief Mulvihill responded that it was a request for general fund monies and their fee sources were structured in such a way that they could not be used for that purpose. He explained that the Fire Safe Cigarette monies could only be used for education and prevention. He explained that the only avenue available was general fund money and it was for that fund that they had made the request. He said that their budget was approximately \$2.5 million and only \$500,000 came from the general fund and the other were various kinds of fees, training grant monies and things of that nature. He added that they were therefore asking that part of that general fund go to NFIRS.

Steve DiGiovanni asked about possible issues with receiving federal grants for not having complete NFIRS data. He asked if he had seen that occur where they had lost grants. Chief Mulvihill responded, no, not that he was aware of but he was just trying to be proactive. He said that if they checked that they were NFIRS compliant but the data was not there in the system they would note that. He added that they wanted to be able to avoid any problems for a local agency. He added that when Bureau Chief Brennan was receiving information he would see what information was not coming in and would follow up with specific departments and could stay on top of that on a monthly basis. He would see all information and would then transmit it to FEMA but by losing the work program the department had to directly report to FEMA.

Elaine Pace asked if the \$1,500 was to take it back to the Fire Marshal's Office. Chief Mulvihill responded yes.

Steve DiGiovanni asked what the Fire Services Board could do to assist. He asked if they should lobby the legislature or request a bill be submitted to the legislature to ask for it to be funded. Chief Mulvihill responded that it would not necessarily need to be a bill as it was part of their budget presentation. He added that to testify in support of it would be appreciated but it did not need to be a separate piece of legislation. Chair Fogerson acknowledged that it was not an action item but suggested that the Chair send a letter to the Department of Public Safety (DPS) Director explaining the importance of the request. Thomas Tarulli agreed that it was a good suggestion and would allow Chair Fogerson to do what he felt he could. William Geddes asked it to be rephrased. Chair Fogerson stated that he would use his discretion as the Chair to send a letter to the DPS Director emphasizing how much the Board supports the NFIRS program and how it affected the fire department's getting grant money. William Geddes said that what was being said was that it was an administrative issue, not something that required Board action so it was not being actively deliberated on but was something that the Chair would do privately and advocate in his own personal capacity.

Elaine Pace asked if it was a yearly number to keep it going and Chief Mulvihill responded yes. He added that they were proposing in the next biennium \$1,500 per fiscal year.

X. State of the State Update Regarding Emergency Medical Services (EMS)

Pat Irwin, EMS Program Manager, State of Nevada Health & Human Resources -

- Thanked everyone for allowing him to present and Fire Show Reno. He noted that Fire Show Reno had extended a gracious welcome to Dr. Schmidt.
- Mentioned that he wanted to introduce Dr. Schmidt who was writing a book documenting the history of EMS. He noted that Dr. Schmidt would welcome any information or background from any members of the Board.
- Stated that during the last year they had wrapped up their supplemental grant for \$300,000. He noted that it was a UnitedHealth settlement awarded from the Attorney General's Office and distributed to volunteers throughout the state.
- Noted that the \$300,000 was compounded when they met with POOLPACT. He noted they gave an additional \$500,000 for parties putting in requests for Stryker gurneys. He stated that many agencies had put in for that across the state and he noted that they were seeing a huge instalment that would start immediately because they had all been awarded. He considered that a great benefit to all firefighters and EMTs. He noted that they hoped to see a decline in workers' back injuries due to the program.
- Noted that they still had \$20,000 in grant money which they usually used based on their certifications and he stated that that money would be put back towards the volunteers.
- Noted that of that \$20,000 they had only spent \$14,000 and they still had applications all from one county. He stated that it would be awarded to one county if they didn't receive requests from other counties. He said it would be decided at the next EMS Advisory Board meeting on November 15, 2012.
- Referred to their listserv and noted they were putting out information. Stated they had started their listserv at 170 people and were now up to 3,000 and they were receiving good feedback on information that they were putting out to their community.
- Noted that they have a paramedic refresher course at the North Lake Tahoe Fire Protection District on the 28th, 29th and 30th. Stated that this had been an annual, ongoing two-year course based on skills and lectures. He noted that 2012 was a skills year.

- Announced that Dr. Tracey Green had accepted the role of State Medical Director. Noted that they would be having a medical director's forum at Lake Tahoe sometime in January 2013 with dates to be announced. He provided additional details on the attendees to the forum.
- Noted that they were no longer using the old radios. Stated that all of the installs were done for the 800 MHz. He noted that they had one more training schedule, online training with the listserv with a date to be announced. He gave additional details about radios still in ambulances, responsibilities, costs, testing etc.
- Stated that he was down 2 personnel and noted that the openings were listed on the web. He stated it would be closed in about 2 weeks. He added that they had about 20 people who had applied so interviews would begin soon.
- Discussed site audits and noted that it had gone from being an ambulance-only inspection to a full site audit. He detailed the different processes including reviewing the logs that they would go through on the audits.
- Detailed changes for the renewal process where they had combined the certification and the license together so there would only be one document. He confirmed that the software had also been changed accordingly.
- Discussed changes to permits and how they should proceed. Noted that they wanted to simplify the process.
- Stated that the instructor class in May 2013 would be tied in with the International Association of Fire Chiefs EMS Conference in Las Vegas and those dates would be announced. Noted that their course would be done during an extra day in front of the conference and they hoped for a large turnout.
- Discussed some of the aspects of ongoing courses and education programs for the EMT training and the various levels. He also discussed options of how departments could complete some of the EMS training.
- Referred to the committee bill that they were considering to change the nomenclature to follow the national standard and that it would be a committee bill, not an agency bill.
- Discussed changes to their software and noted the upgrade on their software called TripTix. Stated it was internet-based and provided other details about the program.

Chief Rivera asked who they would call for assistance regarding the radios. Pat Irwin responded that he had one person who would be assisting for an interim period. He said that people should call their office and they would direct them accordingly. He said they would also be preparing a one page information sheet advising how to troubleshoot problems with the radios and who to call.

Chief Mulvihill asked if he had a BDR number. Pat Irwin responded that he did not.

XI. Discussion of the Nevada State Board of Fire Service Appeals Process Responsibilities as set Forth by NRS 477.080 (6) which states:

"Hear appeals of orders, decisions or determinations made by the State Fire Marshal pursuant to his or her statutory authority."

- Steve DiGiovanni asked that this matter be put on the agenda. He stated that when he was reviewing the duties of the Fire Services Board he noted that a new one that the NRS had included was that the Board act as an appeals board. He stated that on further review he did not see any procedures in place. He added that he did not know the scope of involvement, the kind of orders that they could hear on an appeals basis and as a result he wanted to know if the Board could obtain this information in the form of a set of guidelines.
- Chief Mulvihill stated with regard to his duties and responsibilities he would make certain decisions related to issues, suspend or revoke professional qualification certificates, regulatory action against licensed contractors, their certificate registration holders or their employees. He added that they also receive requests for alternate methods and materials from architects, professional engineers and contractors relating to specific projects. He added that if a party objected to a decision that he would have made, that would have been the end of it on the administrative process. He said they would have then had the judicial review available to them.

He added that in revamping the Board of Fire Services and combining the FSSTC (Fire Service Standards & Training Committee) into it one of the recommendations was to have the Board act at an appeals level for decisions of the Fire Marshal. He thought this was a good idea as you could review the merits of the case, the technical issues of a case and there would still be the judicial review available above that. He stated that it was his understanding that they did not have specific rules and guidelines established. He stated you would be

functioning under existing state statutes and administrative code that related to administrative hearings, the administrative appeals process. He noted that that was established in state law and you would be following that process unless you adopted your own regulations. He considered those regulations comprehensive, had stood the test of time and they were well proven. He stated for that reason he could see the Board following the normal state process.

- William Geddes stated that what Chief Mulvihill had stated was correct. He stated that it was his understanding that the appeals board would be sitting to hear a matter that was being contested on appeal. He referred to the administrative process and gave an example. He said that typically a notification would be sent out that a business was violating certain laws or rules that would affect its license. An investigation would be done and the State Fire Marshal's Office would determine that there was a valid basis to go forward to withdraw the license. He said that the person holding a license would argue that they had a liberty interest and the Fire Marshal's Office could not withdraw the license without giving notice and an opportunity to be heard. He said the procedures in place as the State Fire Marshal was stating under ordinary administrative procedural act rules stated that when an administrative agency wants to take action against a license or something that implicates someone's protected constitutional liberty interest they should have the right to be heard to protect their interest.

He stated that the language in the statute that would allow the Board to act as an appeals Board had some ambiguity and was not clear. He added that this was why the question had been raised, to question what were they doing as a Board? He thought at a minimum the role might take on an expanded interpretation if the Board were to promulgate new regulations. He said that what would happen is that a company would be notified that they were suspected of violating the rules and then they would have a hearing with a hearing officer, in this case the State Fire Marshal. The business would present its defence and then the State Fire Marshal would issue a ruling as a neutral arbitrator. If the business disagreed then he thought on reviewing the statute, it would envision that the Board would be that appellate body and then a hearing could be convened with the business coming before the Board and they would state their case. He added that as Chief Mulvihill had previously stated, in addition to that there were other layers of appeal so the Board would state its decision and if the business disagreed they could appeal to a court. He thought that there were some holes that should be filled in through regulations.

- Chief Mulvihill confirmed that a recommendation had been made by a previous Board of Fire Services that some of the State Fire Marshal's decisions could be viewed as arbitrary and that there had been an additional avenue for somebody to have their case heard. He said that one of the reasons that the Board was comprised of a licensed architect and professional engineer was because of some of the issues that would come before the State Fire Marshal and due to the fact that those areas were regulated. He added that training officers and fire chiefs for issues concerning professional qualifications was important if the Board were to oversee appeals in those areas. William Geddes noted that an example the State Fire Marshal might be able to comment on was the issue of the settlement agreement entered into with Siemens. He said that in the event they had not settled and proceeded to a hearing that the company might have wished to appeal it to the Board. He said that this was a new statute and there had not been any appeals go before the Board. Chief Mulvihill agreed. William Geddes stated for any appeal, it would get noticed. There would be a meeting of the Board and then the case would proceed with each side putting on its evidence and the Board would act in a quasi-judicial capacity weighing the evidence and reaching a ruling. He said the process was quite informal and there was enough in the Administrative Procedures Act to give the Board guidance. He recommended that those procedures be followed.
- Steve DiGiovanni said that from what he understood there was no limit in scope now into when someone could ask for an appeal so the Board could be hearing a variety of cases. He referred to the established administrative appeals process and asked if it was an adopted NRS? William Geddes responded yes, it is NRS 233 (b) which sets forth the statutory framework. He added that the Attorney General's Office had produced multiple publications that overlapped concerning the appeals process. He referred to the initial comment made regarding scope by Steve DiGiovanni and noted that the Fire Services Board would not be taking actions outside of the scope of its powers.

- Chair Fogerson asked if written guidance could be sent to the Board members and William Geddes responded yes. He referred to the comment that there were some holes to be fixed in the NRS. He asked if offline staff could take a look at those things so that Board members would know what they were doing. William Geddes noted that he would have to check on the State Board of Fire Services grant of authority from the Nevada Legislature to promulgate regulations. Chief Fogerson asked about William Geddes serving as the Deputy Attorney General for the State Fire Marshal so when the State Fire Marshal was serving as a hearing officer he would be his lawyer. He noted also that when it would come to an appeal he would also be the Deputy Attorney General assigned to the Board. William Geddes responded yes and illustrated with a case from the DMV how his office could act in multiple capacities to avoid conflicts.

XII. Establish by the Nevada State Board of Fire Services a List of Priority Items That Will Enhance and Improve Services Provided to Nevada's Fire Services Discussion/Possible Action

Chair Fogerson, Chief, Deputy Chief, East Fork Fire & Paramedic District – Discussing with Board members and the public the establishment of priorities that will benefit and enhance the fire service throughout the State of Nevada

Chair Fogerson referred to a request made in a previous meeting to all Board members to make a list to take action on to help the Nevada Fire Services improve and enhance its services. He noted that he had spoken with Steven DiGiovanni and JoAnne Hill regarding these matters. Steven DiGiovanni referred to an issue brought up in an earlier discussion, the NFIRS funding and he suggested that Chair Fogerson write a letter. Eric Guevin asked Chief Mulvihill what the other two enhancements were as mentioned in an earlier discussion where NFIRS had been mentioned as the first enhancement. Chief Mulvihill responded that one was the issue of additional officers and the financing with the state. He explained that with only four officers to do regulatory and fire investigations plus inspections they were really short of staff. He had wanted two positions back out of the four that had been lost in the last session subject to available funding. The other enhancement was the recertification/accreditation of the I.F.S.A.C. financing process, the travel costs for the I.F.S.A.C. staff to come in every five years to review and re-accredit the training/certification program.

William Geddes, in reference to a previous discussion at the meeting, stated that he was able to confirm that both the State Fire Marshal and the Board do have the express authority to promulgate regulations. He noted that with respect to the Board, NRS 477.085 stated that the Board may adopt regulations which under (1a.) it determines are necessary for the operation of the Board. He added that one of the Board's statutory duties was to hear appeals and therefore if the Board wanted to adopt regulations to set forth procedures that did not conflict with the Administrative Procedures Act and did not conflict with the statute that would be something that the Board could build up over time. Steven DiGiovanni asked, when he said promulgate regulations, did that mean the adoption of a NAC? William Geddes responded yes, that you would have an administrative code section that would apply to your area. He added that there was a rule-making process that they would have to follow to get that done and he discussed it in some detail.

JoAnne Hill suggested that there be more inspections in rural areas. She felt it was a concern considering that staff had been cut back.

Thomas Tarulli shared that his main priority was that they maintain the position that testing, the certification process, the validation of the tests, the accreditation and fees continue to be funded. He noted that people like the fact that the service comes from the State Fire Marshal's Office, is overseen by the State Fire Marshal's Office and that it has the same process of testing and certification.

Chair Fogerson stated that this might be a future regulation if it was agreed upon by the Board and it concerned high hazard training such as live burn, rope rescue, swift water training for example, that the instructor of record that is in charge has to be an Instructor II. He added that this way they would know they have someone who is competent and that they have tested and certified in the state so they know that that person is qualified and for the protection and safety of firefighters in the State of Nevada.

Chair Fogerson added that he also wanted to be tied in with the Division of Emergency Management (DEM) credentialing system of professional qualifications.

Chief Mulvihill stated that the chief of DEM, Chris Smith contacted him and his staff had also been in contact with Dennis Pinkerton regarding involvement in the design of their credentialing system not only to assist but also to integrate our certificate system with their own. He added it was still in the initial fact-finding stage but both he and Chief Smith had made a commitment to work together and to reduce redundancy. Chief Mulvihill expressed a concern about their internal system which was a substantial Excel sheet and the possibility of the hard drive crashing. He confirmed that it was backed up but for the volume they were working with it was not an appropriate process. He noted that they needed to adopt more current technology. Bureau Chief Pinkerton noted that the system that DEM was working on was supposed to be able to communicate with FEMA in the event of a national disaster.

Elaine Pace asked for clarification and said did this mean they needed computer hardware and updated software. Chief Mulvihill responded no, that this was one of the reasons he was interested in working with DEM because they were receiving grant monies and so it would not cost the Board anything to start the system from their end. He stated that his personnel would be entering the information into their system instead of our own computers. He added that currently DEM was able to bring the system up and running and maintain it. He said he was just trying to ensure that there were no maintenance costs down-the-road, and if there are, how they would identify the funding for that.

Chair Fogerson asked about making two or more motions. William Geddes responded that perhaps they could break it down into a list of items but might first like to establish the priority list. There was discussion among the Board members about what items to include in the list and their priority.

Chair Fogerson moved to establish a priority list by the Board of Fire Services to work on the: 1. NFIRS program; 2. To maintain certification and credentialing process for professional firefighter qualifications; 3. Require Nevada certification for instructors of high hazard training; and 4. Provision of rural inspections and reduction of staff cutbacks responsible for those inspections. Elaine Pace seconded the Motion. Motion Carried.

Chair Fogerson moved that the Chair of the Board of Fire Services pursue the re-establishment of the NFIRS funding and allow him to submit a letter representing the Board's approval of this process to whatever parties are necessary. Eric Guevin seconded the Motion. Motion Carried.

JoAnne Hill brought up the issue of whether additional items should be included on future agendas. There was discussion from Board members and it was agreed that it had been properly placed on the agenda for the meeting that a list of priorities be discussed and created. There was some question as to the suitability in view of Nevada's Open Meeting Law of passing a second motion to write a letter where it had not been included in the Agenda for the meeting of October 25, 2012. It was recommended that the issue of the Chair submitting a letter could be place on the agenda for a future meeting. This would clearly reflect compliance with Nevada's Open Meeting Law.

Chair Fogerson moved to remove the Motion regarding the Chair writing a letter on behalf of the Board regarding the NFIRS program to be compliant with the Nevada Open Meeting Law. Steve DiGiovanni seconded the Motion. Motion Carried.

XIII. Public Comment - Chair Fogerson noted the following: No action may be taken on matters raised in context with this Agenda item prior to inclusion of the matter itself as an action item on a future Agenda. Public comments are limited to three (3) minutes. Comments will not be restricted based on viewpoint.

Pat Irwin, EMS Program Manager, State of Nevada Health & Human Resources – He noted that he had missed an item in his previous presentation. He referred to the national AVL Committee which is geared around the NFPA 1917 and the loss of the Triple-k standard. He noted that they had written letters to see if they would consider postponing that decision as it would cost the fire and ambulance services to change those standards in the way they were going and to adopt the NFPA baseline. He added that there were a lot of states that had incorporated the

Triple-k into their NRS and he said they were semi-quoted as following the Triple-k. He said it was an issue to watch and was a concern to the fire and ambulance services.

Eric Guevin referred to the NFPA 1917 and asked if it was the automobile standard. Pat Irwin responded it was the ambulance standard and he elaborated. A member asked if it was for the construction of an ambulance and Pat Irwin responded yes.

XIV. Schedule the Next Regular Meeting of the Nevada State Board of Fire Services

Discussion/For Possible Action

Chair Fogerson stated that with the Legislative Session was coming up but with no BDRs that affect the Fire Service they could consider an appropriate date in case they have to meet to provide direction and testify as a group rather than as individuals. A member noted that they could arrange for a telephone conference call meeting if it was necessary to call a special meeting as there was provision in the statute as to how Board members can call for a special meeting. Steve DiGiovanni suggested a teleconference meeting in January prior to the session. Chair Fogerson asked if they wanted to consider a January meeting. It was decided to establish two tentative dates. Chair Fogerson suggested January 15th and 17th at 2:00 pm.

Chair Fogerson moved that staff should schedule tentatively the next meeting either January 15th or 17th in the afternoon. Seconded by Steve DiGiovanni. Motion Carried.

- XV. Public Comment --** Chair Fogerson noted the following: No action may be taken on matters raised in context with this Agenda item prior to inclusion of the matter itself as an action item on a future Agenda. Public comments are limited to three (3) minutes. Comments will not be restricted based on viewpoint.

Michael Heidemann, Executive Director, Nevada State Firefighters' Association – Asked if the Board could meet at the Nevada Firefighters Conference on June 19-22, 2013 in Mesquite. He indicated that there might be a BDR that might affect the fire service personnel, Statute 616285A and he provided additional details. He asked about the Board's ability to put in temporary regulations and referred to the one for Instructor II for high hazard training. He asked if that could be placed on the agenda for the next meeting. Chief Mulvihill said that he would report at the next meeting regarding funding for the Board to meet in Mesquite.

XVI. Adjournment

Discussion/Possible Action

Chair Fogerson asked for a motion to adjourn the meeting.

Steve DiGiovanni moved to adjourn the meeting. Seconded by Chair Fogerson. Motion Carried.