

**TAHOE DOUGLAS FIRE PROTECTION DISTRICT  
BOARD OF TRUSTEES MEETING  
November 30, 2011**

**Those Present:**

Chairperson Brad Dorton

Trustee RJ Clason

Trustee Ann Grant

Trustee Kevin Kjer

Trustee Steve Seibel

Fire Chief Ben Sharit

Fire Marshal Mark Novak

Battalion Chief Dave Hekhuis

Captain Tim Allison

Captain Jim Hardison

Captain Chuck Salerno

Acting Fire Marshall Eric Guevin

Administrative Assistant Kate Warner

Administrative Aide Carrie Nolting

Guest Bob Cook

Guest Mike Bradford

**1. Action Item: Call to order.**

The meeting was called to order at 4:04 pm by Chairman Brad Dorton.

**2. Action Item: Pledge of Allegiance.**

Pledge of allegiance was led by Trustee Seibel.

**3. Action Item: Roll call.**

Chairman Brad Dorton, Trustee RJ Clason, Trustee Ann Grant, Trustee Kevin Kjer and Trustee Steve Seibel were all present.

**4. Action Item: Public comment.**

There was no comment.

**5. Action Item: Discussion and possible action. Approval of the consent calendar.**

Items:

- a. Approval of agenda.
- b. Approval of Minutes 10/19/11.
- c. Approval of Financial Statements 08/31/11 and 09/30/11.
- d. Personnel Policy – 3.0 Employment/Scope.
- e. Personnel Policy – 3.16 Employment/Job Offer Letters.

Trustee Seibel moved to approve the consent calendar items. Trustee Clason seconded the motion. No discussion. Motion carried with a vote of 5-0.

**6. Action Item:            Consent Items moved forward.**

There were none.

**7. Presentation:            Grant Thornton Annual Audit  
                                 Kara Griffin, Senior Audit Manager – Grant Thornton**

**New in this audit is the implementation of GASB 54.**

P19    Fund balances are split out differently, than in the past. Non spendable, committed, restricted and unassigned replaced reserved and unreserved (designated and undesignated).

P34    Note A13 explains each fund balance and what it means. “Non-spendable” is for pre-paid items, “restricted” is for capital projects, “committed” is the beginning fund balance on the budget, “assigned” is all the special revenue funds” and “unassigned” is only in the General Fund.

**Significant Deficiency Item**

P51    There were many adjustments made related to accurately reflecting accounts receivable accruals and recording the correct cut off between periods that were not correctly captured in the financial statements. This was noted in the previous year also. Since there are so many people involved in the reconciliation process, it would be beneficial for the District to create and implement a checklist with the reconciliations assigned to the appropriate person. As reconciliations are completed, they can be initialed and dated. This will ensure that all the reconciliations are done prior to the start of the audit field work.

Response: Management is working to implement as recommended.

**Verbal recommendations:**

1. Cash account (Community Involvement Fund) for donations, has been kept off the books and noted as such in the past audits. Fiduciary responsibility to report, even a small amount (\$5K), and recommended doing so in the General Funds.
2. To strengthen internal controls, it was suggested that the Board review a list of the individual staff expense reports (credit card expenses) each month, pull a sample expense and ask staff to provide supporting documents. The documentation is being kept and this would just verify procedures are solid.

**Attachments:**

- A list of Adjusting Journal Entries (AJE) made for this year.
- GASB 54 redefined the different governmental funds, these are small changes. She did not notice any to change this year, it should be referenced for new funds to be created in the future.

Griffin thanked the staff for their cooperation during the audit. The audit went very smoothly for all involved.



beginning in January and ending in December. Currently Zephyr Crew Lead Ryan Sanders is on track to complete the program on December 16. If one of our crew members does not get accepted, the funds would remain in the Fire Safe Community Fund.

Trustee Grant made a motion that \$9000 be set aside for scholarship funds for a Zephyr Crew member should one of them be selected for the 2012 paramedic program. The motion was seconded by Trustee Clason. No discussion. Motion carried 5-0.

**10. Discussion and Possible Action Item: Board of Trustee Goals 2011-12  
Chairperson Dorton**

Chairman distributed suggested topics for review:

1. Future management team plan
2. Future hiring plan
3. Apprentice/reserve program
4. Improve community core/hotel casino relations
5. Strategic Plan revision
6. Comprehensive training plan for all ranks
7. Update automatic/mutual aid agreement with SLTFD
8. Policies and procedures revisions
9. Interest based bargaining
10. Improving employee/management relations

Chairman Dorton noted that most of these were ideas presented by the candidates for the Fire Chief interviews and some are already being implemented by staff. He clarified that these goals are intended to provide communication and interaction on these projects between the Fire Chief and the Board, and not intended to micro manage.

Trustee Grant observed that most of the items are already underway and being implemented. She feels the Fire Chief should set his own objectives, and manage the Fire District. She feels the communication has been very good from her perspective, and reiterated that the Fire Chief needs time to settle in, as it has been a very chaotic time.

Trustee Kjer added that he felt the Fire Chief should set his objectives, the Board should set different objects and then they all work together to implement. He feels the Board goals for the current year (2011) should be re-evaluated, and then the Board can set new goals for next year (2012), like we did last year when he and Clason proposed the Board objectives for the Strategic Plan. He also reiterated, there are no issues with communication, the Fire Chief has a lot on his plate right now, and the Board should afford him the time to make his own plan of action.

Trustee Seibel cautioned not to micro manage the Fire Chief, the Board has hired the Fire Chief to do his job and the Board needs to depend on him to do it.

**11. Discussion and Possible Action Item:    *Employment Contracts***  
***Chairman Dorton***

Chairman distributed a draft suggesting that:

Any new or renewals of non-union employment contracts be presented and approved by the Board of Trustees prior to being signed.

Chairman Dorton said that there is inaccurate information out there that the Board is attempting to reduce current employee wages, and that is not the case.

Discussion:

Trustee Clason noted that it has been the practice to have the Board review the job descriptions, so he was surprised to find out that there are a variety of employment agreements. Having reviewed all the contracts, there is not a standardized template; there is quite a variety of versions and clearly a need for more consistency. He would like to have a mechanism for the Board to review employment agreements, and the financial exposure. He asked if there ever was a time when employee agreements were presented to the Board.

Chief Sharit was not aware of the history with Board approval, he reminded the Board that he saw the agreements just prior to them receiving their copies. And since developing his own agreement, a lot of updates were made and it has been his intent to use his new contract template with the job description and salary attachments for a complete update after the first of the year.

Trustee Grant sought historical information from former Fire Chief Guy LeFever, and he said no the non-union contracts had not been approved by the Board in the past. He said that it has always been management’s job to manage the Fire District. She said it has always been that the Fire Chief reports to the Fire Board, and the staff reports to the Fire Chief. She does not feel it is the function of the Board to approve all the details of all the employment contracts.

Trustee Clason voiced his concern that it seems to be more micro managing to approve job descriptions than employment agreements and there could be a potential risk with future Chiefs, who could negotiate an enormous severance agreement with a Chief Officer and then if they lose their job in the first 30 days, make the District liable to honor that agreement.

Trustee Grant stated that all the current contracts were “without cause” agreements, and all had been in place for some time, far outlasting the severance periods involved.

Trustee Clason feels the District needs to honor agreements currently in place, but wants to clarify things for the future.

Chief Sharit expressed his intent to be totally transparent, and to review future agreements on a one-to-one basis with the Trustees not in a public forum.

Warner added that it was her understanding from the POOL/PACT consultants that the reason the Board is approving the job description revisions is because they are part of the District policies which are totally separate from employment agreements. It was POOL/PACT's recommendation that the Board approve the job descriptions concurrently with the policy updates. They recommended that future employment agreements reference the job description as an attachment which was implemented with the Fire Chief's contract.

Trustee Kjer suggests that there just needs to be more uniform standard; he has no issue with current contracts, no issue with the Fire Chief handling the non-union contracts and suggests that the Board afford him time to make those changes.

Trustee Seibel feels it is good that the information is out there now, and he has no issues with current agreements. No intent for the Board to manage the staff, but would just like to see employment contracts in the future. The process the Board just went through with the Fire Chief's agreement was good to identify points, gain clarity and demonstrated the need for updates.

#### Public Comment:

Bob Cook, having served 16 years as a Fire Board Trustee, went through 4-5 Fire Chiefs; none of them had contracts like Chief LeFever's. The Board created the issue in the past by abruptly dismissing a Fire Chief; Cook supports that the contracts continue stating that the Chief Officers deserve the support and security to do their jobs without fear of unjustified dismissals. During his tenure the Board only dealt with Fire Chief's contract. The Board reviewed salary ranges, benefits in general and then trusted the Fire Chief to conduct business according to guidelines.

Mike Bradford said that this discussion seems to be a Human Resources issue, and it is not advisable to have contracts that are highly variable and it raises questions about the source of the agreements. The key should be to put protections in place for the Fire Chief, so that he has some structure but is able to work in a way that his decisions are not questioned. There should be some discussion as to how the contracts get reviewed, and what the form is that will be used. We are looking at levels of authority in terms of liability and expenditure. There should be some necessary guidance to say that within the levels of the organization, some can commit to X level of authority/expenditure and that level corresponds with their contract. The objective of the Board is to have the staff making these decisions, as long as guidelines are in place and are being followed.

Chairman Dorton wants to ensure that the fiscal responsibilities are protected. Not meant to reduce anyone's wages or current agreements in place; his intent was to lay ground work for future decisions. No further action taken.

**12. Report Item:                      *Review of Monthly Expenditures***  
***Chief Ben Sharit***

Comments:

Chief Sharit reviewed the employee reimbursements, and large or unusual expenditures.

- FF/P Pettit per diem for peer fitness trainer conference.
- FF/P Green ACLS equipment rental for use for training from REMSA.
- Captain Nalder purchased supplies for ENG exam.
- LV attorney fees for agreement review with LTCC for internship program.
- Station #5 windows have been replaced greatly reducing the highway noise and improving energy efficiency.
- Environmental studies were covered in Chief Novak’s report.
- Uniforms – Class C purchases.
- Parking lot/curbing resurfacing for BMP compliance.
- Chief Sharit per diem media training conference with AFM Guevin.
- Flyers Energy LLC was formerly Western Energetic is just a business name change – supplier for our diesel fuel.
- Forester Pickett per diem for TFFT workshop.

**13. Report Item:                      *Fire Chief’s report on previous month’s activities.***  
***Chief Ben Sharit***

**Service Recognition**

Assistant Chief Mark Novak	21 years of service
Battalion Chief Dave Hekhuis	21 years of service
Mechanic Gregg Gemmet	13 years of service

**Financial Summary**

- A fifth CD was purchased for \$200,000 with a May 2012 maturity date, totaling \$1,000,000 invested as the Board directed.
- Money Market Investments \$2,520,000.
- Noted under investments #2 September to October increased by over a million dollars, that is a replacement of funds used in July-August (\$600,000) funds to cover A/P and payroll. The first deposit was a CTX check (\$300,000), followed by the ad valorem check (\$700,000) so those Edward Jones funds were completely replaced this month.

**Attachments**

- Douglas County Family Support Council – Thank you for Firehouse Dinner – Debbie McFadden
- Lake Tahoe News – Announcement new Fire Chief
- Tahoe Daily Tribune – Kudos – Jack Harrington
- Tahoe – Douglas Rotary – Public Education – WHS Career Day – Cameron McKay

FF/Ps Parson, Pettit represented the TDFPD.

- AMB billable rates correlate with the drop in transports. Collection rate 48.5%, down considerably from past highs of 70% (5 years ago) which is a reflection of the economy and the high unemployment rate. Noted that new AMB rates went into effect in June 2011 and that the billing vendor gets 30% of collections.

Chairperson Dorton noted the positive PR from Forester Pickett, Captain Chuck Salerno, A/C Novak and the holiday turkey fryer article in Lake Tahoe News by AFM Eric Guevin.

**14. Possible Action Item: Public Comment.**

There was no comment.

Chairperson Dorton noted for the record that he had abstained from a vote on the Fire Chief's contract at the last meeting, and after a review with Mike McCormick, he said he, the Chairman cannot abstain unless there is a conflict of interest. For example if an action was to be taken on insurance, of which he is a beneficiary then he would have to declare that and abstain. He wanted to acknowledge the correct procedure for the record.

**15. Discussion: Confirm next regular meeting on Wednesday, December 14 @ 4:00 pm, possible agenda items**

Possible agenda items:

Appoint a new Board Trustee  
2012 Meeting Schedule

Direction was given by the Chairman to the Fire Chief to post the Board Trustee Opening in website immediately and to research the proper timing for the selection of the Board Officer positions – Chairperson and Vice Chairperson for 2012.

**16. Action Item: Adjourn.**

A motion was made by Trustee Seibel to adjourn the meeting. Trustee Kjer seconded the motion. No discussion, motion carried 5-0.

The meeting was adjourned at 5:10 pm.

This meeting was recorded on audio tape.

**Kate Warner**  
**Administrative Assistant**  
**Tahoe Douglas Fire Protection District**