

1                                   **NORTH LAKE TAHOE FIRE PROTECTION DISTRICT**  
2                                   **BOARD OF DIRECTORS TRAINING MINUTES**

3  
4                                   **December 14, 2016**

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6   **LOCATION:** 863 Tanager, Incline Village, Nevada.

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8   **MEETING CALLED TO ORDER:** Chair Herron called the meeting to order at  
9 12:00 p.m.

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11   **ROLL CALL OF THE NORTH LAKE TAHOE FIRE PROTECTION BOARD OF**  
12 **DIRECTORS:** Upon roll call, the following Board Members were present  
13 Susan Herron, Vice-Chairman; Dennis Perry.

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15   **ROLL CALL OF THE NORTH LAKE TAHOE FIRE PROTECTION BOARD OF**  
16 **DIRECTORS -ELECT/ APPOINTED:** Denise Bremer, Director Elect; Jim  
17 Costalupes, Director Elect; Greg McKay, Director Elect; Susan Herron,  
18 Chairman Elect.

19  
20   **GUESTS PRESENT:** Ryan Sommers, Fire Chief; Devon Reese, Legal  
21 Counsel; Geno Menchetti, Legal Counsel; Tia Rancourt, Public Information  
22 Officer; Beckie Dunn-Spomer, Admin Assistant.

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24   **APPROVAL OF AGENDA:** Approved as submitted.

25  
26   **NRS 241.020 RE: PUBLIC COMMENT: This is a Time for the Public to**  
27 **Comment on any Matter, Whether or Not it is Included on the**  
28 **Agenda of this Meeting.** No Public Present

29  
30   **CONSENT AGENDA.** Consent Agenda is approved as submitted.

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32   **NEW BUSINESS:**

33  
34   **1. Presentation by NLTFPD District Counsel Geno Menchetti - Review**  
35 **and discussion of NLTFPD Board of Directors roles and**  
36 **responsibilities including an overview of ethics. This presentation**  
37 **may also include an overview of the District operations, etc. by**  
38 **District Fire Chief Ryan Sommers.**

39 Ryan Sommers, Fire Chief announced the promotions of new Assistant Fire  
40 Chief, Bryan Calder; Battalion Chief, Dave McClellan and Captain Jed Horan.  
41 Chief Sommers said there would be a formal introduction of the promoted  
42 staff in January at the Board of Directors meeting. He then passed out an  
43 organizational chart and explained briefly its use and the daily  
44 responsibilities of staff. Chairman Herron asked if the blank spots on the  
45 chart were available positions. Chief Sommers responded, no all positions  
46 are filled at this time. Chairman Herron questioned the placement of the

1 legal counsel reports. A suggestion was made to move their placement on  
2 the organizational chart, to show them in line with Chief Sommers and  
3 reporting through Chief Sommers to the Board.

4 Legal counsel Geno Menchetti started the training and said there were three  
5 main areas to be discussed; Ethics, Local government purchasing act, and  
6 open meeting requirements. First topic is Ethics the Do's and Absolute "Shall  
7 not's". Legal counsel Menchetti presented handouts about Ethics and  
8 responsibilities of the board members. He then instructed the Board elect  
9 members to the last page in the handout as a form that must be filled out  
10 and returned to the Business Manager, Sharon Cary. He then talked about  
11 Ethics and receiving gifts as a Board member. Quoted statute; "A public  
12 officer or employee shall not seek or accept any gift, service, favor,  
13 employment, engagement, emolument or economic opportunity which would  
14 tend improperly to influence a reasonable person in the public officer's or  
15 employee's position to depart from the faithful and  
16 impartial discharge of the public officer's or employee's public duties.

17 [NRS 281A.400 (1)]" No gifts shall be received, as to not avoid the  
18 interpretation of favors for gifts. He gave examples of such situations.  
19 The next topic discussed the use of Public property, as stated in the hand  
20 out in Section III part G. "A public officer or employee shall not use  
21 governmental time, property, equipment or other facility to benefit the  
22 public officers or employee's personal or financial interest." [NRS 281A.400 (7)]  
23 Next discussed seeking employment in in Private World, and quoted the  
24 presentation Section III part I as, "A public officer or employee shall not  
25 seek other employment or contracts through the use of the public officer's or  
26 employee's official position, [NRS 281A.400 (10)] then sited examples of  
27 such.

28 Then Menchetti started a discussion on the "**SHALLS**" the Board members  
29 must adhere to. Instructed members to be careful in anything you do to deal  
30 with the Government. Introduced the financial disclosure form and whether  
31 or not it applies to our district. When in doubt just do it in regards to the  
32 form. [NRS 281A. 660] Counsel Menchetti advised the board members elect  
33 that counsel is on their side and the Legal team at, Reese Kintz Guinasso,  
34 LLC are here for the board, to help them thru any ethics questions or  
35 situations that arrive.

36 Discussed conflicts of interest, Members must disclose any conflicts of  
37 interest perceived or real. In relation to voting it is better to disclose any  
38 situation and let it be sorted out by counsel.

39 Asked for questions on Ethics, no questions presented.

40  
41 Counsel Menchetti started training on Local Government Purchasing Law.  
42 Chapter 334 and 332 states if a government buys a product in excess of a  
43 certain dollar amount it must go to a public bid. There are exceptions that  
44 allow us to avoid the public bidding process, one of which is we use the  
45 states purchasing process. If you ever encounter this situation it states that  
46 you must give the bid to the most responsible and responsive bidder on the

1 project. Chairman Herron mentioned an exception in dealing with  
2 professional services such as insurance and computer services. Chairman  
3 Herron mentioned Chief Sommers spending limits; he stated that the  
4 internal limits are \$25,000. Counsel Reese explained that the mission, with  
5 regards to the law is to get the best price for the public dollar and by using  
6 the states bidding process we can use their resources, and the process they  
7 have already gone through. Counsel Menchetti added that when doing a bid  
8 make sure to add the words "and equivalent" afterword's to avoid any  
9 problems.

10 Asked for questions on the Local Government Purchasing Act; No questions.

11  
12 Counsel Menchetti started training on the Open Meeting Law. Counsel  
13 explained Nevada has the strictest open meeting law in the country.  
14 Counsel works with Chair to ensure that they follow the open meeting law to  
15 the letter and avoid any chance of intentionally or unintentionally violating  
16 the law. The Law has strict penalties for intentionally or unintentionally  
17 violating the law. There are very few exceptions to the Open Meeting Law;  
18 attorney client privilege is one but very few other exceptions. There is also  
19 an exception to personnel discussions of an individual's performance or  
20 physical limitations, but this also comes with very few exceptions and rules.  
21 Next is the Agenda and staff refers to counsel, and chair as to the agenda  
22 before posting. When writing the agenda it must be clear and complete and  
23 give adequate notice and provide for public comment. It must be made  
24 available if requested. The board can choose where public comment can be  
25 discussed, but must be at least twice. The Agenda must be in writing, and  
26 posted within adequate time, three days is required and at appropriate  
27 places in district. There are exceptions to this rule in emergency situations;  
28 Counsel Menchetti gave examples. The agenda must reflect the nature of  
29 the emergency and why timely notice could not be given. Refer to public  
30 statue on all reasons for emergency meetings. Authority has been given to  
31 the chief and he is trained for emergencies, he is immune from law suits,  
32 board members are not. Instructions were given, "to let the Chief do his job  
33 and ask questions in an informal matter". An example of a closed meeting is  
34 to discuss "the character, alleged misconduct, and professional competence,  
35 physical or mental health of a person," the person being evaluated has the  
36 choice of open or closed meeting. However the chief or managerial officer  
37 must be in open forum. Chairman Herron discussed the process of reviewing  
38 the fire chief, to bring negative issues to Chief before bringing it in front of  
39 an open meeting. Counsel advised board members to stick with agenda,  
40 they will remind members during meetings to stay on track and not veer  
41 from agenda topics.

42 Director Perry brought up an example of going off topic and how to advise  
43 chair on bringing the topic to the agenda for next meeting, Chairman Herron  
44 mentioned items to be brought up in board member comments, as to adding  
45 the topic to the next agenda.

1 Counsel Reese discussed the counsels responsibility of interpreting the law  
2 and how they can help stay with in the open meeting law. He also bought  
3 up examples of current issues in the news of open meeting violations and  
4 how to avoid them. Restated how the agenda must be clear and complete,  
5 and available to anyone that requests it.  
6 Counsel Menchetti discussed regulations for staff before and after meetings  
7 and that they must be adhered to, such as meeting minutes, the timelines  
8 and postings. He commended the staff for being present and involved in  
9 this training and thanked them for their hard work. He also welcomed the  
10 new board elects and reminded them that counsel is here for any questions  
11 they might have. Chairman Herron mentioned that all meetings must be  
12 recorded. Director Perry asked about board members being present by  
13 phone. Counsel Menchetti answered by saying that as long as the public can  
14 hear them it is acceptable. Chairman Herron brought up the subject of  
15 conversations of board members outside of public meetings. The law states  
16 that you cannot poll the board, so you are advised not to have discussions  
17 with board members outside of the meetings. The law says you must make  
18 all decisions in public. Do not send emails or use electronic communications  
19 to discuss District business, other than the monthly board meeting.  
20 Asked for questions on the Open meeting law; No questions.

21  
22 **NRS 241.020 RE: PUBLIC COMMENT. This is a time for the public to**  
23 **comment on any matter, whether or not it is Included on the agenda**  
24 **of this meeting.**

25 No public present.

26  
27 **Meeting Adjournment.** Chair Herron adjourned the meeting at 1:10 p.m.  
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33 Sharon L. Cary, Secretary

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33 Susan Herron, Chair