

North Lyon County Fire Protection District
195 East Main Street
Fernley, Nevada 89408
District Office (775) 575-3310 District Fax (775) 575-3314

MINUTES

NORTH LYON COUNTY FIRE PROTECTION DISTRICT

August 10, 2023

1. Call to Order

The meeting was called to order by Chairman McCassie at 1702 hours. Directors present included Dan McCassie, Mike Callagy, Harry Wheeler, and Jay Rodriguez. Director Murphy was absent.

The Pledge of Allegiance was led by Chief Nicholl. A moment of silence followed.

Captain Mendoza stated that it sounds like Zoom is messing up again and nobody can hear it.

2. Public Comment (No action will be taken on any subject during public participation until it has been properly placed on an Agenda for a subsequent meeting. Public comments are limited to 3 minutes.)

Chairman McCassie asked if anybody was online for public comment.

Mr. Stephen Emery confirmed that no one is unmuted at this time, but it was said that we do not have audio. It appears that it was not on. He explained that it should identify by the microphones on each side of it and it will light up. It appears the speaker was not on and is working properly now.

Chairman McCassie stated that he was going to repeat #2.

2. Public Comment (No action will be taken on any subject during public participation until it has been properly placed on an Agenda for a subsequent meeting. Public comments are limited to 3 minutes.)

Chairman McCassie asked if there was any public comment.

Mr. Stephen Emery confirmed that everyone is still muted.

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3. CONSENT AGENDA*(All matters listed under the consent agenda are considered routine and may be acted upon by the Board of North Lyon County Fire Protection District with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

3a. Review and Approval of Board Agenda

3b. Review and Approve Board Minutes

3c. Review of Summary Reports

Mrs. Shannon Moffet shared that there is a correction on the Board minutes for May 16, 2023. She stated that on page 5, line 5 it reads \$6000,000.00 to \$700,000.00 and it should read \$600,000.00 to \$700,000.00. She explained that the copies in the Board packets are not corrected but it is correct in the copies to be signed for approval.

Director Wheeler made a motion to approve the CONSENT AGENDA

Director Callagy seconded the motion.

The motion carried as follows: 4-0-1

McCassie	Aye	Murphy	Absent
Callagy	Aye		
Wheeler	Aye		
Rodriguez	Aye		

4. Discussion and possible action regarding Revenue and Expenditures*

4a. Enterprise Fund Revenue and Expenditures

4b. General Fund Revenue and Expenditures

Mrs. Kasey Miller shared that we do not have anything at this time because we are crossing over from the last fiscal year to this fiscal year and the system will not let you run reports. There will be one for next time.

5. Consideration, discussion, and possible action regarding job performance of Joseph Mendoza, including possible discipline up to and including termination*

Chairman McCassie shared that this was supposed to be a closed-door session, but Mr. Mendoza asked that we keep it open, so we are going to do that.

Attorney Rebecca Bruch advised Chairman McCassie that under the circumstances, she would suggest that Chief Nicholl be requested to leave.

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Chairman McCassie stated that we will move forward with the personnel session for consideration for policy violations, there are 4 of them listed and he would like to do these one by one.

Attorney Rebecca Bruch suggested that this would be Captain Mendoza's opportunity to present whatever he wants to present. She added that if he wants to address these one by one, it may be simpler and cleaner if you let him present whatever he wants to present.

Chairman McCassie then asked Captain Mendoza if he was prepared to present.

Mrs. Kasey Miller then asked Chairman McCassie if he was moving onto item #6.

Chairman McCassie proceeded to go on to open session for item #6 per Captain Mendoza's request.

6. Closed Personnel Session for consideration and discussion of job performance of Joseph Mendoza – Open Session

Captain Mendoza stated that the Board has copies of what he has in their packet. The notes of his personnel evaluation. He stated that there are 2 evaluations in there and he stated that he hopes they have read through them. Both evaluations show that he has exceeded standards at the time the evaluations were noted and signed. He would like to make note in this meeting that his 6-month and his 12-month were done on the same day for whatever reason. In there, there was no note of disciplinary issues or administrative action at that time. Joe Mendoza stated that the Board had moved him over to their supervision, and he would like to ask about the exhibits that they presented. Who gave them those exhibits and where did they come from.

Chairman McCassie asked which exhibits.

Captain Mendoza stated that the emails that were sent from POOL PACT, also what they are claiming in the time discrepancy, he is asking who they came from.

Chairman McCassie stated that the POOL PACT attorney gave them to the Board. Captain Mendoza is asking through whom because those are assigned to the Chief and Kasey. He stated that it sounded like the chief brought it to their attention, which you guys moved me from his supervision so that he couldn't do anything retaliatory or targeting against him. He stated that now the Board is receiving information from the Chief to discipline him, and he wanted to make note of that, he doesn't think they are making good decisions here.

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Chairman McCassie asked Captain Mendoza who the supervisor was who did his evaluation, and Captain Mendoza responded that it was Battalion Chief Tim Myers, who was assigned to his Battalion who he reported to for the whole year.

Chairman McCassie added that there was some question of some other policy violations that he is unsure if they can ask Battalion Chief Myers. Captain Mendoza stated that he gives Battalion Chief Myers full privilege to say anything he needs to say about him. Chairman McCassie asked Tim Myers if he was aware if there were any policy or administrative violations. Tim Myers stated that he was not aware of that. Chairman McCassie asked if we could be more specific.

Captain Mendoza stated that he would ask to be more specific. Chairman McCassie shared that there was a school administrator who filed a complaint. Captain Mendoza then asked what school that was, and if it was Cottonwood Elementary. Chairman McCassie answered, yes. Attorney Rebecca Bruch tried to interrupt, and Chairman McCassie advised to let the Pool Pact attorney give a little bit of advice.

Attorney Rebecca Bruch stated that Captain Mendoza has been provided with those pieces of paper that you also have. Those are the issues that are for your consideration, for you to determine whatever you are going to determine. So, he was not provided, and it was not before you, anything outside of those documents that were in the board packet. Chairman McCassie added that he was just asking a question because if the person that did the evaluation was aware of that complaint.

Captain Mendoza added that that complaint was also brought up during the investigation of the assault that Chief Nicholl had on him because months later, he went and pried with that administrator to get a statement from her, months after the fire sprinkler broke, which has been notated in the investigation and has been sent to his attorney already because he was trying to create something to discipline him with. He added that we already have a history of this, and it seems like we are repeating the same deal.

Chairman McCassie asked if anyone had any questions or comments about evaluations.

Director Callagy had a question regarding the evaluation, it had nothing to do with that because that's not brought up in here of any of the 4 items we are allowed to speak about tonight. He mentioned the training class with POOL PACT and stated that there was a disturbance and a complaint made about Captain Mendoza on Wednesday, March 22, 2023. Director Callagy asked Chief Myers if he was not aware of this incident while completing either one of those reviews. Chief Myers answered that he was not, and Joe Mendoza added, nor was he, and that he is presenting his evidence as well.

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For the record, Ryan Whitlock, PFFN, stated that he is here helping represent Mr. Mendoza. He is asking when the evaluations were requested, completed and he asked for a copy. Chief Myers answered that he thinks it was the day after the signatures.

Attorney Rebecca Bruch interrupted stating that she is also trying to be aware of the record, people speaking without identifying themselves, so later on when we try to make sense out of this, she would request that each person identifies themselves before they speak.

Mrs. Kasey Miller added to speak loud and concisely so we can get the minutes exactly right, please.

Chairman McCassie asked the gentleman to identify himself.

Ryan Whitlock, with Professional Firefighters of Nevada, here on behalf of Joseph Mendoza. He stated that he is looking for the evaluations and what date they were both completed on.

Attorney Rebecca Bruch interrupted again asking everyone to identify themselves before speaking.

Jay Rodriguez, Board of Directors, stated that the date was June 22, 2023. He also shared that it is the 6 month, and it is from July 1, 2022 to December 31, 2022.

Captain Mendoza is asking when it was presented and signed by him.

Mr. Aaron Mouritzen, attorney for the district again, advised before speaking, to state your name, who you are and make your statements.

Jay Rodriguez, Board of Director shared that the 2nd evaluation was evaluation time frame from July 1, 2022, to June 20,2023 and that was also signed on June 22, 2023.

Ryan Whitlock, PFFN, making sure he is understanding correctly, they were both signed at the same time and presented towards the end of his probationary period. Just for the record, he stated that he wanted to make sure we were all on the same page.

Chairman McCassie stated that there was a question about the email from the instructor.

Director Callagy, for the record, stated that when evaluations were done, he was not aware of this complaint when he completed evaluations.

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Chairman McCassie asked Captain Mendoza if he had anything else.

Ryan Whitlock, PFFN, stated that he is confused. He asked if we are having him defend his spot, or do you guys have allegations against him, you need to be presenting to us so we can help you understand our position. He stated that he's not sure if this is an investigation or a hearing. He asked that the Board identify that for him.

Mrs. Rebecca Bruch, attorney for the department, stated that this is a potential discipline and performance evaluation issues, partly because the end of the probation coming up, as well as issues that have arisen. Those have been identified and it is Captain Mendoza's opportunity, after that information was presented to him, which it was, he now has an opportunity to present to the Board whatever it is that he wants to present in defense of those issues that have been identified as part as the 241 notice, as well as the board packet. After he presents everything that he wants to present and you ask whatever questions you want to ask, then it will be up to the Board to vote on what action they want to take, if any regarding those concerns that have been raised. She reminded the Board that they are sitting in the shoes of Chief Nicholl. Because they are put in the place of Chief Nicholl, that is the stage of this proceedings that you are at. Once this is done, whatever decision that you make, if it is something that there is any adverse action taken, if it is appealable, then it will get appealed back to the Board and there are options in that process that could be handled differently than here. For now, you are at that first level of looking as if you were the chief, evaluating Captain Mendoza. She stated again that he's been notified of the concerns, and it is his opportunity to present whatever he wants to present.

Director McCassie added to answer your question, in the packet, there were 4 particular that need to be addressed and that's why we are here. He was given this packet to come and explain.

Ryan Whitlock stated that he understands but there is more back story on that, on the allegations that are being brought up against him. For further explanation for us, it is customary and appropriate for you guys to bring to his attention that he's being brought up on these charges and allegations brought against him. He stated that the letter was sent to him by POOL PACT, he is asking if he or she is here today to testify against his witness. He stated that these are the things we need to know going forward because, without that, he's ready to testify on his behalf and in good standings. He shared that he completed the course, and he did everything in good standing. Mr. Ryan Whitlock stated that he is confused about the fact that you guys should be telling him and walking him through, what the allegations are regardless of the packet, going through it line by line, so we can dispute each one and give you a clear picture on what truly happened.

Attorney Rebecca Bruch stated to Chairman McCassie that Captain Mendoza knows what he knows, you know what those pieces of paper say, he can respond how he wants to, he would

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request a continuance of this hearing because he wants to talk to somebody from Pool Pact. If they choose to talk to him, they can or not.

Ryan Whitlock for the record, added that if we are going to be talking, please state your name as well.

Mrs. Rebecca Bruch, Attorney for the department stated, likewise as the Board, sitting in as his supervisor would like more information because no action has been taken based on the information that POOL PACT provided. If you want to adjourn this and reschedule it, then you can follow up with POOL PACT to get more information. You have that opportunity as well as Captain Mendoza can make that request and it is up to you to decide whether you are going to grant that or not.

Director McCassie for the record, stated that the email was in the packet and that should have been the time that it should have been challenged or a request for that person to be here or an explanation of it. It was over a training incident that had to do with the timecard incident. Director McCassie asked Captain Mendoza if he had any defense on the timecard.

Joe Mendoza, Fire Captain, North Lyon Fire, stated that the Board sent him the memo on August 2nd, he added that the Board is accusing him of violations of policy 12.1.1.1, conduct unbecoming a paid member. He stated that they were the ones that said that, and he is asking what the conduct unbecoming of a paid member is here, so he can review that.

Attorney Rebecca Bruch shared with Director McCassie that the document speaks for itself, he has been specifically informed of those sections of the personnel policy which he's identified. It is her opinion that he does not have an obligation to justify what is on there, you have made no decisions about any of this. All you have done is identify areas of concern that you are looking for information. That is your job as this Board sitting as his supervisor to get his response to whatever extend that he wants to provide that. If he wants to sit here all night and bring in witnesses, that is his right to do that.

Chairman McCassie stated that it is in the email that they are discussing the timecards. He added that Captain Mendoza was given that and that is why they are here, to have a discussion about it.

Mr. Joe Mendoza shared that the Board was directed not to tell how he's been unbecoming. He stated that we will move to the allegation that they have against him in violation of policy 12.1.1.11- dishonesty, including intentionally or negligently providing false information, intentionally falsifying records, employment applications, or other documents. He is asking the Board what that is in regard to.

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Director McCassie, Chairman for North Lyon County Fire, that would be Exhibit 4, those are the allegations that were given to you.

Captain Mendoza stated that in regard to falsifying his timecard, which is not true. He shared that he never had a break in duty from the organization and he was on a 48-hour shift. He stated that the last call that he ran was at 4 o'clock in the morning. He added that they do not continue to do reports at 4 o'clock in the morning, we get to sleep. He explained that he woke up at about 7 o'clock to get ready for the shift change, do charts, review charts, do his report for the 4 o'clock call, and then clean the room up, get the rigs cleaned up for the next shift, do a handoff report to the crews. Captain Mendoza stated that he was going to run late, and he contacted POOL PACT before the time class was going to take session and advised them that he was getting off shift and was going to be a little late if that was okay. He was advised on the phone to go ahead, take his time and get here. It was not a big deal, he started driving and once he left the department and forgot his book, so he turned around to go get his book and went over to POOL PACT, in which, when he got to POOL PACT, he made contact with the instructor, and they had just completed the first module. He let the instructor know that he was there and asked what he needed to do. The instructor had mentioned to him that if you miss an hour of the class you have to take the whole class over and that he was welcome to stay but would have to take the class over. Which, Captain Mendoza's response was, not according to his email, in which he said he was being rude or however he was describing it, if he wasn't going to get credit for this class, he was not going to sit here for the next 7 hours and not get credit, he stated who in their right mind would. He then asked if it was possible to make up the module at lunch, which the instructor agreed to and during Captain Mendoza's lunch hour he completed the module and had a conversation with him about that module after lunch and it was done. He stated that he never had a break in duty and when he filed his timecard, he filed it for 9 hours. It was an 8-hour class, and it was 1 hour and 10 minutes from here to the class, he should be compensated for his drive time, for the miles, and for his meals for a training that the department mandated, he didn't even put in for those things. He just put in for the basic time, his time being there. The next pay period he stated that he was shorted on his check, and he went to Kasey Miller to discuss the shortage of his check on overtime, and she stated that the Chief took that off, which Captain Mendoza was never notified of him adjusting his timecard nor did he have any conversation whatsoever as to why his timecard was changed. He then explained his explanation as to why he was late, and she was going to talk to him about it. After that, the next pay period came through, he stated that he just followed up with a note as far as the timecards. The note stated that, was short in OT last pay period, please make it right. He added that he never put it back on there, there was never a conversation and the chief responded to him from that next pay period request on his timecard with a letter that he stated he was sure he had given the Board. It says overtime, and it was his explanation of why he was docking his overtime and he says he was over 1.5 hours late to class, but he was still doing district business and he was still driving to training. He stated that you just don't take a break in between and go. Captain Mendoza added that that is his justification for applying it. The reason why he didn't file a grievance is because dealing with all

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the hostile work environment investigations, his attitude and his demeanor towards us, from that time until March because it just started in February. He stated that he was exhausted with this guy and 1.5 hours of overtime wasn't worth his effort anymore, so he just let it go. Not once had he ever heard anything else about it. This happened in April, and we are talking about this in August, and he stated that he thinks it is kind of late.

Captain Mendoza then asked the Board if they had any questions about what he just presented. None of the Board Members had any questions for Mr. Mendoza.

Chairman McCassie then added, moving on to 12.1.1.12- willfully or intentionally violating or failing to comply with the district's policies, rules, regulations, and/or procedures.

Captain Mendoza stated that he did not know what else that would be other than what he just explained to the Board.

Joe Mendoza, Fire Captain, North Lyon County, to even comment on the email that POOL PACT was sending back and forth to the chief and Kasey, not once did that instructor ever say anything. Everybody in that class was having a good time learning the process, it was open form, they encourage you to have conversation and be involved. Captain Mendoza stated that he was one that was involved with the conversation. He stated that he does not know why he would come and say that he was disrespectful or being disruptive. As an instructor himself, he would nip that immediately and have a conversation with the student and not let that go for 8 hours. He stated for this being the first time that he is hearing about this, he thinks is insane. This is not how you run a class. If his allegations were true, which they are not, he should have put it away quickly as an instructor. Captain Mendoza shared that he had no idea that that email was even an existence, and the instructor felt the way he felt the way he felt, and he would never tell another instructor what to do in his class.

Chairman McCassie stated that they had a discussion on all 4, policy violations. He asked Captain Mendoza if he had anything else to add.

Ryan Whitlock for the record, PFFN, is asking if all these violations are in regard to the one allegation from the email from the POOL PACT training.

Chairman McCassie stated that it has something to do with the timecard modification.

Ryan Whitlock stated that the timecard modification directly related from the POOL PACT training which he basically described that he did indeed meet all of his time required by the

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mandatory training, correct. He then added that he wanted to make sure that we are all clear that these are all identified to that one incident.

Chairman McCassie asked if Captain Mendoza had anything else to add and he answered, no.

Chairman McCassie added that he'd like to give the Board a minute to think about it.

Joe Mendoza for the record, stated that it has already been alluded, but he wanted to make sure that the Board understands that he did complete the required hours and the class. He stated that they should have a copy of that as well.

Director Callagy for the record, asked Captain Mendoza if he had a copy or certification that he completed 100% of this class and asked to see the document.

Chairman McCassie asked Captain Mendoza to present copies to the Board members.

Attorney Rebecca Bruch advised Chairman McCassie to make the copy of the certificate as an exhibit for the Board packet.

Chairman McCassie stated that he was given a Certificate of Completion, POOL PACT Human Resources presented a certificate to Joseph Mendoza Jr., essential management skills and public sector certified program, dated March 23, 2023. He stated that he would like to add this to the record. Chairman McCassie then asked if anyone had any other discussions, comments, or questions.

Director Callagy for the record, stated that he had a question for Captain Mendoza regarding the email that was sent from Stacey from POOL PACT.

Mrs. Kasey Miller asked Director Callagy to please speak up.

Director Callagy stated that the question he has for Captain Mendoza is regarding the email sent about him being late to class. He then asked him if he had that email in front of him. Director Callagy also asked for the email from Jeff Coulam.

Chairman McCassie added to be clear, which email is that.
Director Callagy stated that it is part of exhibit 1.

Chairman McCassie asked if the question was regarding the 1.5 hours.

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Director Callagy stated that he wants Captain Mendoza to address the email line by line.

Director Callagy asked if he would like him to read it then he can address it or he can read it and address it himself.

Captain Mendoza for the record stated that it was obvious that the Board has a lot of concerns. He's asking that they bring up their concerns so he can respond.

Director Callagy added that he would read it and ask him to respond.

Hi all,

Joe was 1.5 hours late to class today. He called around 8:45 and said he just got off his shift and was leaving to come. He showed up around 10:30. As you know, all participants must sign off on our attendance policy when they sign up for the program which states that participants who miss more than one hour of a session will not get credit for the session. As Joe came in when the class was on their morning break, Jeff (who was facilitating the class) reminded Joe of this policy. It seems that Joe was not very pleasant in his response. I have asked Jeff to summarize the events for you, but he will not be able to do it until tomorrow as he is facilitating a class all day.

Director Callagy asked Captain Mendoza if he was aware if he was more than 1 hour late for the session that he would not get credit.

Mr. Mendoza answered, not until he made contact with the instructor that morning.

Director Callagy shared that it says that as you signed up, all attendees are made aware of this policy.

Mr. Mendoza stated that he does not recall any of that. He also added that knowing that he was coming from Fernley, he would assume that Stacy would say that you aren't going to make it in time because it is going to take more than an hour to come from Fernley. He stated that he did not know that information until he got there.

Director Callagy asked if Jeff told him that after he spoke with him when he arrived at 10:30 that he could sign in and take the rest of the session but may need to take the session over again due to being late.

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Captain Mendoza stated that he did say that earlier in this meeting and he did bring that to their attention, in which his response to him was that he just drove an hour ½ or so to this place. If he is not going to be able to get credit for this session, he would rather leave and go home and be productive. He explained that it would be a non-productive day sitting in a session that he would have to retake. His request from him was if it was possible that he could work through his lunch hour to make up the one module that he missed. The one module he missed, he agreed to allow him to take the lunch hour to complete the work. Captain Mendoza shared that he does not know who the instructor consulted with, but he consulted with someone else within POOL PACT because he did not have an immediate answer for him. He stated that he came back and gave him the answer and said that he would be allowed to make that module up in the class. Captain Mendoza shared that it was interesting, and he would also like to bring up that the instructor said that he was agitated or became argumentative. He shared that he doesn't think that any instructor would allow somebody leniency or accommodations if he was being aggravated and oblivious with him. The fact that the instructor extended him the opportunity to make that module up, when he could have easily said it is policy. Captain Mendoza stated that he is beside himself with these allegations. He also stated that he did work through his lunch hour, which he should get paid for.

Director Callagy stated that that is all the questions he has for Captain Mendoza.

Captain Mendoza for the record, there has obviously been a lot of discussion about what is in these packets, the exhibits, and he stated that the Board is not asking a lot of questions at all. He stated that he appreciates the questions that Mr. Callagy has because it shows that you guys are trying to figure out what is actually happening. He did explain that there is more in the packet that they are talking about that they are not allowing him to give an explanation. Captain Mendoza stated that he would appreciate it if there is anything else that they would like to bring up and have a conversation.

Director Callagy for the record, Captain Mendoza again, stated that he has been presented with everything that has been presented to the Board. He stated that this is his time to dispute or ask questions about this, not for us to ask questions other than what he just asked him. He stated that they are not here to present line, by line, by line, that they have what he's got. He added that if there is something in there that he disagrees with, they would love for him to please state how he disagrees. Director Callagy stated that that is what this session is about, it is not about presenting.....

Captain Mendoza stated that he gets it. For the record, he stated that he reads violation to policy, which are pretty vague. There are a lot of things within those violated policies and the exhibits you give him. He stated that he doesn't know their intention or what their perception is but that is what he is here to correct. Their perception, whether it's right or wrong of these violations,

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you are not giving him an opportunity to address their perception. He added that they are going to make a decision based off of their perception of what the chief has given to them as violations, then that doesn't give him the opportunity to give them an explanation so that they could then set the record straight. Captain Mendoza stated that if that is the way they want to leave it, he is fine with that. He wanted to make it clear that he is trying to understand their perception of said violations so that he can give them an explanation.

Director Callagy, for the record, Captain Mendoza, that is exactly what this session is for. This is not for them to tell him what their opinion is. He explained that Captain Mendoza is defending or explaining the situation with the information we have here and the information that he gives us, we put it together, make a question, and make a decision. If there are questions, after you have answered something, we will present them. Director Callagy explained to Captain Mendoza that this is his time to ask the appropriate questions regarding his concern about whatever section, how he views it and what he thinks about it and give them that information. Director Callagy stated that that is what they are asking.

Mr. Mendoza asked that if he were to ask the Board questions about what he thinks about these things, come on guys, it is pretty obvious. He stated that the Board has to tell him what is it, he is not going to sit here and make a bunch of ideas or assumptions of what they are thinking. He added that it is pretty obvious that they aren't going to engage.....

Jay Rodriguez, Director, shared that his only concern is the evaluations, and nothing being noted about the complaint that POOL PACT had made in regard to that situation at Cottonwood Elementary School.

Captain Mendoza for the record, added that because it wasn't an issue until we started holding you guys accountable for living up to the contract that they signed. He stated that it is pretty obvious that they have been targeting him from the day that he made a complaint of a hostile work environment, workplace violence case against the chief. Captain Mendoza explained that when the Board is doing this, making these decisions, immediately it is pretty obvious. He stated that he does his job very well in this community. There are a lot of people in this community that revere him and respect him because of who he is and what he does for this community. He added to sit there and make him look like a bad guy is absolutely crazy. He stated that he's not the one making decisions off of one-sided information.

Director Callagy, for the record, stated that they are not making decisions based upon one side of anything. He added that they have the same information that he has and that he has the opportunity right here to try and clarify that information and that is his responsibility to do so and they would love to hear it, without being slammed by him. They would really like him to

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explain the emails. If he disagrees with a policy violation, why do you disagree with it, why is it wrong. Director Callagy explained that it is Captain Mendoza's opportunity to make it clear.

Captain Mendoza for the record, added that he needs to know why the Board put those policies in there for him to respond to them.

Director Callagy stated that it is because those are the accusations.

Captain Mendoza asked, from who.

Director Callagy stated that Mr. Mendoza has the same packet as the Board has. He added that Captain Mendoza was notified on August 2nd.

Captain Mendoza stated that he has the same packet, the same policy manual, the same contract that we all have but he doesn't know their reasoning for listing those violations. He stated that he is not going to sit here and assume and try and defend something that he doesn't know exactly what to defend. He added that when they asked specific questions in regard to the emails, he was able to respond.

Director Callagy for the record, Captain Mendoza, stated that it is very unfortunate that he is willing to express how he feels about these policies here.

Captain Mendoza stated that it is very clear, very clear. He added that he has nothing to say and that his rep has something to say.

Ryan Whitlock for the record, understands the Board and wanted to address Joseph as well. He added that he wanted to help clear something up and he understands that this is about the email and the POOL PACT issue and the policies that go along and that were violated with it. He thinks what we are looking for is out of 12.1.1.1, the conduct unbecoming. He is asking what piece of that policy was violated. That needs to be told to our members because there is a lot in there. He stated, discouraged treatment and members of the public. He is asking if that answered their question about how he treated the instructor or did he already address that. He stated that that is what they are looking for, it's not all in compassing here. Mr. Whitlock added that we can't just throw a policy and say that we don't know what part of the policy. He stated, we address falsification of or making a material omission on forms and he takes that as you believe that was the chief's accusations about his timecard record. He added that we address the 12.1.2 which threw that out the window, he stated that he showed them that he had completed all his time, he did the class, he got the certification, they gave him the cert., they let him do it at lunch, he is entitled to that, so he did not falsify documentation. Dishonesty, including

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intentionally or negligently providing false information, intentionally falsifying records, and employment applications. He stated that the dishonesty part is what we are looking at, there are multiple facets of this policy. He added that they have to narrow it down, it is not all of them.

He thinks that is where his frustration is coming from, and he believes that he hid that as well. He stated that we don't believe Captain Mendoza is dishonest, he called POOL PACT and let them know he was going to be late, he didn't falsify documentation, that is the 12.1.2. Willfully or intentionally violating or failing to comply with the district's policies, he added that there is a lot in these little policies that are not being explained and is he covering all of that with his explanation. Mr. Whitlock is asking the Board if that is good enough for them and what they are looking for out of there. He is also asking if they are going to narrow it down a little bit or make a shotgun approach.

Chairman McCassie is asking attorney Rebecca Bruch if she has a response or a question.

Rebecca Bruch, attorney for the department, stated that she would like to make an observation and remind the Board that they are sitting as his supervisor, in the shoes of the chief because of the events that occurred on June 15th when you took over the supervision of Captain Mendoza. She added that what they are all trying to do is to provide Captain Mendoza with all of the due process to which he is entitled. After everybody has said everything that they want to say is in this portion you will then deliberate, you will sit here in open and have a discussion deliberation and take possible action, at that point each of you individually can perhaps respond to Captain Mendoza well this is my concern because director Callagy may have different concerns that Director Rodriguez because you are not speaking at this point as one voice, to be able to respond substantively to what he's asking. She stated that that is her comment, as long as he's given every opportunity and then you will each be expressing your own personal opinions during the course of the deliberation and then whatever vote you decide to take.

Ryan Whitlock, PFFN, for the record, shared that he completely disagrees with that. He stated that as a supervisor, you have to be able to give somebody what they're up against. It's not a fair and due process if you don't, I can't guess what part of this 12.1 .1 that I'm dealing with, you have to narrow it down. Yes, you say you violated this policy. Within this policy, there is this piece that you violated that we feel and as his supervisor collecting information. If you bring these to us, you have to provide us what piece of that he violated. Mr. Whitlock added that you can't just sit there and shotgun approach that or we can't give you all the information, that's what he's trying to get at. You can't just sit here and keep talking and putting himself into a corner waiting to start talking about something and you guys say I didn't know about that and it's your decision. He stated that you have to specify, granted it's this policy, within this policy here, what are looking for. What conduct unbecoming, what piece of that. Falsification, we already

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talked about that. He added that he just needs to know and if you guys don't want to answer it, then so be it and we'll just move forward.

Chairman McCassie stated that with the 12.1.11- design including potentially or negative providing false information. We're talking about the timecard.

Ryan Whitlock, PFFN, shared that we addressed that and asked if that satisfies them.

Chairman McCassie added that they gave the Board their explanation. Mr. Whitlock added if that explanation satisfies their need for that policy violation.

Chairman McCassie asked if there are any other questions or comments.

Director Callagy, for the record, shared that they have heard Captain Mendoza's explanation regarding the emails and the conduct at the meeting. He added that they have a statement and 2 different emails from Stacy Norbeck and Jeff Coulam. The Board needs to be able to hear from them and have them testify to make sense of this. We've got a statement from them and a statement from Captain Mendoza and they don't match. Director Callagy stated that having to act as your supervisor due to the chief not being able to do that, I have to be able to hear from both sides personally and verbally.

Chairman McCassie asked what his recommendation is and Director Callagy stated that they need to have another meeting.

Joe Mendoza for the record, Fire Captain stated that he would like to make a comment, that he doesn't even know who Stacy Norbeck is and he doesn't remember her.

Director Callagy asked Captain Mendoza if he knew who Jeff Coulam was and he responded that he was probably one of the instructors and he didn't recall.

Director Callagy then asked if that was who Captain Mendoza spoke to, and he answered that he didn't know who he was speaking to.

Director Callagy added that according to the letter it is.

Captain Mendoza stated that whoever the instructor was from the 3rd session.

Director Callagy added that he is a Senior HR business partner and training manager.

Chairman McCassie added that Stacy Norbeck is from POOL PACT. He is asking if he wants to set a date for another meeting.

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Director Callagy asked how everyone else feels about that.

Director Jay Rodriguez for the record, stated that based on the fact that we're reading an email and they're not here to answer a question according to their statements, then that is probably something that we will have to hear from them verbally.

Director Wheeler added that he would go along with that.

Rebecca Bruch, on behalf of the department, stated to Chairman McCassie that he has no subpoena power and that she could contact POOL PACT and see if they would be willing to speak with him. She added that they may or may not and if they choose not to then they will weigh that accordingly and you make your decision without benefit of whatever it is that they have to say. At your direction, if that's what you choose to do then I will contact them and see.

Chairman McCassie asked if she could, please. He stated that apparently, we just table this, # 6 and #7 until a later meeting.

Captain Mendoza asked if it would be wise to put him on administrative leave so that more stuff doesn't come out of this. He stated that now that he is in the middle of an investigation the Board is having him come to work for a guy who doesn't like him and has assaulted him once already. For the record, I think you guys need to consider something because now you open the door for more things to happen. He shared that since he's been here, he's pulled up stuff from March and April. An incident at Cottonwood was mentioned that he specifically went to and it's in the investigation, but he didn't think that anyone really read it. Captain Mendoza added that he is consistently being targeted in this fire department and that the Board is not making decisions that are good or safe for him.

Director McCassie, Rebecca Bruch, on behalf of the department, shared that that part has not been agendized. A discussion about whether they should put Captain Mendoza on paid administrative leave, so it would not be proper to discuss that. She added that it will be approved based on the transfer of authority and the order, it is a decision the Board will all have to make. She stated that Mr. Mendoza

will have to be noticed and that discussion to be held in an opening. There, we can talk about whether he's willing to wave his 241 notice but we're really talking about two things here. One, has it been agendized and two, has he been properly noticed. She stated that he can waive that notice sitting here, but she thinks it may be a violation of the open meeting law. The fact that a discussion about that is not on the agenda.

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Joe Mendoza, Fire Captain, for the record, stated that it is on the agenda three times, possible discipline mostly including termination. He stated that he thinks that it is within their realm to make a decision and that it would keep the district out of harm's way or have other things come up.

Chairman McCassie asked if it had to be clearly spelled out for her to put him on paid administrative leave.

Rebecca Bruch stated that the question is whether putting him on paid administrative leave is punitive and it is not, it is not some kind of adverse action. It would be specifically not that, and a notice that paid administrative leave was specifically saying this is not punitive and that's the concern that she has. Mrs. Bruch shared that she hears what Captain Mendoza is saying and she doesn't necessarily disagree, but that may very well be a good thing to do but, it needs to be agenda'd, and if you want to do that as quickly as things can get properly agenda'd and have a special meeting you can do that with an abundance of caution.

Ryan Whitlock, PFFN, asked the Board how they would normally go about acting in his best interest as a board, to put him on any kind of lead as a supervisor at this point. How would you guys' act in his best interest, or anybody's interest that you guys oversee as a board in the cases agenda'd.

Chairman McCassie stated that this is very new, this is testing the waters, that is why we have a POOL PACT attorney and the District Attorney here.

Rebecca Bruch stated that typically this would be his direct supervisor who would be making that decision and you have no open meeting law considerations in that kind of context, but because of this sausage that we've made to try and protect Captain Mendoza the best we can, with that comes the obligations under the open meeting law.

Ryan Whitlock, for the record, believes that the POOL PACT attorney is right. It is very unconventional, this is very outside of the normal, puts everybody at risk, and puts everybody in a bad position. He added that he wants to make a recommendation as a union representative for Mendoza, to put him back to his Battalion Chief as his primary supervisor, without the oversight of the Fire Chief under your guys' direction and go from there. Mr. Whitlock stated that they took out all his supervisors. It was very clear to see that his supervisor was doing his job, did the job well, and gave the Board his report and evaluations. He added that they were late, but they were done, and they had no derogatory remarks and now we're working backward to find derogatory remarks. He stated that it is

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very, very clear to him that all the accusations came after different issues. He also added that his conduct as a captain is undeniable, and he's doing fine. However, he recommends from his perspective and his time in these positions to give him a direct supervisor on the line who can make those decisions in line and not have to go through the Fire Chief. Have that supervisor report directly to the chair because that would take out the open meeting laws, as attorney Rebecca Bruch said. He stated that the board has decisions that could or potentially couldn't make that could involve an employee that you can't do. He asked, what happens if. If that is the case, there is going to be problems.

Chairman McCassie asked attorney Rebecca Bruch if she concurred with that.

Attorney Rebecca Bruch stated that all roads lead back to OML and that has not been agendized. She added that there was a Board Meeting where there was a decision that was made. If they want to revisit that, they can but it needs to be re-agendized and then you all have another discussion about whether you want to transfer his supervision back to Battalion Chief Myers because that's an option.

Director Rodriguez shared that he knows that the Board was hoping to make a decision tonight and move forward. That is something that he would like to potentially see, not only for the fact that they've heard Captain Mendoza. He stated that he fully completed the course, and he doesn't see anything that is relevant. He explained his response to the timecard, and he doesn't see anything concerning.

Chairman McCassie added that the Board needs to discuss a date and time for a special meeting.

Attorney Rebecca Bruch stated that the Board is requesting a date and time for a special meeting. She is asking them if they have all decided that they want to adjourn this meeting in hopes that you can speak with POOL PACT.

Chairman McCassie added that Captain Mendoza needs to be 241 noticed again.

Attorney Rebecca Bruch stated that it could easily be added to that agenda. There is no reason you couldn't bring that up and if it doesn't fit at the time then they can choose not to address it.

Chairman McCassie shared that they will probably push the special meeting out because he will be in Texas from the 20th to the 27th. He mentioned that they would have to notice for the special meeting and then 241 Captain Mendoza. He stated that it would be the end of August or the beginning of September.

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Attorney Rebecca Bruch shared that she will be out of the country from August 26 to September 3rd and she will not be available.

Mrs. Kasey Miller stated that it would be 5 working days for Captain Mendoza to be noticed. If we noticed him by 8:00 a.m. tomorrow. She is asking if we could hold the meeting on Thursday the 17th before everyone leaves town.

Chairman McCassie stated that he is available, and Director Callagy stated that he would have to attend that meeting by Zoom.

Ryan Whitlock, PFFN, asked if they could get the meeting with the POOL PACT Representatives to ask them; there's a lot more that goes into this.

Attorney Rebecca Bruch added that if Captain Mendoza were to get noticed tomorrow, the 5 working days would be Friday, Monday, Tuesday, Wednesday, and Thursday. She added that we are on the line there, whether that is the full 5 days. She is asking what time we are going to do this. She stated that Captain Mendoza can waive that time if he's willing to do that and then we would only need three working days for the agenda. He can waive that if he chooses to do so and if the POOL PACT folks are willing to appear.

Chairman McCassie mentioned that will be the question if they are willing to appear.

Attorney Rebecca Bruch, added that in any event, they can pick up where they left off with item #7 and if they choose not to appear then you can deliberate and discuss what you want to do and you can address the issue about substituting the Battalion Chief if you want to do that. She mentioned asking Captain Mendoza if he is willing to waive the 5 days for a hearing at 5 o'clock on the 17th. Mrs. Kasey Miller interrupted to clarify the meeting time is 6:00 on the 17th.

Chairman McCassie asked Captain Mendoza if he was okay with waiving notice.

Ryan Whitlock, PFFN, asked for the dates and what day they were going to notify him.

Attorney Rebecca Bruch added that he could give his notice tomorrow for a hearing on the 17th.

Ryan Whitlock asked if the rules are that you have to have 3 days not including the day of the meeting. He also added that that is a 3-day notice without the day of the meeting.

Attorney Rebecca Bruch added 1,2,3,4 that if you do it on the 17th, that is not 5 days. She stated that she thinks that it is not 5 days, 5 days isn't until the next day, the 18th.

Chairman McCassie added that Thursday's date being the 17th is cutting it close.

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Mrs. Kasey Miller added that it would not happen until after Labor Day at that point with everyone being out of town.

Captain Mendoza for the record, is asking whether you get the meeting with POOL PACT or not, we will be having a meeting that week.

The Board responded yes, basically, this will continue. The Board discussed having the meeting one week from today, August 17th at 6 o'clock and is asking Attorney Rebecca Bruch if it is possible to put this together within one week.

Mrs. Rebecca Bruch stated that she thinks we can, and she is available on the 17th. This all revolves around POOL PACT but as Director Rodriguez and Captain Mendoza just said, the meeting will go forward, assuming he waives. The meeting will go forward on the 17th either way.

Chairman McCassie asked Captain Mendoza if he was okay with waiving the notice.

Captain Mendoza, North Lyon Fire, stated yes, that he does agree to waive the notice.

Chairman McCassie stated that they will table items #6 and #7. Chairman McCassie, Rebecca Bruch, and Mrs. Kasey Miller had a discussion regarding items # 6 and #7.

Ryan Whitlock for the record, commented on his consideration discussion of possible action on his job performance. He stated that he is on an extension, and is asking how long the extension is, if he's been given a date, a time, and if he has been notified.

Mrs. Rebecca Bruch asked him to repeat the question.

Mr. Ryan Whitlock is asking if Captain Mendoza has been notified how long his extension is, a month, two months, or three months.

Chairman McCassie is asking if he is talking about the probation extension.

Mr. Ryan Whitlock added that if this impacts his probation, he does not believe he was advised on how long he was going to be on probation for

Chairman McCassie confirmed that it was up to six months.

Attorney Rebecca Bruch stated that under his contract, there can only be a 90-day extension and that ends on September 30th. The Board extension was long enough for the Board to consider because if you recall the issue was that this was very new and that you all felt like you didn't have enough information at that time to make a decision to do what you needed to do as his supervisor. She shared that there was no date certain, it was an order to allow you to be

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comfortable with whatever decision you were going to make. She explained that his probation is extendable only until September 30th.

Chairman McCassie stated that they are tabling #7 and he asked the Board and they all agreed on that.

Director Rodriguez asked if tabling item #7 is going to be what next week is going to be about and his response was correct.

Chairman McCassie shared that there is a date and time, one week from today. He also added that we will continue with item #8.

Chairman McCassie called for a recess at 6:30
Director Callagy left the meeting during recess.
Chairman McCassie resumed the meeting at 6:36

7. Consideration, discussion, and possible action regarding job performance of Joseph Mendoza, including possible discipline up to and including termination*

This item has been tabled.

8. Discussion and possible action regarding Assistant Fire Chief Job Description*

Chief Nicholl for the record, presented the Board with a job description that is for an Assistant Chief, as part of succession planning, moving into the end of his contract assigned here. He stated that we need to start looking for continued leadership for the district as we talked about in the last Board meeting or the one before. He shared that this has gone through legal review as well as POOL PACT and it is very similar to the Fire Chief's job description. However, it does have some specifics that are highlighted more as the Assistant Fire Chief job description. In the review of it there was one item that I would ask to add under the essential job functions, an item to amend that would include as a principal grant writer and a coordinator because there is nothing in the job description about writing grants or anything like that. Chief Nicholl added that he would like to put those into the essential job description. Chairman McCassie added that he would like it added also because it is an important part of the district and the department.

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Chairman McCassie asked the Board if they had any objection to adding part of the qualifications for the Assistant Chief to be a grant writer with grant writing knowledge. The Board agreed.

Director Harry Wheeler made a motion to accept the job description for the Assistant Chief, adding the grant writer specifics to the job announcement.

Director Rodriguez seconded the motion.

The motion carries as follows: 3-0-2

McCassie	Aye	Callagy	Absent
Wheeler	Aye	Murphy	Absent
Rodrigues	Aye		

Chairman McCassie, for the record, shared that Director Callagy was not feeling well and has been excused.

9. Discussion and possible action regarding Assistant Fire Chief Recruitment*

Chief Nicholl shared that we have contracted with Western Fire Chiefs in the past to conduct confidential recruitments. The confidential recruitment when he was hired was through Western Fire Chiefs, it is a process that Chairman McCassie is familiar with. He shared that they've reached out to them again to take their temperature on their willingness to assist and conduct the recruitment for the Assistant Fire Chief. They have given us back a bid to do it and the end result is, 18% of the candidates agreed upon annual salary is due at the end of recruitment. We do not have a salary set yet, but this is a good way to get good candidates. He presented the Board an email from Ann Razo to contract with them to begin recruitment for the Assistant Fire Chief that was just approved.

Chairman McCassie is asking about the job description for Assistant Chief, shouldn't the salary have been some type of range put in the description.

Chief Nicholl explained that there was a range put into the description at the advice of legal, we took it out as well as the benefits. That would be in the job announcement and the benefits package would be included in that. It wouldn't be in the job description because if those things change then we would have to go back and change all of the job descriptions.

Director Rodriguez asked if we have this in our budget and Chief Nicholl responded yes, we do. Director Rodriguez also asked if there is an opportunity for anyone who is already employed by

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North Lyon Fire, that would be able to take on the responsibilities of an Assistant Chief without having to go and recruit and add another position.

Chief Nicholl responded that he didn't believe so and he thinks there are some candidates, but anybody employed would not meet the criteria that the district is looking for. He explained that this is a position that they would not be limited from applying, they would just have to apply through the Western Fire Chiefs process. Western Fire Chiefs then screen the candidates, interview the candidates, and then they present a finished product of multiple candidates to choose from. Those candidates are then brought forward for review. It is a very standard executive recruiting practice.

Director Rodriguez mentioned that we do have it in our budget to hire an Assistant Chief, and Chief Nicholl responded, yes. He is also asking if we have it in the budget to accept this quote from Western Fire Chiefs Association as well.

Chairman McCassie explained that it is 18% of what we set their salary at, and we have one year to pay that as long as we keep them and they also have a 1 year probation period. If 6 months after we decide that's not who we want if we choose to keep them and they go past their 1 year, that is when we pay that and budget that into the next budget cycle.

Chief Nicholl added that any employee that meets the minimum criteria could apply and then Western Fire Chiefs is a 3rd party, no bias, they take the best candidates, they come interviewing and then bring the best candidates forward.

Chairman McCassie shared that the nice thing about the experience of using a recruitment company is they had multiple people apply, including military personnel and a Federal Firefighter out of Fallon. It opens the pool for the hiring process, to be able to look through and say that they would like to interview this candidate and choose them by #1, #2, and so on. He explained, when Chief Nicholl was hired, they picked 4 people and one of them re-enlisted in the Marine Corps., so it went down to 3 and that is how we picked a chief.

Chief Nicholl added that the 18% would be included in next year's budget. It would have to cover the funds through agreement but then it would be paid out of next year's budget.

Director Harry Wheeler made a motion that we accept the quote from Western Fire Chiefs for the position of Assistant Chief for North Lyon County Fire for recruitment.

Chairman McCassie seconded the motion.

The motion carries as follows: 3-0-2

McCassie Aye Callagy Absent

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Wheeler	Aye	Murphy	Absent
Rodriguez	Aye		

10. Discussion and possible action to approve a resolution of the North Lyon Fire Protection District to modify the Incident Fee Schedule for updated costs in 2023*

Chief Nicholl shared with the Board, what is in front of them is resolution 2023-01, pass the Fee Schedule by process matter of policy during the budget. Our budgetary figures were calculated based on the Fee Schedule that was passed when the budget was passed. In order to conclude that and move forward with making things more consistent, more transparent, and easier to follow, we are going to start doing the Fee Schedules and any additional monetary items as resolutions. He stated that this is under the advice of legal that we start doing Fee Schedules as resolutions. This resolution in front of you basically takes the Fee Schedule that was passed by way of policy, you can see that there is exhibit A during the budget year and institutes it as a resolution and that is it. There are no changes in the figures, it just institutes a resolution in addition to the policy that was passed for the fee schedule.

Director Wheeler made a motion to accept resolution 2023-01.

Director Rodriguez seconded the motion.

The motion reads as follows: 3-0-2

McCassie	Aye	Callagy	Absent
Wheeler	Aye	Murphy	Absent
Rodriguez	Aye		

11. Discussion regarding Troubled Debt

Chief Nicholl stated that at the last board meeting, you saw one of our collections managerial reports that were a couple of hundred dollars. He mentioned that questions were asked about what happens with troubled debt, and he told the Board that at the next board meeting, he would come with a presentation to show how the troubled debt process works. He presented the Board with 2 pages with a graph on the front and a flow chart for an algorithm on the second page. He stated that he is going to go through it really briefly of how our billing process, not just for ambulance fees but also for any cost recovery works. Chief Nicholl explained that it starts as an

incident, someone calls 9-1-1, we go out, we respond, and we perform work. At that time there are certain policies that we have that our firefighters are required to gather certain amounts of information and that information is then put into our electronic record-keeping system. When it is put into the electronic record-keeping system, it is then submitted to administration, and it starts the QA process. The majority of our calls are non-billable, and we don't charge anything

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for going on these calls but an ambulance call, and sometimes some fire calls become billable calls and they go into 2 categories, first is non-billable, and second is billable. Once it goes into billable, then the QA process kicks up and we have a really robust policy about quality assurance and quality improvement. We have robust policies to talk about what information needs to be contained in that and what timelines that information needs to be done. Chief Nicholl shared that Mr. Stephen Emery has a whole list of things to do before any of these calls go to billing and in that process, if he finds discrepancies, he then has two choices. He can either send it to billing based on enough information or he can send it back to the crew. He explained that if you go to the left, he notifies the crew that they are missing information, it gets sent back to the crew and by policy, they have a certain time frame in order to complete that information. Once they complete it, it goes back to Stephen, he reviews it for completion, and he sends it off to billing. He explained that all of our medical billing goes electronically to First Professional Services, and they have an internal process that usually takes anywhere from 45 to 120 days, depending on what the insurance company is and what information is there. We try and give them the best information that we can, but all that information is based on what the crews get at the time of service from the hospital or what we are able to glean through the QA process after the crew is done with their report. From there it goes into splits into 2 categories, it is either paid or it becomes troubled debt. If it's paid, say we have a \$2000.00 ambulance bill, and their insurance says they are going to pay \$1500.00 of it and you have to accept that \$1500.00. We accept that as paid in full and now we track that \$500.00 that we have to write off, which is called contractual write-off. He explained that we then get the \$1500.00 and we have to contractually write it off, that call is done, and the billing process is over with. When it's troubled debt, 90 days when the warnings start going off and 120 to 150 days, sometimes longer depending on what their communication is with First Professional. They then determine this set of medical billing calls that the insurance has not paid on, or what is actually most common is the incorrect information was given. In a lot of cases, the payment for the ambulance bill was sent to the patient instead of us. Chief Nicholl explained that there are several insurance companies that pay this way, they anticipate that the patient is going to pay us, and they send them the check. Then we get the report that has all the phone calls that have happened, all the letters that have gone back and forth to the patient and we go through and look at them. We maybe get 50 incidents, once a month that we put extra time into. Once that stack gets to us, he goes through line by line, piece by piece on every one of the incidents and most of the incidents are Medicare or Medicaid calls, where they have that Medicare or Medicaid is paid and it leaves a portion of the hypothetical \$2000.00 ambulance bill. Medicaid has paid \$500.00, they require us to write off \$1300.00 which leaves a \$200.00 balance that the patient is expected to pay. He explained that in most cases, if the amount is \$200.00 or less, the amount of staff time that it takes back and forth to get that \$200.00, we don't pursue it, and we just write it off. We take what Medicaid pays or what Medicare pays, and we contractually write off the line share, and the small portion that gets turned back to us in trouble debt, we write off and we don't pursue it. However, there are a lot of cases where we do pursue it, so what we do is scour all of the billing notes and he looks at the run sheets. He explained that Stephen then requests new information from the

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hospital because sometimes we get new billing information from the hospital. If we get new billing information from the hospital that has additional insurance information, corrected numbers or corrected names, that is then sent back to First Professional, and they rebill it the right way. If we run into a dead end, and someone has a \$2000.00 bill that they are just not paying or the insurance sent them the check, they're not sending it to us, they don't answer our phone calls and we send them to collections. He explained that that is where it ends, at collections. Once it goes to collections, we receive a very small portion of that. The majority of the money that we return on troubled debt comes from Stephen doing the work and getting it back to First Professional so that they can bill it because when First Professional does it, we pay a very small percentage as opposed to sending it to collections, letting collections do it and paying a percentage that is 4 times as much as we pay into the billing company. He stated that that is our process, and it is very labor intensive. It is one of Stephen's primary AOR's and he spends a lot of time doing it. Going back to the first page on the graph, from 2019 and before, our figures on revenue and our figures on troubled debt are very sketchy. He stated that EF Recovery does not do any of our billing anymore, and they basically gave us a thumb drive with encrypted data that we are not able to really get into. He explained that in the first column, from 2015 to 2019, that is what we had. NBF is our collections company, and when he started this, he asked for all of the accounts, and they sent him an itemized list of all of the accounts that we had. He explained that the \$29,733.00 that we have registered troubled debt from 15 to 19, that is all there is and that's divided into 3 categories. It's either active, we wrote it off, or it was paid and, in this case, it is active at NBF. Chief Nicholl shared that we have 11,000 actives from 4 years plus ago, we've written off \$9882.00 and we had a total paid through the collections process, which includes all payment from NBF of \$8640.00. Fast forward to 2020, it is a new billing company and a new process. Chief Nicholl stated that instead of not knowing where this money is going, we have queued up our rate increases to be more representative of the market. You can see in 2020, out of the total gross collected, which is all again in the matrix. We had a gross billing of \$3,522,103.36 in gross charges and our net revenue from that 3 million during that first year was \$617,000.00, which we anticipated because it was a new billing company. He explained that the difference between 3 million and 617, equates to what is contractually written off before we even get it. He stated that the column that you see is the troubled debt, and we received \$545,232.87.00 in 2020, or with 2020 accounts, and \$340,000.00 of that is currently at collections and they are pursuing it, 95% of that is dead ends and we do not get any of that because it just sits, and no one pays it. He added that \$182,000.00 is what was written off, that is hardship write-offs, additional contractual write-offs or the small write off of \$200.00 here and there. The \$22,000.00 is the actual payment combined with the payment that was received from the QA process that Stephen does and NBF. We actually got paid \$22,000.00 off of \$545,000.00, these accounts are old and the rest we are not going to get. Moving forward to 2021, we had the same breakdown except instead of \$3.5 million dollars in gross revenue, we had \$4.48 million in gross revenue. Moving forward to 2022, we had \$5.6 million in gross revenue. He stated that so far to August 1st we have \$3,294,000.00, and that is all in the matrix below the graph. He mentioned that collections are 4 to 5 months before we start getting them,

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and we will still get 2023 accounts that we will put in the 2023 bucket in 2024. Chief Nicholl shared that sometimes we still get 2021 and 2022 calls today, he shared that he got a list today because someone was making monthly payments of \$50.00, and they just stopped from 2021 and are now in the collection process with a new balance. He explained that this is how the process works and that is where the money is. When we say we gross billed out \$5.6 million in 2022, we got in net revenue \$1,400,218.50. The majority of it is a contractual write-off and the rest of it becomes troubled debt and it doesn't get paid. To put that into context as to what we are facing today, he has volume statistics. In 2020 we transported a monthly average of 112 patients and in 2020, our average gross daily billable was \$9,623.00, which means that in 2020 we had 2 ambulances. Those 2 ambulances created enough invoices out for \$9,623.23 per day. He stated that we are only getting paid 28% of that, and that is how much they grossed out. In 2021, you see total transport volume went up 23% and the total call volume went up 13%. We had 138 average transports and 315 average call volume per month. Fast forward to 2022, we had a 7% increase in call volume and a 7% increase in total call volume for all calls, to 148 average calls.

Chief Nicholl stated that 2023 has not been good to us. We have a 10% decrease in total transport volume and a 9% decrease in total call volume. There have been a few situations that have happened and forced us to basically give away 150 transports. He explained that 150 transports at \$3000.00 per transport is a lot of money that was given away. He stated that our crews do a good job determining who needs to go to the hospital. There is not one time that he could ever say that one of our paramedics, one of our firefighters or one of our EMT's doesn't transport when it is necessary. He added that this is not a crew issue or a personnel issue, they are doing a great job. Fewer people are calling 911, and fewer people are wanting to go to the hospital. We still have to have a certain amount of money coming in to make our budget.

Chief Nicholl shared that in 2021, the gross billables per day was \$12,000.00 and in 2022, the gross billables per day were about \$15,440.00 and in 2023, so far it is \$15,111.00 as of August 1st. He explained that where that matter is, that we need the gross to go up because as the gross goes up, we only get paid on about 28% and less of that. We are only getting \$600.00 to \$700.00 per transport and that doesn't make budget unless we have the volume there.

Chief Nicholl continued to explain the call volume graphs that are broken down by percentages of calls. He explained that the red in all of the graphs are fire calls specifically and we maintain around 12% to 13%. The grey area with the black outline is medical cancels, meaning that we go out on a call, we don't transport, we take care of them, they don't want to go to the hospital, and we pack up and go home and those go into the non-billable side. The blue is when we don't transport but the patient has used a consumable. Now they've started an IV, given them Narcan, and they don't want to go to the hospital, we still have to recover the cost of providing that service. He added that the green area are the calls that get transported. He explained that in 2023 we were at 43% and in 2022 it was 44%, but when we are talking about these types of

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numbers, 1% is a big change, we are off a total of 10%, and that is trouble. The crews go out and they do their jobs well, and we have policies in place that when they go out on calls, they have to get insurance information. If they don't get the insurance information, we may not get paid for that, if we don't get paid for that, it makes the budget difficult, and if the budget is difficult none of us get paid. That is how important it is.

Chairman McCassie is asking if there is a way to increase that 28% collection.

Chief Nicholl shared that there is net, and there is net of net, and 28% is really good. He added that he would like to be in the 30th percentile and most places are in the 21% to 23%. He mentioned that this is not for quoting, he does not have the stats, but of the 15 clients that our company uses we are in the high-mid range of collections, and we are very effective. When it comes to the 28%, you also have to look at the demographics and you have to consider our demographics with the percentage of the population that has health insurance, the percentage that has subsidized insurance, or the percentage of the population that has no insurance, We have a lower percentage of the population that has 3rd party payer insurance and we have a larger population of people that have subsidized insurance. Whether it be Medicare, Medicaid, Social Security or some other government funded insurance and the largest portion of our population doesn't have insurance or they are underinsured. They have insurance that says that they are not going to pay for the ambulance bill, we will pay for your surgery, but they won't pay for the ambulance bill. That is underinsured, and those go into the no insurance category. Chief Nicholl explained that when you look at our demographics, the more our demographics become more diversified in the community and the more companies that come in. The more that we can bring into the community the better insured it is going to be in our population. The more insured it is in our population, the more there is in turn to return on payments for insurance.

Chairman McCassie shared that with all of the growth and the companies that have come here that offer more benefits. Before it was never big but now, they are using it as a recruitment tool.

Chief Nicholl added that luckily for us, we range right about 40% of our clientele transport population has insurance, and about 60% of our clientele does not have insurance. They can say they have insurance, but it is not that easy. For example, they can say they have Medicaid but unless they get renewed every month, they don't have Medicaid. He explained that they can have Medicaid on the 30th of the month but on the 1st of the month they don't have Medicaid and we've transported them on the 1st of the month, and you don't get paid for that. You have got to talk to the hospital, because being tired and forgetting to get the billing sheet is a big financial deal, it's not a policy violation. That impacts the district's bottom line every single transport, and it happens. So, we send that back to the crews and they usually do it. Chief Nicholl stated that he and Stephen have a process to follow up and take care of those things. He added that we are sitting at about 30% troubled debt, and that is low. He stated that he is very happy with our

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process, he'd like to see it lower but in medical billing for ambulance, around a 30% troubled debt threshold is really good. Chief Nicholl stated that in 2023 of the gross billables of \$3.294 million, we only have \$28,000.00 that has been turned into collections, and it takes time. We will get 2023's at the end of 2023 and into 2024.

Director Rodriguez stated that there were large numbers from 2020 to 2022, he's asking if he anticipates 2023 reaching anywhere close to those numbers.

Chief Nicholl responded that he does, and he also anticipates that we are going to maintain about 30%. He also added that he has been using this particular QA process and this particular billing process and he's been able to fine-tune it over the course of the past 15 years. He added that we have a policy that says that documentation has to be done within 6 hours. He explained that if they get a call and they go to the car accident, they take that person to the hospital. The very first person that comes into the hospital to meet them is the registrar, to get their insurance information. He explained that auto insurance has something called PIP, Personal Injury Protection coverage and it is about \$3000.00 per person. Personal injury protection coverage is first come, first serve. If the crew doesn't get the report done on time and it takes 5 days for them to come back on duty to go get the information, if they do not, we may not get paid. Chief Nicholl explained that the hospital gets there really quickly. We try and have our billing go out every other day or every 2 days. We do not wait a week or 2 weeks on end for billing to go out, we want it to go out quickly. As soon as the crews finish a call, they get it through the QA process very quickly so that it can get into the hopper because we want to be the first person. He explained that \$3000.00 doesn't cover an ER bill, it doesn't cover the ER bill in total, it doesn't cover the doctor in total, it doesn't cover anything that happens there. If the hospital gets there first, when we get there, there is zero. We have a mechanism to make it as fast as possible and maximize it and it is labor intensive and the guys do a great job at it, but the labor really comes in after the fact in the troubled debt cycle.

12. Reports of Directors, Fire Chief, Fire Marshall, Staff, Volunteers, Local 4547, City of Fernley

Director Rodriguez, for the record, on the discussion and possible action regarding the Assistant Fire Chief recruitment. He stated that he would like his vote to be recorded as a nay.

Chairman McCassie stated that he thinks they would have to reopen that to do that, so we are going to back up a little bit. He added that we are going to go back to item #9 and rediscuss possible action regarding Assistant Fire Chief Recruitment. He asked Director Rodriguez if he has any questions on that and Director Rodriguez answered no.

Chairman McCassie then asked for a motion and a second.

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Director Wheller made a motion that they accept the job description for the Assistant Fire Chief Job Description.

Mrs. Kasey Miller interrupted, stating that this is not for the job description.

Chairman McCassie then clarified that it is for the recruitment, item #9 and Director Wheeler agreed.

Chairman McCassie asked him if he is making a motion to approve and Director Wheeler responded, yes.

Chairman McCassie seconded the motion.

Director Rodriguez answered, nay.

Chairman McCassie then added that there are 1 nay, 2 absent and 2 aye's.

The motion carries as follows: 2-1-2

McCassie	Aye	Rodriguez	Nay	Callagy	Absent
Wheeler	Aye			Murphy	Absent

Directors - None

Chief Nicholl shared that hopefully everyone has seen the Rehab van that has finally showed up. We have a little bit of work that we are still doing on getting it ready to go. It is a spectacular mini van and it was paid in portion by American Battery Technology Co., as part of their builder developer agreement. He shared that the Type 3 that was purchased from Truckee Meadows is currently at service, getting run through. We should be getting it either tomorrow evening or on Monday and then it will get outfitted, get people trained on it, and put it into service. He added that right now, there is a crew out in California with the Type 3, so we have no Type 3 in district and we hope to remedy that very quickly.

Chairman McCassie mentioned that he noticed the bay doors open and the compressor was out, filling tanks and he was wondering if it was a test they were doing.

Chief Nicholl explained that the bottles are big, and it takes about a half hour to fill one bottle with that compressor, and it took 6 hours. They had to pull it out and fill the bottles. He added that the Rehab Van should be in service within the next week, week, and a half. He also stated to the Board that he thinks they should have a separate legal brief for other issues, and that would be something for them to try to put on the agenda.

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Fire Marshall Tim Myers shared that we have 4 large buildings going up and getting close to getting the shell complete on 3 of them. There are 2 more large projects coming up on Main Street.

Staff- None.

Mrs. Kasey Miller informed the Board that Chief Nicholl's evaluation is in their mailboxes and is due. They talked about it and are going to be talking about it at the meeting on September 14th. She is asking that she get those back by September 1st or the following Tuesday, September 5th, so that she and Chairman McCassie can go over them, notice Chief, and make everything legal. She asked that they please get those done and back to her.

Volunteer, Becki Howlett shared that she is excited to have the Rehab Van here and she is looking forward to the training on how to fill the bottles.

Chairman McCassie asked if we were slated for any training.

Chief Nicholl shared that there are a couple specialty pieces that needed to be ordered, so we can't fill our bottles yet. He added that as soon as they get here, we will install them, and we will do the training.

Local 4547, Union President shared that they do not have anything planned yet. We may be doing public assistance with a concert here shortly, they are just waiting to get some feedback. Other than that, he shared that they have those complaints that are at the arbitration level and 3 more grievances and that is it.

City of Fernley- None.

13. Public Comment (No action will be taken on any subject during public participation until it has been properly placed on an Agenda for a subsequent meeting. Public comments are limited to 3-minutes.)

None.

14. Adjourn

Chairman McCassie adjourned at 1922.

North Lyon County Fire Protection District

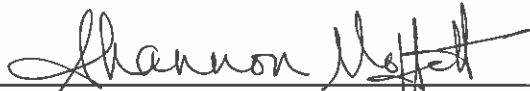
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**NOTE(s): All items indicated by an asterisk (“*”) were Action Items.
A complete and detailed record of this meeting was recorded on Micro SD
Recorder August 10, 2023**

Respectfully Submitted by:



Shannon Moffett, Administrative Assistant
North Lyon County Fire Protection District

September 28, 2023

Date

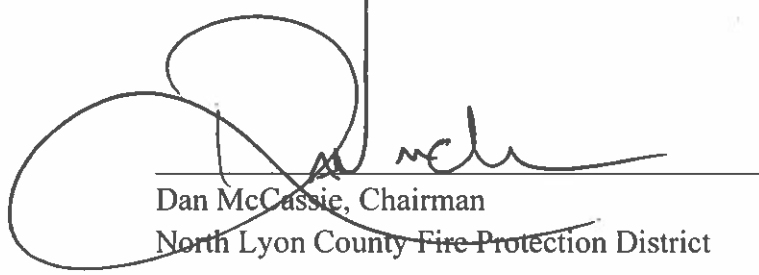
Approval of Minutes

August 10, 2023

For Against Abstain Absent

 Approved as Read

 X Approved with Corrections 3 2 0 0



Dan McCassie, Chairman
North Lyon County Fire Protection District

September 28, 2023

Date

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