



North Lyon County Fire Protection District

195 East Main Street
Fernley, Nevada 89408
District Office (775) 575-3310 Fax (775) 575-3314
Jason Nicholl, Fire Chief

Notice of Meeting

Date: Thursday October 12, 2023

Time: 6:00 p.m. or 1800 hours

Location: 195 East Main Street
Fernley NV 89408
or Virtual Zoom Meeting

Directors

Dan McCassie, Chairman Paul Murphy, Director
Mike Callagy, Jr, Vice-Chair Jay Rodriguez, Director
Harry Wheeler, Secretary/Treasurer

Join Zoom Meeting at:

<https://us02web.zoom.us/j/83853148222?pwd=ZWtPeDZxMVI6M2FSa0F5WGc2bzlSQ09>

Dial: 1-253-215-8782 Meeting ID: 838 5314 8222 Passcode: 892778

NLCFPD Board of Directors Meeting Agenda

1.	Call to Order, Pledge of Allegiance and Moment of Silence
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.)
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 & Approve Board Minutes 3c. Review of Summary Reports
4.	Discussion and possible action regarding Revenue and Expenditures* 4a. Enterprise Fund Revenue and Expenditures 4b. General Fund Revenue and Expenditures
5.	Discussion and possible action regarding final approval of discipline imposed at the June 15, 2023, meeting (minutes approved at the August 10, 2023 meeting) regarding investigator findings related to employee complaints *
6.	Discussion and possible action regarding the annual evaluation of Fire Chief Jason Nicholl*
7.	Reports of Directors, Fire Chief, Fire Marshal, Staff, Volunteers, Local 4547, City of Fernley
8.	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.)
9.	Adjourn

- Notices: 1. The Board may act on any of the “*” items.
2. At any time, the order of agenda items may be changed, removed, or combined with another item with Board consensus.
3. The Board may limit the amount of time for public comments based upon the number of speakers on the same subject.
4. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify in writing at the North Lyon County Fire Protection District, 195 East Main Street, Fernley, Nevada 89408 or by calling (775) 575-3310.

CERTIFICATE OF POSTING

I, Kasey Miller, do hereby certify that I posted or caused to be posted, a copy of this agenda at the following locations on or before 9:00 a.m. October 9, 2023:

1. North Lyon County Fire Protection District, 195 East Main Street, Fernley, Nevada 89408
2. U.S. Post Office, Hardie Lane Fernley, Nevada 89408
3. City of Fernley – City Hall, 595 Silverlace Blvd, Fernley, Nevada 89408
4. Fernley Senior Center, 105 Lois Lane, Fernley, Nevada 89408
5. Lyon County Manager, 27 S. Main Street, Yerington, Nevada 89447
6. Nevada Public Notice Website, www.notice.nv.gov

Distribution: To ALL persons requesting notification.

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MINUTES

NORTH LYON COUNTY FIRE PROTECTION DISTRICT

September 28, 2023

1. Call to Order

The meeting was called to order by Chairman Dan McCassie at 1800 hours. Directors present included Dan McCassie, Harry Wheeler, and Paul Murphy. Directors Mike Callagy and Jay Rodriguez joined the meeting via telephone.

The Pledge of Allegiance was led by Director Murphy. A moment of silence followed.

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, and Mrs. Kasey Miller stated that they were able to speak if they had something to say.

None.

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

Chairman McCassie stated that he would like to pull #6.

Mrs. Shannon Moffett stated that there were spelling and formatting errors on the minutes of August 10, 2023, and August 17, 2023. She added that there is a correction on August 10, 2023, board minutes, page fourteen, second paragraph, line two. It reads, he stated that we don't believe Captain Mendoza is not dishonest, he called POOL PACT, and it should read, he stated that we don't believe Captain Mendoza is dishonest, he called POOL PACT. The correction is made in the Board minutes to be signed for approval.

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Director Wheeler made a motion to approve the Consent Agenda except for item #6 being pulled.

Director Murphy asked why item #6 was being pulled, and Chairman McCassie responded that there was a legal brief on that, which the District Attorney's office already dealt with. He stated that Director Murphy was there, and it was asked to be pulled.

Director Callagy seconded the motion.

The motion carried as follows: 3-2-0

McCassie	Aye	Murphy	Nay
Callagy	Aye	Rodriguez	Nay
Wheeler	Aye		

4. Discussion and possible action regarding Revenues and Expenditures*

4a. Enterprise Fund Revenue and Expenditures

4b. General Fund Revenue and Expenditures

Director Wheeler made a motion that discussion and possible action regarding Revenues and Expenditures be approved.

Director Callagy seconded the motion.

The motion carried as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

5. North Lyon Fire Lieutenant Promotion

Chief Nicholl shared that our Cadet Program is growing very quickly and is becoming stronger every day. He explained that with growth we need to be able to advance the leadership within the Cadet Program. We currently have one Lieutenant, and it is time for a second Lieutenant promotion. He shared that there were several applicants, and they interviewed them, met with all of them, and made their decision on a promotion.

Firefighter Jesse Richardson Cadet Commander shared that he started the Cadet Program in 2019 with three cadets, and as of today, there are fifteen cadets. He explained that the cadets who

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applied were tested, and interviewed, and the decision was made that Otto Lynch be the next Lieutenant and he was pinned by his father.

Chairman McCassie called for a recess at 1809.

Chairman McCassie resumed the meeting at 1811.

6. Discussion and possible action to determine Mike Callagy, Jr's actual residency and legitimacy as an Elected Office of North Lyon Fire Protection District Board of Directors per NRS 281.050 and NRS 474.070*

Item #6 has been pulled.

7. Discussion and possible action to direct the Fire Chief to not fill the Assistant Fire Chief position and immediately fill the two (2) vacant Firefighter/Paramedic vacancies*

Director Murphy asked Chief Nicholl if there were three paramedic positions vacant.

Chief Nicholl explained that there are three vacancies right now and we have one allocation that is open, which is three people, whether they are paramedics or not.

Director Murphy stated that there are three vacancies and the one he assumes is the recently vacated captain's position. Chief Nicholl added that they have not promoted that position yet.

Director Murphy stated that he had made a comment about this in reports prior. He explained that we went to the taxpayers asking for more money to retain the staffing that we had, and we've gone and not filled these positions. He stated that he thinks we are doing the community a disservice by going back on what we said that we were doing with that tax money by not filling these positions. He added that it is within the budget to hire these people, we are using other staff to fill daily positions from what he has understood and the recent grievance that was received. He is asking why we aren't filling positions.

Chairman McCassie shared that part of the discussion when they voted for the job description and to move forward to hire through Western Fire Chiefs for this position.

Director Murphy stated that he was not present at the meeting but through the minute review, it looked like we went through Western Fire Chiefs to run the recruitment process.

Chairman McCassie asked Chief Nicholl to explain why they decided to move forward with that.

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Chief Nicholl explained that his contract terminates on July 7, 2024. The intent was to have the board hire an Assistant Chief who would then have a couple of months of overlap in administration as well as being there to help with the budget. He explained that when he leaves on July 8th, the Assistant Chief by contract, becomes the new Fire Chief. He stated that they are in fact hiring a new Fire Chief and to get that done, we have to be able to have adequate salary resources to be able to make that happen. He added that from a salary perspective, we are 11% below in call volume and substantially below in our revenues. He explained that we are using this salary savings to be able to make that happen. Chief Nicholl added that when a new chief comes in, their hands are tied, and they have no ability to make any major dynamic changes that that new chief would want to make because they might have a budget that is complete, and they may have mutual aid agreements that they have no input on. He stated that all these happen between March, April, May, and June. He stated that our budget this year, as well as anticipating the continuation of the negotiation process. The plan is to hire people after we have a new Chief or the new Assistant Chief. At that time, they will be able to discuss the best path, including the union in hiring new people. He stated that we currently meet minimum staffing every day and now that we don't have crews out of the district, staffing gets a significant reprieve on that. He does not anticipate any other problems coming forward with that. Chief Nicholl added that revenues are maintaining, they are a little bit off what was expected because production value is down. He stated that with the increase in base rates and fee schedule changes that we implemented last year, those have started to come in and those funds are getting to where we need them to be. He mentioned that we started in a hole in the first three months, whether we catch where we should be, he doesn't have an accurate idea of that. He explained that we have one quarter left and it is tight to be able to reach last year's numbers.

Director Murphy is asking if it is not within our budget to hire the vacant positions, that we are going to go down in staffing.

Chief Nicholl answered no, we are not going to go down in staffing. He stated that the voter initiative that was used, that funding specifically ended up going toward the increase in PERS retirement that we witnessed last budget year. He stated that it is in keeping with what we said, using it for personnel, because retirement is part of the benefits package that every person that is employed here receives benefits, receives.

Director Rodriguez stated that they voted for the Assistant Chief position, but he is asking in the meantime if we are able to fill the other three vacancies and if we are actively looking to fill those.

Chief Nicholl stated that they are actively looking and advertising for our next recruitment academy, which is where we usually pick up five or six people. Right now, Reserve ranks are relatively low, and we are working on building that, as well as our Volunteer ranks. He added

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that that is the pool that we go to first to hire. Unfortunately, there aren't any paramedics out there. He shared that one of the paramedic schools shut their doors and we were victims of that, but we were able to recover with great help from Captain Criscione who helped with that. He stated that we still have a deficit of paramedics in Northern Nevada. It's not a money issue, they're just not around. Chief Nicholl explained that when it comes to recruitment, which is specifically an administrative function, these are the conversations that he needs to have with senior staff and be able to be able to formulate a plan that is going to last for the next three to four years. He added that if he formulates a plan now, he does a disservice to the next administration if he formulates it now because it will be done, without any input from the person who is going to be responsible for carrying out that plan for the next four to five years. Chief Nicholl stated that we are not willing to reduce staff. He stated specifically that he was not willing to give up this allocation. We will keep this allocation and when the funds are there, we will be able to do this. He added that when he leaves in July, that will free up his salary and benefits package, which then brings in the new Chief and will be in a position where the new Chief can make decisions to add another allocation or not.

8. Discussion and possible action regarding MOU between North Lyon Fire and Lyon County School District*

Chief Nicholl presented the Board with a three-page MOU that is easy to understand. He shared that we are now teaming up with Fernley High School to start an EMT program, to assist in training EMTs through their Vocational Education Program. To do that, they need to have a sponsoring agency that allows them to be able to meet all the requirements that the state has, as well as to assist and provide verification for all their training. Chief Nicholl explained that this MOU states that for the next two years, we will be sponsoring the school's EMT Program and assisting them in any way that we can. He also shared that we have a couple of our Cadets that are in the EMT program. He added that we did sell the old Rehab van to the school district so that they could have a real-world training scenario in the back of an ambulance.

Director Murphy asked if the district's insurance covers participants if they are on our equipment doing their ride time. Chief Nicholl answered yes, they will be doing their ride times here and it will be very limited with a very small number of rides. He shared that they have insurance that covers all their vocational students.

Director Rodriguez is asking if this is a free program for the students. Chief Nicholl explained that he was under the impression that it was not free because of the cost of the program. He added that he doesn't believe that it is expressly high, not as a revenue-generating program, it is more of a break-even program.

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Chairman McCassie stated that they would find out.

Director Wheeler made a motion to approve the MOU between North Lyon County Fire and Lyon County School District.

Director Murphy seconded the motion.

The motion carries as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

9. Discussion regarding NV Energy Contract

Chief Nicholl shared that several months ago he brought forward a contract for the next three years for the NV Energy project. He explained how the program works is that we do not employ NV Energy employees. We have Wildland Firefighters that we employ as full-time employees of the District, and we contract with NV Energy to provide a service to them. Any one of our personnel, after going through the NV Energy safety training, is eligible to be able to perform this function. He stated that after we ratified the contract, we received it back from NV Energy with no issues. He brought it to the Board, they passed the NV Energy contract, they sent it back to them and the Public Utilities Commission began to hold meetings and began to dissect the program that NV Energy has in detail. He explained that the Public Utilities Commission took all the money that was authorized for the NV Energy Project and put it in a waiting room because they were unhappy with the wide variety of contracts that were out with the thirteen different agencies that participate in this. It has created a huge issue and there was talk that they were going to cancel all the contracts and try to figure something else out. Since then, he stated that NV Energy and the Fire Chiefs have gotten together and are working with Public Utilities Commission to be able to put together a standard contract that is uniform across all thirteen jurisdictions that participate. He added that this standard contract will also include invoicing, uniformity, and billing rates. Tomorrow the chiefs have a meeting in Reno to address some of the financial items and operational issues, to be able to make them uniform across the board. He stated that the Public Utilities Commission is re-hearing this, he does not have the exact date, but he believes that it is in the next two weeks.

Chief Nicholl explained that the contract that we ratified has been canceled by NV Energy and in turn, they have extended our old contract through December 31, 2023. The Public Utilities Commission set a deadline and that is when this needs to be resolved to their liking. He shared

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that they are working daily on this, and he believes that we have a good opportunity to create a better and stronger program. He did state that the contract that was ratified, that was voted on, is no longer in effect and we are back to the old contract with an extension through December 31, 2023. This does not have a fiscal impact because we are still billing for all the work that we have done that covers the employees who primarily do the work. Chief Nicholl added that he hopes to have a new contract within the next month so we can put this behind us and move forward.

10. Discussion and repairs to Fire Riser at Station 61

Chief Nicholl shared that the fire riser, just outside the double doors, going into the bay, has significant wear and tear and has begun leaking in two different places. The piping has been inspected and has become brittle. This is a situation that we have been aware of for several months before and now it is becoming more of a problem. He added that if it breaks and we lose our riser, there will be tens of thousands of gallons of water per minute that will be rushing into the station, and into the administrative area before we can get the water shut off. He also stated that we can't go without the sprinkler system at the fire station. Chief Nicholl shared that we are in the process of collecting estimates of how much that will be. He added that essentially what we anticipate having to happen is to cut out the concrete around the riser, properly install another riser, repack it, and cement it. He stated that he should have those estimates at the next meeting on October 12th. It will be a critical fix and we will need to get it done.

Director Rodriguez asked if this is something that is covered by insurance and Chief Nicholl responded that they looked into it, and it is not.

Chairman McCassie asked if there is a warning device on it and if we know where to turn off the water in case something was to happen. Chief Nicholl answered yes, there is a water flow on it, and that the valve key is ready. He added that there are times when nobody is here and if the water alarm goes off, it may be minutes before someone can get here to turn that water off.

Director Rodriguez asked if this was to occur if there was a plan of action.

Chairman McCassie stated that Chief Nicholl shared that we are getting bids to get it repaired and the worst-case scenario is to turn off the water.

Chief Nicholl added that if the riser ruptured and we were able to get it shut off with no substantial damage to the station, essentially, we would have to cap the riser. He foresees

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there may be a potential twenty-four hours where we don't have running water if it blows. If we can get to the repair beforehand, the amount of time down with no water should be relatively quick.

Chairman McCassie stated that Chief Nicholl is saying that it is a priority to get it fixed.

11. Discussion regarding North Lyon Fire Health Insurance

Mrs. Kasey Miller shared that she is getting a meeting set with the Union and Chief Nicholl so we can discuss the options. She added that we are waiting for one more option and the final insurance number will not be out until mid-October. We will then know the packages for all of us to discuss and then we can present one to the Board for approval. She mentioned that the very latest will be at the November Board Meeting and we are looking at a substantial saving, anywhere from \$100,000 to \$120,000 at minimum per year.

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

Directors- None.

Fire Chief- None.

Fire Marshall- Mr. Craig Valente shared that Mark IV has two and a half tenants for their buildings and that they will be moving in, so we will get a chance to test our Risk Assessment Fees.

Staff- None.

Volunteers- Becki Howlett shared that they've moved out of the old Rehab Van and into the new van.

Local 4547- President Joe Mendoza shared that there are no events coming up. November, they will do their annual Turkey Drive for the Food Bank and potentially a Jacket Drive for the schools.

He added that all correspondence from the Union to the District and the Board Members have continually been ignored with every issue they have. He stated that the Board ignoring the correspondence is continually costing our community money and letting everything go to

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arbitration is not the way to go. He added that if they have been advised to do that, then they have been advised incorrectly. There is a process that protects the community, the members of this department, and the Board. Mr. Joe Mendoza stated that out of eight grievances, the Board has ignored all of those steps and has let every single one go to arbitration. He added that hopefully, they can start talking because nobody is talking.

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.)

Mrs. Linda Carr shared that she is sad that she missed last month's meeting. She stated that she was disgusted with what took place. Sitting here during this meeting she shared that she was looking at the words on the wall, that she thinks all of the Board should look at, primarily three of the Board Members but she stated that it would be hard for Director Callagy since he is in California. She asked if they knew what the definition of integrity was, the quality of being honest and having strong moral principles that you refuse to change. She asked them to have integrity. She shared that she is sad at the way things are taking place and it is heartbreaking being around the department as long as she has been. She added that she knows that it doesn't matter anymore if she walks in the door anymore and that is fine. he stated that she is disgusted with three members of the Board.

14. Adjournment*

Chairman McCassie adjourned at 1839.

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 September 28, 2023

Respectfully Submitted by:

Shannon Moffett, Administrative Assistant
North Lyon County Fire Protection District

October 12, 2023
Date

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Approval of Minutes
September 28, 2023

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	
<u> </u> Approved as Read	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u> Approved with Corrections	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Dan McCassie, Chairman
North Lyon County Fire Protection District

October 12, 2023
Date

DRAFT



North Lyon County Fire Protection District

195 East Main Street
Fernley, Nevada 89408

District Office (775) 575-3310 District Fax (775) 575-3314
www.northlyonfire.com
Jason Nicholl, Fire Chief

Directors

Daniel McCassie
Mike Callagy, Jr.
Harry Wheeler
Paul Murphy
Jay Rodriguez

To: Board of Directors

From: Kasey Miller, Office Manager

Date: October 10, 2023

Re: Summary Reports

There are no Summary Reports for the October 12, 2023 Board Meeting as they were presented at the September 28, 2023 meeting.

Thank You

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Jason Nicholl, Fire Chief

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Jay Rodriguez

To: Board of Directors

From: Kasey Miller, Office Manager

Date: October 10, 2023

Re: Revenue and Expenditure Reports

There are no Revenue and Expenditure Reports for the October 12, 2023 Board Meeting as they were presented at the September 28, 2023 meeting.

Thank You

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NORTH LYON COUNTY FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS MEETING
JUNE 15, 2023

TRANSCRIPT OF AUDIO PROCEEDINGS

Transcribed by: Karen Bryson
Certified Court Reporter #120
Nevada Firm Lic #087F

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3	DAN McCASSIE, Chairman
4	MIKE CALLAGY, JR., Vice Chair
5	HARRY WHEELER, Secretary/Treasurer
6	PAUL MURPHY, Director
7	JAY RODRIGUEZ, Director
8	KASEY MILLER
9	REBECCA BRUSH, ESQ.
10	BRANDI JENSEN, ESQ.
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1 FERNLEY, NEVADA, THURSDAY, JUNE 15, 2023

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4 CHAIRMAN McCASSIE: All right. Move on to
5 number five, discussion and possible action regarding HR
6 investigation of Chief Nicholl.

7 He is not here tonight. He had a prior
8 engagement, scheduled to be out of town.

9 DIRECTOR WHEELER: Undertake a motion?

10 I believe that Chief Nicholl engaged in conduct
11 unbecoming to someone in his position.

12 I move that Chief Nicholl be required to do any
13 and all the following: Attend communication training
14 recommended by POOL/PACT and human resources. Provide
15 proof of completion.

16 CHAIRMAN McCASSIE: Can I have a second? Then
17 we'll have a discussion.

18 UNIDENTIFIED DIRECTOR: (Inaudible)

19 CHAIRMAN McCASSIE: A motion to hear the motion
20 and a second. We have -- and we'll have discussion.

21 Does anyone have anything to add?

22 DIRECTOR MURPHY: So I do.

23 I feel based on the number of complaints that
24 we received, we have two individual complaints, I do not
25 feel that going to a verbal warning here is appropriate.

1 I feel that somebody in this position with
2 years of experience and the background, should be expected
3 more of as an example for the department, both
4 professionalism and conduct.

5 For that I think it would be best if we went to
6 a written reprimand. We also include anger management on
7 top of the communication trainings. And we can do the
8 retention -- is it 18 months, Kasey, for file retention?

9 MS. MILLER: (Nods)

10 DIRECTOR MURPHY: The 18-month file retention
11 of that written reprimand.

12 DIRECTOR WHEELER: I rescind my motion. And
13 accept the motion (inaudible)

14 DIRECTOR MURPHY: Do we still have a motion on
15 the floor?

16 MS. JENSEN: Mr. Chairman, if I may?

17 CHAIRMAN McCASSIE: Yes.

18 MS. JENSEN: Brandi Jensen, attorney, for the
19 record.

20 On the motion, he can ask the motioner to
21 adjust his motion, and then the seconder must concur with
22 the adjustment.

23 DIRECTOR WHEELER: I would ask for the
24 adjustment of the motion.

25 MS. JENSEN: And then --

1 CHAIRMAN McCASSIE: So repeat the --

2 DIRECTOR MURPHY: Let me line this out so I get
3 it right.

4 MS. MILLER: Please, I'm going to ask you guys
5 to be very concise and clearly for the record so we get
6 (inaudible).

7 DIRECTOR MURPHY: Brandi, would it be
8 appropriate for me to restate the motion, or should we let
9 this motion die and remake a motion?

10 MS. JENSEN: Mr. Murphy, the way we would do it
11 is you could ask the motioner to please amend the motion
12 as follows, and then state what you'd like to have amended
13 as such.

14 DIRECTOR MURPHY: I move it be amended
15 (inaudible)

16 CHAIRMAN McCASSIE: All right.

17 MS. JENSEN: Could we clarify what the
18 amendment is?

19 DIRECTOR MURPHY: Yeah.

20 So, Director Wheeler, I think it would be
21 appropriate to amend the motion to include the 2B. In the
22 blank we can say 18 months, as I believe is policy -- do
23 we have (inaudible) 18 months?

24 MS. MILLER: (Nods.)

25 MS. BRUCH: So, Chairman McCassie and Director

1 Murphy, you need to lay out specifically what -- because
2 you are referring to a document that is not coming across
3 on the record of what it is that you want. So you need to
4 enunciate exactly what it is that you would like to see in
5 the motion.

6 MS. JENSEN: And, if I may, I think I can
7 assist if the chairman approves?

8 CHAIRMAN McCASSIE: Yes. Please.

9 MS. JENSEN: (Inaudible) to restate the motion
10 that the discipline be a written discipline to the chief,
11 that the matter include anger management.

12 Generally that's a seven-session course that
13 includes training with the POOL/PACT with proof of said
14 training as listed in the communications course.

15 And the third one would be -- repeat it,
16 please, sir. Those are the two items.

17 DIRECTOR MURPHY: And then --

18 MS. JENSEN: I think that was the --

19 DIRECTOR MURPHY: The document would stay in
20 the employee file per district policy for 18 months.

21 MS. JENSEN: Does the motioner concur? That's
22 going to be the question, Mr. Chairman.

23 DIRECTOR WHEELER: You're the motioner, right?

24 MS. JENSEN: No. You are the motioner.

25 DIRECTOR WHEELER: I concur. I concur.

1 MS. JENSEN: Does the seconder?

2 DIRECTOR CALLAGY: No.

3 MS. JENSEN: Then the original motion stands.

4 You can -- so you would then take the vote,

5 Chairman, on the current -- see if there's further

6 discussion. If there's no further discussion, take the

7 vote on the correct motion on the floor. If that motion

8 fails, then you move to another motion.

9 CHAIRMAN McCASSIE: So we have an original
10 motion with a second.

11 MS. JENSEN: Current motion on the floor is
12 that the matter be a verbal discipline, to take a
13 communication course. Is that correct?

14 DIRECTOR WHEELER: Yes.

15 MS. JENSEN: And the seconder made that motion.
16 So now you need to vote for further discussion.

17 CHAIRMAN McCASSIE: All in favor?

18 DIRECTOR MURPHY: Actually, further discussion.

19 Director Callagy, would you mind elaborating
20 why you won't let that motion be amended?

21 DIRECTOR CALLAGY: I don't agree with the
22 entire motion.

23 DIRECTOR MURPHY: Which parts don't you agree
24 with, sir?

25 DIRECTOR CALLAGY: The 18 months in his file

1 documentation.

2 DIRECTOR MURPHY: That's standard language per
3 district policy.

4 DIRECTOR CALLAGY: I understand. I don't
5 agree.

6 DIRECTOR MURPHY: Is there a more palatable --

7 DIRECTOR CALLAGY: The answer's no. I do not
8 agree. I don't agree.

9 DIRECTOR MURPHY: Okay.

10 DIRECTOR CALLAGY: Thank you.

11 MS. BRUCH: I think you said is there a more
12 palatable -- you can --

13 DIRECTOR MURPHY: Yeah.

14 Is there a more palatable time frame, Director
15 Callagy, that would satisfy your concerns with that time
16 frame?

17 CHAIRMAN McCASSIE: I think he disagrees with
18 both, the written and the time frame.

19 DIRECTOR MURPHY: Oh, I apologize. I
20 understood it as you don't agree with the --

21 DIRECTOR CALLAGY: No. I don't agree with
22 sections three at all.

23 DIRECTOR MURPHY: Section three what?

24 DIRECTOR CALLAGY: A-3. I could go with one
25 and two. But it's not numbered. It's just -- it's given

1 the A, the anger, attending management counseling as
2 recommended or approved by the POOL/PACT, human resources,
3 and provide proof of completion and attend communication
4 training as concluded by POOL/PACT, human resources
5 included. I can agree with both of those.

6 DIRECTOR MURPHY: I still think that from a
7 board perspective it behooves us to push that written
8 reprimand that holds Chief more accountable for those
9 actions, serves as an official reminder.

10 DIRECTOR CALLAGY: I disagree.

11 DIRECTOR MURPHY: It's a severity issue.

12 DIRECTOR CALLAGY: I disagree.

13 CHAIRMAN McCASSIE: Vote.

14 All in favor?

15 (Ayes so indicate.)

16 CHAIRMAN McCASSIE: Nay?

17 (Nays so indicate.)

18 CHAIRMAN McCASSIE: I have four ayes and one
19 nay.

20 MS. BRUCH: And, if I may, clarification, is
21 there -- do you have an agreement about retention in the
22 file?

23 DIRECTOR CALLAGY: That's not what we voted on.

24 CHAIRMAN McCASSIE: No.

25 MS. BRUCH: Okay. So that's not part of the

1 motion to reflect --

2 CHAIRMAN McCASSIE: No. It's not part of
3 the --

4 MS. BRUCH: -- how long that's going stay in
5 the file?

6 Okay.

7 MS. MILLER: Per policy, it stays in the file
8 for 18 months.

9

10 ---o0o---

11

12 (OTHER MATTERS HEARD)

13

14 MS. BRUCH: Chairman McCassie, there was --
15 there's another issue that you may want to raise, that is
16 instructions that I provided to you, that in the event
17 that there was not a termination, do you want to discuss
18 the issues related to the employees --

19 CHAIRMAN McCASSIE: I have a statement on that.

20 MS. BRUCH: Okay.

21 MS. JENSEN: Okay. Can you for (inaudible)
22 purposes today, to make the attorney happy, can you pull
23 back that item on the agenda for (inaudible)

24 CHAIRMAN McCASSIE: Okay.

25 MS. JENSEN: Additional items. We'll go back

1 to them.

2 CHAIRMAN McCASSIE: All right. We'll move back
3 to number five, discussion offering regarding HR
4 investigation of Chief Nicholl.

5 So my statement is, after an extensive review
6 and thorough investigation of allegations brought by the
7 two employees against a supervisor, we've determined that
8 three de minimis infractions over four years do not amount
9 to a demonstration of continued pattern of behavior. And
10 furthermore do not rise to the level of infraction or
11 formal discipline beyond coaching and counseling by the
12 board chair.

13 Policy infractions happen every day. Most are
14 unintentional. The supervisor authority given to all
15 supervisors to discipline their servants rests on the
16 supervisor's discretion to discipline based on the
17 severity of the infraction.

18 As such, given the heightened level against --
19 in the district currently of the board of directors, I
20 hereby direct the Chief to formulate a board policy for
21 considering concerning annual communication training for
22 all employees.

23 So I think we discussed that.

24 And then the second part was -- that was in B.

25 MS. BRUCH: (Inaudible)

1 CHAIRMAN McCASSIE: So part of this agenda is
2 it is important that we work to restore (inaudible) of the
3 department both internally and within the community.

4 Based on the current situation I would move for
5 at least the next six months the board will assume the
6 supervision of two employees who have filed complaints
7 against -- complaints about Chief Nicholl for the purpose
8 of evaluating job performance.

9 Chief Nicholl will continue to be the
10 supervisor for the two employees regarding the day-to-day
11 operations of the department. Chief Nicholl is directed
12 to report on the performance of disciplinary issues to the
13 chairman of the board.

14 The board will take whatever actions are
15 available to the Chief and are appropriate in conjunction
16 with the department policies and the collective bargaining
17 agreement. Employees would have the same rights as are
18 available to them under the policy and collective
19 bargaining agreement.

20 The employees would have the same due process
21 rights as are available under the decision-makers as to
22 the performance issues, to include discipline or
23 promotions of the two employees.

24 At the end of six months the board will have
25 the right to extend its authority over the two employees

1 for whatever period of the time the board deems
2 appropriate.

3 So that's the motion.

4 Is there any comments on that? And I think
5 that's the --

6 MS. JENSEN: You've got to have a second.

7 DIRECTOR MURPHY: That was --

8 MS. MILLER: Mr. Chairman, you do need a
9 second.

10 UNIDENTIFIED DIRECTOR: Second.

11 DIRECTOR CALLAGY: Okay. Second.

12 DIRECTOR MURPHY: Yes. That was what we had
13 discussed.

14 I would also like to have you amend your
15 original motion there to include the entire board to be
16 notified when these things come up. That way
17 communication is streamlined through the board, and we're
18 all (inaudible) and not finding them out from third
19 parties.

20 CHAIRMAN McCASSIE: I gladly include that.

21 DIRECTOR MURPHY: Thank you, Mr. Chairman.

22 CHAIRMAN McCASSIE: All in favor?

23 MS. JENSEN: Does the seconder concur with
24 that?

25 CHAIRMAN McCASSIE: Oh, does the seconder

1	concur?
2	DIRECTOR WHEELER: Yes.
3	CHAIRMAN McCASSIE: All in favor?
4	(All vote aye)
5	CHAIRMAN McCASSIE: Okay. Any nays?
6	(None)
7	
8	---o0o---
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I, Karen Bryson, a Certified Court Reporter in the State of Nevada, do hereby certify:

That the foregoing transcript which appears herein, consisting of pages 1 through 14 is a full, true, and correct transcript of my stenotype notes of said recording to the best of my knowledge, skill, and ability.


Karen Bryson, CCR #120



North Lyon County Fire Protection District

195 East Main Street

Fernley, Nevada 89408

District Office (775) 575-3310 District Fax (775) 575-3314

www.northlyonfire.org

Jason Nicholl, Fire Chief

Directors

Daniel McCassie

Mike Callagy, Jr.

Harry Wheeler

Paul Murphy

Jay Rodriguez

MEMO

TO: Jason Nicholl, Fire Chief

FROM: Dan McCassie, Chairman

DATE: October 5, 2023

RE: Notice of Meeting Pursuant to NRS 241.033

Per NRS 241.033, you are being notified of a meeting on Thursday, October 12, 2023, at 1800 hours in the meeting room of the North Lyon County Fire Protection office located at 195 E. Main Street, Fernley, Nevada, for the purpose of discussion and possible action regarding the following:

1. Final approval of discipline imposed at the June 15, 2023, meeting (minutes approved at the August 10, 2023 meeting) regarding investigator findings related to employee complaints.
2. Annual performance evaluation.

You may be represented by an attorney or other representative. You may present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, professional competence, or physical or mental health.

PEOPLE FIRST

North Lyon County Fire Protection District is an Equal Opportunity Employer



North Lyon County Fire Protection District

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Jason Nicholl, Fire Chief

Directors

Daniel McCassie

Mike Callagy, Jr.

Harry Wheeler

Paul Murphy

Jay Rodriguez

If the Board determines it is necessary after considering your character, alleged misconduct, professional competence, or physical or mental health, it may impose administrative action against you at the meeting, including but not limited to all disciplinary actions discussed and approved at the June 15, 2023, meeting.

Please sign below to acknowledge receipt of this notification and return to Kasey Miller, Office Manager no later than Thursday October 12, 2023 at 5:00 p.m.

Thank you

Dan McCassie, Chairperson

North Lyon County Fire Protection District

I hereby acknowledge receipt of this Notice of Meeting on October 12, 2023.


Jason Nicholl, Fire Chief

PEOPLE FIRST

North Lyon County Fire Protection District is an Equal Opportunity Employer

Name	Jason Nicholl	Year	07/01/2022-06/30/2023
Employee Number	559	Date of Review	09/28/2023
Director	<i>Dan McCassie</i>	Director Signature	<i>Dan McCassie</i>

Dimension Title		Exceeds Expectations	Meets Expectations	Needs Improvement
Rating		1	2	3
	Professional Conduct / Leadership a. Establishes a culture of excellence and accountability by inspiring personnel through mentoring, leading, motivating and establishing measurements of success.		X	
B.	Meet Professional Standards and Regulations a. Maintain currency with legal standards b. Maintain Industry Standards (safety and risk) c. Utilizes organizational adaptation as required	X		
C.	Financial Management a. Provides critical analysis and recommendations for issues related to finance with a view towards more effective and efficient resource management. b. Contains costs and manages in a fiscally responsible manner c. Completes long range planning - Equipment Replacement Fund, Capital Facilities Maintenance Fund, unfunded liabilities, etc. d. Complies with state and federal audit standards	8		
D.	Communications and Correspondence a. Professionally communicates (written, verbal, non-verbal) b. Complete/accurate/concise reports and correspondence c. Communicates in a timely manner	X		
E.	Organizational Planning a. Plans and organizes to deal with functional and operational issues in the agency.	X		
F.	Professional Development a. Formal continuing education (elective training exceeds rating) b. Self-study c. Required Training (EVIP, CBT) d. Attends conferences (state, national, etc.) e. Develop and maintain succession plan for staff	X		

Name	Jason Nicholl	Year	07/01/2022-09/21/2023
Employee Number	559	Date of Review	09/28/2023
Director	Paul Murphy	Director Signature	

Dimension Title		Exceeds Expectations	Meets Expectations	Needs Improvement
Rating		1	2	3
	Professional Conduct / Leadership a. Establishes a culture of excellence and accountability by inspiring personnel through mentoring, leading, motivating and establishing measurements of success.			X
B.	Meet Professional Standards and Regulations a. Maintain currency with legal standards b. Maintain Industry Standards (safety and risk) c. Utilizes organizational adaptation as required			X
C.	Financial Management a. Provides critical analysis and recommendations for issues related to finance with a view towards more effective and efficient resource management. b. Contains costs and manages in a fiscally responsible manner c. Completes long range planning - Equipment Replacement Fund, Capital Facilities Maintenance Fund, unfunded liabilities, etc. d. Complies with state and federal audit standards			X
D.	Communications and Correspondence a. Professionally communicates (written, verbal, non-verbal) b. Complete/accurate/concise reports and correspondence c. Communicates in a timely manner			X
E.	Organizational Planning a. Plans and organizes to deal with functional and operational issues in the agency.			X
F.	Professional Development a. Formal continuing education (elective training exceeds rating) b. Self-study c. Required Training (EVIP, CBT) d. Attends conferences (state, national, etc.) e. Develop and maintain succession plan for staff		X	

Explanation of Scores

The following explanations cover the six provided categories on page 1 of this performance evaluation. Due to this evaluation having been postponed three months late, I have incorporated evaluation of Jason's performance for the additional three months.

Professional Conduct/Leadership

- a. Within the last 15 months, Jason has failed to establish and maintain a culture of excellence and accountability by inspiring personnel through mentoring, leading, motivating, and establishing measurements of success. Jason has instead engaged in perpetual and frivolous conflict with staff, generating a remarkable amount of EMRB complaints, grievances, and personal complaints against himself – more than I've ever witnessed in my 19 years with the District, by far. Of the resolved complaints, Jason was found to have violated the District's policy on professional conduct twice.

Meet Professional Standards and Regulations

- a. It is unclear whether or not Jason maintains currency with legal standards, based on the overwhelming number of grievances and complaints generated against himself and the District these past 15 months.
- b. While the District does not currently meet NFPA 1710: *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments* due to circumstances outside the purview of the Fire Chief and District as an entity, Jason has nonetheless taken steps to progress the District towards this goal.
- c. In past years, Jason has adapted the organization exceptionally to meet the service requirements for the community with the District's historically scant resources and income. However, this trait has diminished significantly over the past 15 months.

Financial Management

- a. Jason has provided critical analysis and recommendations for issues related to finance during this fiscal year budget period. While I feel these recommendations would improve span of control and command presence for the District, I do not believe these to be an immediate priority over the filling of vacant firefighter positions.
- b. Instead of containing costs and being fiscally responsible with taxpayer money, Jason has engaged the District in multiple complaints and grievances that carry a high potential for financial loss to the District and therefore the taxpayers.
- c. Jason provides for long-range financial planning of the District adequately.
- d. Jason ensures the District complies with Federal and State audit standards.

Communications and Correspondence


- a. Jason is an excellent public speaker and communicates well in all mediums. However, communication with staff has proven to be a point of concern for Jason.
- b. When asked for information regarding District business, Jason has either provided inaccurate information or no information to me.
- c. Jason generally responds in a quick and timely manner.

Organizational Planning

- a. While Jason is adept at planning and organizing ways to deal with functional and operational issues within the agency, these plans have recently been contrary to the District's Mission.

Professional Development

- a. I am unaware of any continuing formal education that Jason has engaged in.
- b. This is incredibly ambiguous. I am unaware of the time Jason spends in self-study.
- c. To my knowledge, Jason continues to maintain required certifications and licensure to perform his duties as Fire Chief.
- d. I am unaware of Jason's attendance at relevant conferences.
- e. In past years, Jason has developed and maintained a succession plan for staff. I am unaware if this is still being followed or has been modified.

Name	Jason Nicholl	Year	07/01/2022-06/30/2023
Employee Number	559	Date of Review	09/28/2023
Director	Jay Rodriguez	Director Signature	

Dimension Title		Exceeds Expectations	Meets Expectations	Needs Improvement
Rating		1	2	3
	Professional Conduct / Leadership a. Establishes a culture of excellence and accountability by inspiring personnel through mentoring, leading, motivating and establishing measurements of success.			X
B.	Meet Professional Standards and Regulations a. Maintain currency with legal standards b. Maintain Industry Standards (safety and risk) c. Utilizes organizational adaptation as required			X
C.	Financial Management a. Provides critical analysis and recommendations for issues related to finance with a view towards more effective and efficient resource management. b. Contains costs and manages in a fiscally responsible manner c. Completes long range planning - Equipment Replacement Fund, Capital Facilities Maintenance Fund, unfunded liabilities, etc. d. Complies with state and federal audit standards		X	
D.	Communications and Correspondence a. Professionally communicates (written, verbal, non-verbal) b. Complete/accurate/concise reports and correspondence c. Communicates in a timely manner			X
E.	Organizational Planning a. Plans and organizes to deal with functional and operational issues in the agency.			X
F.	Professional Development a. Formal continuing education (elective training exceeds rating) b. Self-study c. Required Training (EVIP, CBT) d. Attends conferences (state, national, etc.) e. Develop and maintain succession plan for staff		X	