

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

October 12, 2023

1. Call to Order

The meeting was called to order by Chairman McCassie at 1810. Directors present included Dan McCassie, Harry Wheeler, Paul Murphy, and Jay Rodriguez. Director Mike Callagy joined the meeting via Zoom.

The Pledge of Allegiance was led by Chief Nicholl. 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.)

“Good evening. My name is Tom Bird. I am president of Nevada Alliance for Retired Americans, a statewide organization of retired seniors that is an affiliate of the Alliance who are in 43 states with 4.3 million members nationwide and 19 thousand residing in Nevada. I am a 4th generation Nevadan from Tonopah, served my Apprenticeship of IBEW lineman in Hawthorne, worked most of my career in Reno with a stint Yerington as an electrical trouble man. I am a homeowner and have lived in Fernley for almost 4 years. I say this so you know I understand I have lived, worked and get small towns and big city budgets, and growing pains but I also worked hard during the boom of the late 70s and later in Reno. I get and lived in major growth, and worked many emergencies alongside the professional fire fighters and law enforcement in Northern Nevada. I have the greatest respect for our working professionals and craftsmen that build, protect and support our communities.

Having said that, I am greatly disturbed with the fiasco and disrespect I have read played out on Facebook about a personal employment issue and uncalled, unprofessional, and most likely liable remarks made by a presumed member of this Board. Workers leave jobs for two reasons, because of poor management and unsupportive, oppressive working conditions. Not only is Fernley growing but so is Northern Nevada. Attracting, but retaining our trained experienced workers should be your number one priority. Why would you turn your backs on that community investment that has proven returns in public safety? There are a massive amount of openings for unskilled workers let alone skilled professionals who are the very lifeline for our community's health and welfare and not just for our large senior and veteran population. All workers now

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move onto the best workplaces and best supervision they can find. Don't force our city employees to do that!

I have never heard of a 2nd introductory period. Introductory is a first-time event. It sounds like a made to suit harassment country folk term. Wage and benefit negotiations are a natural process of employment in many trades, cities and organizations. They should be conducted in a respectful and honorable manner for valued people and the work they represent.

It's a dishonor to our city, employees not to mention it gives our children the wrong impression of the manner that adults should interact. As a verifiable senior, proven by my years of proud IBEW utility service to Northern Nevada, wrinkles, and grey hair, it's far past time that those who represent us in public office, supervise workers and are presumed adults start acting like adults and set examples for the next generation. And if you can't act as such, you need to excuse yourself and get out of the way and let a more professional adult have the job.

I leave you with one final thought, we never know at any time when we will need the expert services of our firefighters, but I can guarantee you, they will be there to ensure your life is important enough for them to work on you nonstop or save your most valuable asset, our homes, pets or life.

T Bird”

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 approve of Board Agenda

3b. Review and approve Board Minutes

3c. Review of Summary Reports

Director Wheeler made a motion to approve the CONSENT AGENDA.

Director Rodriguez seconded the motion.

The motion reads as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

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4. Discussion and possible action regarding Revenue 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 Rodriguez seconded the motion.

Chairman McCassie stated that there is a motion to approve and a second.

Director Murphy stated that there is nothing to report here, and Mrs. Kasey Miller added that there is nothing to be approved because there was no report given. Director Rodriguez stated that there was no need for that motion.

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*

Chairman McCassie asked who brought this forward and Director Murphy stated that he did not bring this one forward.

Chief Nicholl shared that this item has already been dispensed with by the Board. In the June 15th meeting, we have a motion that is clear in this transcript. We have minutes that were done, and he stated that he can testify that the results of said discipline. The motion, what transpired exceeded what was moved. Chief Nicholl stated that personally from his perspective, this is a done issue, these complaints were unfounded, they prove to be unfounded, and it is time that the district recognizes that they were proven to be unfounded and move forward.

Chairman McCassie stated that that is where all the confusion was. There was an investigation and all that came out, we ordered the transcripts and because of all of the discussion, there was total confusion about it. Even though we had a motion, we had a second, we had a discussion, and then we voted on the original motion. Chairman McCassie added, what we are going to do is entertain another motion and another second and move on with this.

Director Wheeler entertains a motion that Chief Nicholl be required to do any and all of the following: Attend communication training, recommended by POOL PACT and Human Resources and provide proof of completion.

Director Callagy seconded the motion.

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Director Murphy asked to have a discussion before we move on with a vote. He stated that when we made that vote, we talked about what terms again. We talked about a verbal reprimand, a warning, or whatever verbiage you choose to use, Anger Management or counseling, he's not sure of the exact terms and Chairman McCassie interrupted adding, communication. Director Murphy continued with communications training, and file retention for up to eighteen months, as per district policy.

Chairman McCassie is asking for clarification, if there is a policy for that for eighteen months, and he is not sure how you put a verbal reprimand into his file.

Attorney Rebecca Bruch stated that Chief Nicholl is subject to the policies, not the Collected Bargaining Agreement. She shared that their options are:

Forms of Discipline

1. Verbal warning
2. Written reprimand
3. Suspension
4. Pay Reduction
5. Demotion
6. Termination

She added that their policy says, members signed copies of the above items one through six. All of those must be placed in the member's master personnel file, and a copy provided to the members.

Chairman McCassie is asking if it is a verbal, that it has to be placed in their personnel file, and if there is a time frame.

Chief Nicholl added that that is not what the motion is.

Chairman McCassie explained that is where the confusion was. He shared that we had a motion, we had a second and we had a discussion. The seconder would not agree to change it, so we went back to the original motion and voted on it. That is where the confusion is. At this time, he is clarifying the motion to do a verbal reprimand.

Chief Nicholl and Director Wheeler interrupted stating that that is not in the motion.

Chairman McCassie is asking what the motion is.

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Attorney Rebecca Bruch is clarifying if Director Wheeler is now making a new motion, and he responded that he is making a new motion.

Director Wheeler stated that the motion stands as is, Chief Nicholl is required to do any and all of the following: attend Communication Training recommended by POOL PACT and Human Resources and provide proof of completion.

Chairman McCassie asked if the seconder conquers.

Director Callagy added that he believes what Director Wheeler is saying, is that the motion is nothing of those three will be done, correct.

Chairman McCassie asked Director Wheeler to read the motion again and he stated that he thinks he is having a hard time hearing them.

Director Wheeler stated to attend Communication Training recommended by POOL PACT and Human Resources and provide proof of completion.

Director Callagy is asking if he is saying for him to have to do those things, correct.

Director Wheeler responded, yes, he is saying that he has to do those things and Chairman McCassie added, yes, he has to do those things.

Director Callagy stated that he takes his second back, he doesn't agree with any of that. He explained that they went through this the last time and the verbal is what they agreed on.

Director Wheeler stated that the original motion is still on the floor, Mr. Chairman.

Chairman McCassie added that we do not have a second and he is asking if they want to modify a motion.

Mrs. Kasey Miller suggested at this point, so we don't muddy the water, to let that motion die for lack of a second and start over. Both Attorney Rebecca Bruch and Chairman McCassie agreed.

Director Callagy made a motion that Chief Nicholl receive a verbal warning and not be placed in his file.

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Director Murphy stated that that motion changes from the last motion they did which is disputed.

Mrs. Kasey Miller added that there is a motion on the table and Chairman McCassie asked if there was a second. Mrs. Kasey Miller shared that if not, it dies for lack of a second.

Chairman McCassie seconded the motion.

Director Murphy asked for discussion before they have their vote again. He added that these are two separate infractions done in the same investigative period and they were released at the same time. Progressive Discipline would have the first one be verbal and the second one be written. He is asking that the original motioner amend their motion to make this a written reprimand, that the Chief attend Communications Training by POOL PACT, Anger Management as these two events per the investigation seem to be anger-related issues, outbursts to staff with profanities.

Chairman McCassie interrupted asking what was the second and Director Murphy stated that he was finishing his amended motion for the original motioner.

Director Murphy added that this be retained in the Chiefs file for the eighteen-month period as per district policy.

Chairman McCassie added that we only know of one investigation.

Director Callagy interrupted adding that the motion stands Director McCassie.

Director Murphy added that we had the two complaints that were both submitted to the Board, we have the original Mendoza complaint and the Criscione complaint. He stated that these were both brought in at the same time. Chairman McCassie shared that the Criscione complaint was found unfounded, and he is asking if he is not correct with that.

Attorney Rebecca Bruch shared that there was the same finding on both. The only policy violation was the conduct unbecoming the hostile work environment based on policy was unfounded, and the bullying was unfounded. The only finding was conduct unbecoming, regarding the incident with Mr. Criscione and the incident with Mr. Mendoza. She added that there were two.

Director Murphy asked Chief Nicholl, for clarification, everybody else in the department, progressive discipline would fall into that matter, correct. For a first infraction, it would be generally a verbal or coaching session to a written one. Chief Nicholl responded that infractions that come in groups, he typically takes all of them and bundle them together. He stated that he

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deals with issues all of the time, with multiple different infractions that he can treat separately but for sake of good discipline, we combine them all into one and we have one form of discipline that occurs.

Chairman McCassie confirmed that Director Callagy heard Chief Nicholl's statement.

Director Callagy stated that his motion stands.

Chairman McCassie seconded the motion.

Attorney Rebecca Bruch stated to the Board, that in their policies, which Chief Nicholl is subject to, the first line is a verbal warning which your policy says must go in the file. She added that they can consider the Chief's practice of bundling them together but in any event, whatever title will be put on it because it does need a title, the first option is something called a verbal warning which must go in his file. Chairman McCassie asked Director Callagy if he heard that statement and added that it has to be included in the motion that the verbal warning has to go in his file. Director Callagy responded, why is that. He stated that he did not hear everything and that it was cutting in and out. Chairman McCassie stated that it is part of the policy that they have in place. Attorney Rebecca Bruch shared that it is page ninety of your policy. Director Callagy stated that he would amend his motion, that he disagrees with that result. Chairman McCassie asked for clarification to please give his motion.

Director Callagy made a motion to give the Chief a verbal warning and put it in his file.

Chairman McCassie seconded the motion.

Attorney Rebecca Bruch stated that she wanted to verify that the policy says that it will stay in the file for eighteen months. She asked Mrs. Kasey Miller if that was correct and she responded that the policy does not give a timeline, that the CBA gives a timeline. Attorney Rebecca Bruch stated that she stands corrected, and she added that they will want to define this as part as the motion, about how long they want it to be in his file. Chairman McCassie asked Director Callagy if he wanted to add a timeline to his motion to the verbal reprimand put in his file. Director Callagy asked what the policy states and Chairman McCassie added that there is no time frame, that he can pick and choose a time frame. Attorney Rebecca Bruch shared that the Collected Bargaining Agreement is what calls for eighteen months but there is no indication in the policy for how long. She added that the Board has the freedom to do whatever they want with that. Chairman McCassie stated that it is ninety days and for clarification, he is asking Director Callagy to repeat his motion.

Director Callagy made a motion to give the Chief a verbal warning and to stay in his file for ninety days.

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Chairman McCassie seconded the motion.

Director Murphy is asking about the other parts of this that we originally voted on. He added that if we are trying to retain the true spirit of this as it was originally voted on, we would also include counseling and management. He stated that we are handing down a lesser sentence than the one that was already severely blunted to start with. Chief Nicholl interrupted and shared that what had been moved was a step above the initial motion, which was for Communication Training. No verbal warning, no written reprimand, and nothing else. He added that what Director Callagy is proposing is the next step, which is an escalation, just to clarify. Director Murphy is asking if it is regular to have the involved parties speak on their own discipline.

Attorney Rebecca Bruch stated that under 241, the Chief has been properly noticed and he has an opportunity to present whatever he wants. Typically, the way it would go, he would present whatever he wants and then the Board would have a discussion and a vote. In any event, he needs to be permitted to speak within the rules of this Board. Director Murphy then apologized to the Chief.

The motion carries as follows: 3-2-0

McCassie	Aye	Murphy	Nay
Callagy	Aye	Rodriguez	Nay
Wheeler	Aye		

Attorney Rebecca Bruch added that she wants to be clear that everybody understands that this is going to be a verbal warning which she will draft, with the form in your personnel policy that she will follow that will be drafted. The only discipline that Chief Nicholl will be getting is a piece of paper that will sit in his file for ninety days with a verbal warning. She is asking the Board for clarification that they are not ordering Communications Training or Anger Management Training and Chairman McCassie responded that that is correct.

Director Wheeler added that from June until now, Director Rodriguez has not participated 100% in these activities, thus mis a couple of legal briefs. He added that he will respect his nay on this, but he also wanted to make note that he hasn't been in attendance for most of this conference and discussion on this item. Director Murphy asked Director Wheeler if that was a can he wanted to open up, about people not being here or even in the state.

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6. Discussion and possible action regarding the annual evaluation of Fire Chief Jason Nicholl*

Chairman McCassie asked the Board if everyone had a copy of the Chief's evaluation and Director Murphy stated that he only had three evaluations. Chief Nicholl added that he only had three evaluations as well. Mrs. Kasey Miller stated that only three evaluations were turned in to her as of yesterday at noon. Director Murphy asked how long they had to do the evaluations. Chief Nicholl shared that Director Wheeler just handed him an evaluation. Chairman McCassie asked Director Callagy if he completed his evaluation and he added that they had a conversation that it was done. Director Callagy stated that he emailed Kasey Miller today at 2:57 p.m. Chairman McCassie stated that he would have her check her emails. Mrs. Kasey Miller shared that she just checked her emails, and she did not receive an email from Director Callagy. She added that she could open up her emails for Chairman McCassie. Chairman McCassie stated to Director Callagy that no emails have come through from him. Chairman McCassie asked Director Callagy if he would like to try sending that email again. Director Murphy asked if it would be more appropriate to do this at the next meeting when everyone has their evaluations turned in and Chairman McCassie added that they probably should and that they could table it. Director Murphy shared that he wasn't sure if there is anything that is going to prohibit them from doing this if there are things that have to be done within a certain time frame. Director Callagy told Director Murphy that if he wanted to cancel it, to cancel it. He stated that he turned it in earlier and he found out today that Kasey did not have it. He added that he asked for it to be emailed to him, he re-did it and he re-sent it. Director Murphy added that the original deadline was September 22nd.

Chief Nicholl stated that the evaluation is at his own request and is not required. He shared that he has received evaluations from four of the directors. He respects the opinions of the directors, their knowledge, and their lack of knowledge. As far as he is concerned, they can move forward with it, and if the Board wishes to hash it out more that is up to them. Chief Nicholl stated that he is comfortable accepting the paperwork that he has now and moving forward. He stated that it is part of his employment contract, and he can modify that as necessary for convenience for himself. Director Murphy apologized for the delay in the Chief's evaluations, and they should've been done much sooner. Chief Nicholl agreed, but he also added that we have been busy, and he is willing to accept these and move forward or move it to the next meeting. Director Callagy interrupted and stated that he just emailed his evaluation to Mrs. Kasey Miller. Chairman McCassie stated that they are going to move forward with what they have, and he will receive a copy tomorrow.

Director Wheeler made a motion to accept the Chief's evaluations the way they are.
Director Callagy seconded the motion.

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The motion carries as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

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

Director Murphy asked Chief Nicholl if he has a running tally on the cost of all legal issues that were currently engaged in for this year to date. Chief Nicholl responded that he does not have a running tally, but he has the invoices and they have been submitted to Mrs. Kasey Miller and he does not have that figure off the top of his head. He added that he could email that to the Board by tomorrow. Director Murphy asked if Chief Nicholl could include that going forward in his reports to the Board and Chief Nicholl answered that he doesn't see why not.

Chairman McCassie stated for clarification, that they just had a legal brief on the status of all of the grievances, which they cannot discuss. Director Murphy stated that we increased our legal budget this budget cycle from \$91,000.00 up from \$60,000.00 last year. That includes legal and professional services. Chief Nicholl stated that he will do his best to get it to the Board tomorrow, but he cannot guarantee it, but certainly by Monday.

Director Rodriguez stated to Director Wheeler that he did not appreciate his comment regarding his attendance and that he is not one to have attendance issues here.

Director Wheeler- None.

Director Callagy- None.

Chief Nicholl- None.

Fire Marshall Tim Myers shared that the Commerce Center building is scheduled for a final next Thursday and the shell final for B, C, and the pump house at Mark IV was done two weeks ago.

Volunteers- None

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Local 4547- President Joe Mendoza stated that he finds it interesting that Chairman McCassie didn't realize that there were two investigations, nor the results of the second one, definitively. He shared that the Chief himself has handed verbal and written reprimands to employees simultaneously while being disciplined. It wasn't just a verbal for multiple things. He also stated that they have still not contacted the Union about issues within our department and continue to ignore those issues and come to the table to speak to them about grievances that have been filed and the attempt in eighty-sixing him from a public meeting. He added that he is on vacation and that is why he is not there at the meeting, but he will be at the next meeting. He stated that he is looking forward to hearing from them as the body cam showed them talking about talking to him about giving him a time frame to come before and a time frame to leave. He shared that they will be posting Chief Nicholl's response about the time it takes to send a complaint to the Ninth District and him smirking about it because he will be gone because his contract will be up. It just shows the domineer you are creating within our department with our leadership, and they should be ashamed of themselves.

City of Fernley- None

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.)

Firefighter John Renaud asked if it was found that the second complaint with Captain Criscione was completely unfounded or were parts of that were found.

Attorney Rebecca Bruch stated that there was one finding of conduct unbecoming and all of the other complaints were unfounded. She added that the investigator found, in his opinion, that there were no policy violations of any of the allegations, other than the conduct unbecoming. The same finding with regard to Criscione and Mendoza.

Mrs. Linda Carr asked Chief Nicholl what the status was with the riser. Mrs. Kasey Miller stated that she has two bids coming in and we are looking for a third. She shared that she has been working with Tim Edmonston from Delta Fire Systems and Q & D and King Construction came and took a look, and they are going to be giving us bids and we are attempting to find another one.

Mrs. Linda Carr also shared that there was a recent structure fire in her neighborhood, the crews were phenomenal and made one hell of a stop. Everybody did a great job.

Mr. Roy Edgington from Rotary shared that every year they put on a Thanksgiving Dinner and Breakfast with the Grinch at Station 61 and they would still like to continue to do that. He is

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asking if the Board and the Union support that. He stated that he's listened to a lot of talk from a lot of people, and he wants to make sure before they carry on with planning that it is okay to continue to use Station 61 and that everybody is on board. Chief Nicholl added that that would be an administrative decision and administratively we support it. Chief Nicholl directed Mr. Edgington to speak with the Vice President of the Union, Nicholas Parino to see if the Union has the appetite to assist with helping cook. Director Murphy asked what the process was for donating turkeys for this event and Mr. Edgington stated that as it gets closer, he will have a letter with more information.

Mr. Joe Mendoza stated that we need to get better sound equipment, as Director Callagy figured out, it is hard to hear anybody. He added that he couldn't hear half of the public comments in this meeting. He would appreciate working on getting better equipment and microphones. He also asked how many meetings Director Callagy has missed and how the weather is in Santa Barbara. Chairman McCassie stated that that comment was uncalled for. Director Callagy responded that the weather was beautiful.

Director Rodriguez suggested that maybe during public comment if anyone would like to make a comment, come closer to the microphone so everyone can hear.

Chief Nicholl stated that we would look into better equipment. He also stated where to go to do public comment, he added that they have delayed talking about this because they have Board policies, and with everything going on, we will begin working on Board Policies where we will be talking more about Roberts Rules of Orders. The ways for motions to be heard, whether discussion happens before or after, and what happens with public comment. He stated that they have had an environment where public comment has more of an exchange and that is typically not how things happen. Chief Nicholl added that these are things that they will address when they bring the Board Policies for review. He also added that he recommends getting a Workshop added to the calendar to be able to do that.

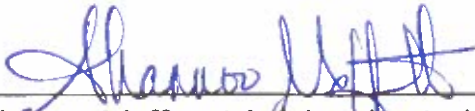
9. Adjournment*

Chairman McCassie adjourned the meeting at 1849.

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 October 12, 2023

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Respectfully Submitted by:



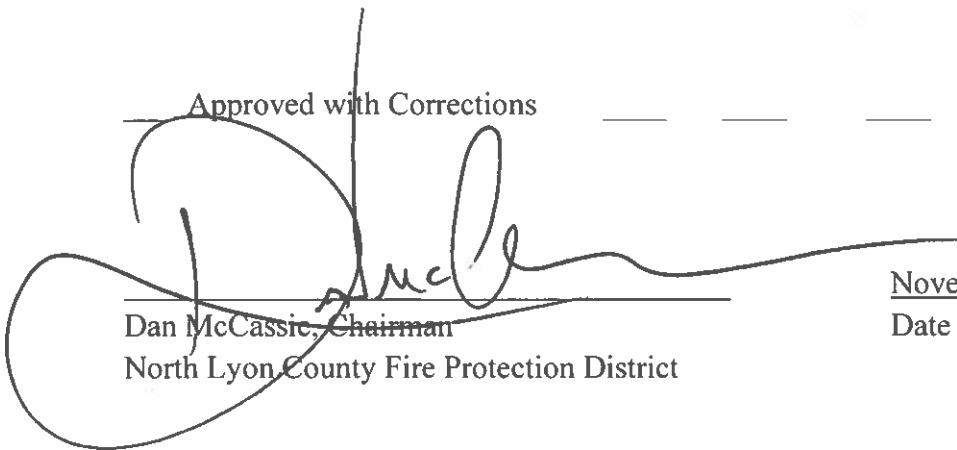
Shannon Moffett, Administrative Assistant
North Lyon County Fire Protection District

November 9, 2023
Date

Approval of Minutes
October 12, 2023

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	
<u>X</u> Approved as Read	<u>4</u>	<u>0</u>	<u>0</u>	<u>0</u>	_____

Approved with Corrections _____



Dan McCasie, Chairman
North Lyon County Fire Protection District

November 9, 2023
Date