

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

February 8, 2024

1. Call to Order

The meeting was called to order at 1800.

Directors present included Dan McCassie, Paul Murphy, and Jay Rodriguez. Director Harry Wheeler was absent.

The Pledge of Allegiance was led by Director Rodriguez. 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.)

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 approve of Board Agenda

3b. Review and approve Board Minutes

3c. Review of Summary Reports

Director Rodriguez made a motion to approve CONSENT AGENDA.

Director Murphy seconded the motion.
The motion carries as follows: 3-0-1

McCassie	Aye	Wheeler	Absent
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 Rodriguez made a motion to approve Revenues and Expenditures.

Director Murphy seconded the motion.

The motion carries as follows: 3-0-1

McCassie Aye Wheeler Absent

Murphy Aye

Rodriguez Aye

Chairman McCassie called for a recess at 1803

Chairman McCassie resumed the meeting at 1825.

5. Swear in Board of Director Michael Toombs

Mr. Michael Toombs was sworn into the vacant Board Position by Judge Lori Mathews.

6. Discussion and action to appoint 2024 Board of Directors Positions:

Chair, Vice-Chair, Secretary/Treasurer

Chairman McCassie asked the Board for any recommendations.

Director Murphy nominated himself for the Chair Position.

Director Toombs seconded the motion.

The motion carries as follows: 4-0-1

McCassie Aye Wheeler Absent

Murphy Aye

Rodriguez Aye

Toombs Aye

Director Murphy nominated Dan McCassie for Vice-Chair.

Director Rodriguez seconded the motion.

The motion carries as follows: 4-0-1

McCassie Aye Wheeler Absent

Murphy Aye

Rodriguez Aye

Toombs Aye

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Chairman McCassie nominated Harry Wheeler for Secretary/Treasurer.

Director Murphy seconded the motion.

The motion carries as follows: 4-0-1

McCassie Aye Wheeler Absent

Murphy Aye

Rodriguez Aye

Toombs Aye

7. Discussion and action to approve contracts for the investigation of employee complaints*

Mrs. Becki Bruch, Attorney, shared that in December on behalf of the Union, there were two internal complaints against Chief Nicholl. She stated that there are two contracts in the Board packet from the proposed investigator and they are for review and the Board's approval.

Director Murphy made a motion to approve the contracts.

Director Rodriguez seconded the motion.

The motion reads as follows: 4-0-1

McCassie Aye Wheeler Absent

Murphy Aye

Rodriguez Aye

Toombs Aye

8. Discussion and action regarding FY 2023-2024 Labor Negotiations*

Chief Nicholl stated that there is a letter in the packet dated February 8, 2024, regarding 2023 CBA negotiations reconciliation. Initially, when the Board of Directors authorized to enter into negotiations with Local 4547 in October of 2022, they did so on a limited number of articles.

The Union brought forth additional articles and he stated that he wanted to negotiate them, but the Board limited his approval of his negotiation to the articles presented at that time. Chief

Nicholl stated that by way of reconciliation, the additional articles 22-Union Business,

26-Military Leave, 28- Retirement, 36- Personnel Reduction, 41 - Amending Procedures, and

49- Longevity. He is asking the Board to approve and authorize them so that he has the authority to negotiate with Local 4547 and move forward with negotiations. He shared that they have had several meetings over the past years, but the most recent meeting was on Monday. He added that there is a subsequent meeting pending the result of this vote, next Monday.

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Director Murphy asked Chief Nicholl if the two letters are combining the openers from the district. Chief Nicholl answered no that the second letter is regarding item 9 on the agenda. Director Murphy stated that per 288, negotiations openers are to be in before February 1, and Chief Nicholl agreed. Director Murphy is asking if there was a reason why that didn't get in sooner so that we weren't breaking a deadline. Chief Nicholl responded that they did not have enough time to bring it forward before the February 1st deadline. He stated that he presented the information to the Union, and they were working on getting him the information, and that information was presented on January 31st. He added for him to reconcile that, there needs to be a Board Meeting, and have to notice it. The timeline had already passed, twelve hours later. Shortly after, he stated that we entered the EMRB, and everything came to a stop. Chief Nicholl shared that the EMRB issued their ruling at the end of December and now we are picking up negotiations and he is asking for reconciliation of these articles for 2023 so that he has the authority to negotiate these articles. Director Murphy asked if these were an addition to the articles that were already opened at the previous negotiation cycle, or if they were the same ones that are going to be talked about again, and Chief Nicholl answered that we will be talking about them again. He added that articles 22, 26, 28, 36, 41, and 49 were not on the list that we presented. They were on the list that was presented by the Union, and he stated that when the Board authorized him in October of 2022, it contained other articles but not these. Chief Nicholl stated that this is a reconciliation and once he has authority to negotiate these articles, he will then have full authority to negotiate all the articles requested by the Union. Director Rodriguez is asking if this will be an issue even though we have already passed the deadline, and Chief Nicholl responded that it could be and that it is up to the Union to decide to push that or not. Director Murphy is asking Chief Nicholl if there has been any discussion between himself and the Union about consolidating the previous year's negotiation articles with this negotiation cycle. Chief Nicholl explained that there is a lot of overlap in the item 9 letter and the things that were already opened and authorized by the Board. He stated that he did pose that question to the Chief negotiator on Monday but at the time he stated that he was not admissible to it. He shared that in a meeting with President Mendoza, he did mention the idea for them to consider but he has not heard back from him. Chief Nicholl added that he has asked to consolidate them because the things that are in the 2024 negotiations are contingent on the 2023 negotiations. He stated that he cannot negotiate things for 2024 until we have a solid starting spot which is the 2023 negotiations.

Director Murphy is asked if he thinks we can get that done before the April 1st deadline, and Chief Nicholl responded that once we start negotiations, they should go smoothly. Director Murphy is asking if we didn't do an opener and if this is why we are doing a reconciliation. Chief Nicholl responded that we did an opener but not for this contract. He stated that it was his understanding that everything was in abeyance until 2023 because they were sequential until 2023 was settled, and once 2023 was settled, we would move on to 2024. He added that he agrees with the articles that the Union presented for the 2024 negotiations, and he thinks they are great articles to discuss but that is item 9. Chief Nicholl stated that he just

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needs the authority from the Board to negotiate these articles, in addition to the ones that they have already authorized.

Director Murphy made a motion to allow the Chief the ability to reconvene with the Union for the 2023-2024 negotiation cycle, to include articles 22, 26, 28, 36, 41, and 49, as per the letter dated February 8, 2024.

Director Toombs seconded the motion.
The motion carries as follows: 4-0-1

McCassie	Aye
Wheeler	Absent
Murphy	Aye
Rodriguez	Aye
Toombs	Aye

Chief Nicholl asked Director Murphy to sign the letter that is in his packet.

9. Discussion and action regarding FY 2024-2025 Labor Negotiations*

Chief Nicholl explained that Labor Negotiations are upon us, and these are the articles that have been requested by the Union to negotiate articles 4 – Salaries, 28- Retirement, 31- Health and Accident Insurance, 47- Incentives, 49- Longevity, and 53- Duration. He added that in addition, they are requesting three new articles for consolidation of prevailing rights and out-of-state mutual aid assignment and that he completely agrees with their request. He is asking for authorization to move forward with this, and once 2023 negotiations are finished, we will get right into 2024 negotiations unless the Union agrees to consolidate negotiations.

Director Rodriguez made a motion to approve the Labor Negotiations for FY 2024-25 from the letter dated February 8, 2024, for articles 4, 28, 31, 47, 49, 53, and the three Local 4547 proposed articles.

Director Murphy seconded the motion.
The motion carries as follows: 4-0-1

McCassie	Aye
Wheeler	Absent
Murphy	Aye
Rodriguez	Aye
Toombs	Aye

Chief Nicholl asked Director Murphy to sign the letter in his packet.

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10. Discussion regarding Assistant Fire Chief Recruitment

Chief Nicholl shared that we initially had twelve candidates and now have 5 candidates for the position to go through the confidential recruitment process. He explained that that process is still moving forward. He added that he has set up an interview panel of several Chiefs from the region. It is a combination of people from the region and the state that will be conducting ZOOM interviews with the five remaining candidates on February 15th. He stated that those interviews will include a Board panel of these things and will take their recommendations. The panel will then make their decision as to which three candidates to go forward to the Board for final consideration. Chief Nicholl added that we should have three final candidates that we can name within the next two and a half weeks. He stated that the interviews are on the 15th and about a week for notifications and moving forward from that, the March Board Meeting will be a two-day, on-site with the candidates. The three candidates will then go through an assessment center, where they will meet community members, have meetings with the Union, meet with the city, and have individual meetings with the Board of Directors. Chief Nicholl added that the next Board meeting will be the time for the Board Members to interview the candidates and make a decision and offer a position. He shared that he is excited and there is a good quality group of candidates.

11. Discussion regarding Fire Riser at Station 61

Captain JT McCoy shared that we were finally able to get one quote from Q & D Construction, and that quote came to \$26,000.00. He stated that is a high-end quote and we are hoping that it doesn't cost this much. He explained that it can get a lot worse until we find out how much concrete needs to be cut, and the extent of the pipe damage. Chairman McCassie asked Chief Nicholl where the funds were going to come from to get this repaired and he answered that he did not know.

Director Murphy stated that the longer we wait, the longer it may cause more damage and cost more cost. Chief Nicholl shared that we are looking at alternatives and that Captain McCoy is looking and trying to get us to the next budget year. If we can do that, then this will be an item that will come up in the budget. If not, we will come back at the next Board meeting for a budgetary adjustment for it, and by that time we can figure out where we will pull the \$26,000.00 to get the repair done.

Director Murphy asked Captain McCoy if we could reach out to anyone else to get more options on this bid. Captain McCoy stated that he would reach out to other construction companies and that sprinkler companies don't want to touch it because it is not part of the sprinkler system. It is the supply to it, not the actual system. He added that companies are scared to quote it because they might have to go under the building. He explained that the hallway and offices may need to be cut up. Mr. Toombs asked how long Q & D's quote was good for, and Captain McCoy responded that he wasn't sure, but they were giving us time and money, plus a 15% discount to

try and help since we are the Fire Department. He stated that we are hoping that they don't have to cut out a big portion of concrete and that it is smaller, and to possibly reuse the dirt that is already in there and doesn't need to be replaced. He explained that it all depends on what is found once it is cut open. Mrs. Kasey Miller stated that the sprinkler company is also working with Q & D on getting a huge discount and advice.

Chief Nicholl shared that a lot of people who have looked at the job say no and he added that he had an idea to go to Mark IV, who has their industrial plumbers on site, and ask if any of their contractors would be willing to come and take a look at it. He explained that we are putting a lot of resources into getting it figured out.

Director Rodriguez asked if that was an option to move forward with that, and Chief Nicholl stated that they were going to.

Chairman McCassie is tabling this until we can figure it out.

12. Discussion regarding Station 61 Building Vandalism

Director Murphy stated that this was for more of an update on the status of this. He added that he reached out to Dana Uhlhorn, as he last reported at the last Board meeting. He explained that he wants to make sure that we aren't finding ourselves in hot water legally, as the district notwithstanding how this may or may not affect any ongoing litigations. He asked if we had heard anything else, and Chief Nicholl answered that he had not. Director Murphy mentioned that there was talk about a plaque. Chairman McCassie added that when he spoke to Dana Uhlhorn, he had mentioned they were looking to get a brass plaque made and have it attached to the wall. Director Murphy asked if they were asking the district to pay for it and Chairman McCassie responded that he would check back with him and find out.

13. Discussion regarding Apparatus

Chief Nicholl shared that at the last meeting, the truck was scheduled to go in to get its full check-up and get an estimate on what it is going to take to make the truck operational. He explained that the Tender took priority because we had one of our tenders that could not pull enough pressure to be able to pump. He added that they took the tender to Siddons Martin and the quote came back at \$28,072.88, and it is a high-lined quote based on anything and everything that could be wrong with it. He shared that he had Chief Myers and Stephen Emery look at this quote also, and Chief Myers identified some of the items that were more in-house fixes that we could do. Chief Nicholl stated that we are still actively working towards getting the tender fixed and that it is important to get it fixed before the beginning of the Wildland season. He stated that this is something that will come back once we can fine-tune the bid and take out the things that the district can correct.

Chairman McCassie asked how we would pay for this, and Chief Nicholl answered that he did not know and that we were not far enough down the road to know that yet.

Director Murphy added that he noticed that there was not anything in the estimate regarding the stick itself, and if we are still concerned with the welds. Chief Nicholl stated that this quote is not about the truck, it is about the tender only. He stated that since the tender took priority, they did not take the truck yet. Chief Nicholl added that he has had discussions with them, and to get the welding of the truck repaired, it looks like that truck will have to go back to Wisconsin to the aerial factory. Most likely the aerial device will have to be pulled off the truck and completely refurbished and rewelded.

Director Rodriguez asked Chief Nicholl if he had an idea of how much might come off of the quote after the items were done in-house, and he answered that he did not. Tim Myers stated a few items of what can be done in-house. Chairman McCassie suggested if we can start repairs in-house and what can't be fixed, go off this quote and check off the list. He added that between the two quotes presented tonight is roughly \$60,000.00.

Director Murphy asked which Tender it was, and Chief Nicholl responded that it was Tender 62.

14. Discussion and action regarding Workshop for Board S.O.P.s*

Chairman McCassie stated that this is going to take a Workshop and that the Board needs to pick a day to go over the S.O.P's that we have, with regards of some new S.O.P's. He stated that a big problem is attendance and the chain of command for communication. Director Murphy stated to do it as a special meeting, so it does not follow the same format as a regular meeting. He suggested that they all look at their calendars and see what date and time would work for them. Chairman McCassie added that Director Wheeler would not be back until after March 17th and Director Murphy asked if they were willing to wait that long. Chairman McCassie stated that he would like to see all five Board Members attend and have input on it. Mrs. Kasey Miller stated that they needed to speak up because people were unable to hear on ZOOM. All Board members present had a discussion and agreed to meet on March 23, 2024, at noon, at Station 61. Chief Nicholl stated that he would send all of the Board Policies to their District emails, so they have a chance to review them beforehand. Director Murphy asked if there are editable copies and Chief Nicholl agreed to send Word documents.

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

Directors - None.

Chief Nicholl shared that we are still moving along with Station 63, and we have a site that was offered as one of the options for Mark IV. He stated that they have reviewed that site and are

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continuing to move forward with them and the City of Fernley to be able to get this done. He stated that he has a meeting with the Fire Study Team and Mark IV on Monday the 12th, to discuss the finer details of the report, and he will have more information after that meeting. He shared that we were 11% down in call volume last year and are continuing that trend this year being 11% low. He stated that our call numbers are back to 2020 numbers, and we are averaging nine calls per day between both stations. Chief Nicholl shared that we will be getting an NV Energy contract that does not contain any work and they are asking us to be prepared for ADHOC work, which is red flag days, and fire stand-by. He stated that NV Energy will issue us a contract but does not guarantee any revenue into the district from NV Energy. He shared that we are not the only district in this position, other districts received the same information. He explained that no one is sure what NV Energy is planning to do with the program, but from the NV Energy side, it is very much up in the air. Chief Nicholl shared that he has meetings scheduled next week with NV Energy. He anticipates that type of event will be much like a Wildland assignment. He explained that it wouldn't be a two-week assignment, that it may just be for a day or two. He added that everyone will be going through the NV Energy Safety Training and that way everyone will have the opportunity. Chief Nicholl explained that if we get a red flag on a Friday or a Saturday and somebody wants to work an overtime shift, they can do it and earn the overtime, and the district will be able to bill for that. Chief Nicholl shared that we did transfer two of the remaining NV Energy employees from the Wildland Program because there was no more funding in it, into operations. He explained that he has held off on any hiring right now due to budgetary constraints.

Fire Marshall Tim Myers shared that he has been working on plan reviews. He shared that there is a hotel coming in over by Loves, apartments over by River Ranch, and Bearpaw should be getting closer.

Staff - None.

Volunteer Becki Howlett shared that we lost a Rehab Member, and she will be moving to California. She added that they are doing training with the air compressor on Monday, February 12, 2024, at Station 61 at 6 p.m.

Local 4547, President Joe Mendoza presented the Board with a letter that he would like added to the Board Packet:

Dear Directors McCassie, Wheeler, Murphy, Rodriguez and Toombs:

As members of the North Lyon Fire Protection District, we proudly serve the citizens of our community. North Lyon Firefighters strive to be a good partner with the District and find ways to deliver excellent service, be good stewards of district resources, and give back to the community.

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Since his appointment in 2019, Chief Jason Nicholl has undermined these values, purposefully clashed with our members, and sought to undermine the leadership of the North Lyon Firefighters Association. Under his tenure multiple harassment complaints, retaliation, and unethical conduct has created a hostile work environment, leading to the highest turnover rate in North Lyon Fire history. His repeated failures to follow established labor management procedures have resulted in a record number of grievances causing unnecessary fees and expenditures by both the North Lyon Fire District and the North Lyon Firefighters Association. Chief Nicholl has openly stated that his intentions were to dismantle our Association and his actions seemed more reflective of that than of providing the quality emergency service that our citizens deserve.

Chief Nicholl has repeatedly ignored and failed to engage community stakeholders in the planning and budgeting process. These failures have resulted in multiple missed opportunities to stabilize District finances as well as opportunities to improve firefighter safety, jeopardizing the safety of this community. His mismanagement of the District budget and unnecessary spending has created a false budgetary crisis in an attempt to dismantle the District and facilitate a move toward a merger or absorption into another government entity.

As a result of the persistent leadership failures and mismanagement, North Lyon Firefighters Association has commenced a vote of no-confidence on Chief Nicholl. This resulted in a unanimous vote that indicates the members of the North Lyon Firefighters Association have lost confidence in Chief Nicholl's ability to lead the North Lyon Fire Protection District. Despite the threat of further workplace retaliation, North Lyon Firefighters are standing up for what we believe is right for the district, for the citizens of our community, for our families, and our fellow firefighters. We stand in solidarity and can no longer remain silent as the community we are sworn to protect suffers the consequences of failed leadership.

Respectfully,

Joseph Mendoza
President

North Lyon Firefighters Association, IAFF Local 4547

City of Fernley – Mr. Mayor McIntyre shared that they are working with Mark IV on the firehouse and the location. He explained that there is no access to a piece of land, and they are working on that with Mark IV. He added that the development agreement looks like it's going to go through quickly.

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16. 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.)

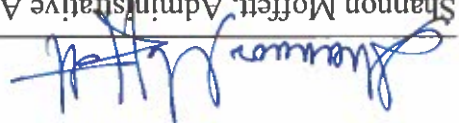
Mr. Mayor McIntyre shared that the State of the City will be on February 28, 2024. It will be held at the Senior Center, doors open at 5:30 p.m. and it will start at 6:00 p.m.

17. Adjournment*

Chairman McCassie adjourned at 1909.

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 February 8, 2024

Respectfully Submitted by:



 Shannon Moffett, Administrative Assistant
 North Lyon County Fire Protection District

Approval of Minutes
 February 8, 2024

_____	_____	_____	_____	_____	_____
For	Against	Abstain	Abstain	Absent	
5	0	0	0	0	

Approved as Read

_____ Approved with Corrections


 Paul Murphy, Chairman
 North Lyon County Fire Protection District

March 14, 2024
 Date