

Governor's Fire Service Policy Council

1:00 p.m. • Tuesday, April 24, 2012 Office of State Fire Marshal
Cache Mt Conference Room

Minutes

Members

- Greg Keller, OFCA (Chair)
- Bob Reeves, (V Chair)
- Kelly Bach, SFFC
- Bob Borra, Insurance Providers
- Eric McMullen, OFMA
- Tad Pedersen, OSFM
- Bob Reeves, OFDDA
- John Stein, General Public
- David Sellers OVFA

Ex Officio

- Cameron Smith, Gov's Office
- Steven Powers, Gov's Office
- Joel Lujan, OSP
- Eriks Gabliks, DPSST

Visitors

- John Caul, OSFM
- Donna Disch
- Dave Fields
- Claire McGrew

Executive Director/Staff

- Mark Wallace State Fire Marshal
- Jim Walker, Chief Deputy SFM
- Sally Cravinho, Staff

Welcome/Introductions:

Chair Keller welcomed the council and thanked everyone for participating in this important meeting and acknowledged that everyone's time is valuable and appreciates all being here today. He asked if there were any changes to the agenda or the minutes.

Changes to the agenda:

None

Minutes:

Donna wanted clarified her entry on page 3. The Interagency Hazard Mitigation team is looking for stable funding. She asked if the group was interested in getting involved in this. Donna will follow up and send out the link. Mark asked if this could be an access link on our website. Donna said, "It certainly can." Please contact Donna with questions. If there is any interest, she will work with Sally on it.

The other item is on page 7. Just to clarify, the Bill regarding calls which go to Emergency Responders that come in from other state agencies show up as an ambiguous number and they can't tell where it's coming in from. It's not just state agencies, but also large companies with several truncated phone systems. This bill did ultimately die and Donna asked Kelly if this bill would be brought up again in the future. She believes it should be clarified that these numbers coming in to the emergency call centers as ambiguous number when coming in from truncated phone lines.

Chair Keller asked for a motion to adopt the minutes. Eric McMullen moved to have the minutes approved and Kelly Bach seconded the motion. All members approved.

Communications:

None

Guest/Visitor Input:

None

Executive Director Report:

Mark addressed Chair Keller and the members of the council. He presented the council with the OSFM financial update. He and Jim have been working diligently on getting a current estimate on the revenues. He stated that we are currently operating at 2.2 million spent more than our revenues. We are operating in the negative and it was concerning when at one point we had only \$1,400.00 in the bank. We need enough money to carry us over until the revenues start coming in January and February. When you're not a general fund agency, it's concerning not having sufficient cash flow to write the check to pay the bills.

Mark went over the budget attachment he provided in the meeting and informed the council we currently have seven different programs within the Office of State Fire Marshal. He went over the costs of incidents for Petroleum Load fee as well as the Mobilization costs. Some of these which we will be getting the funding back from the Bureau of Indian Affairs. If we get the funds from BIA, and hold open our current positions, this will get us closer but it still doesn't get us to amount of funds we actually need. Jim has taken on the finance stuff and they feel they are getting on top of the finance issues. Mark says it's concerning, but we need to move forward.

Kelly asked to have the Fire Investigation Arson Unit explained. Mark explained that the ORS.476 requires the State Fire Marshal to do fire investigation and arson incidents, but because the fire marshal does not have law enforcement assigned to our division, our deputies investigate the origin and cause and if the incident is incendiary and/or a fatal, we call in the OSP arson unit and they investigate. These FIPT funds are used as a part of the continuation of the fire investigation responsibility and approved at the OSP level. These individuals are in the criminal investigation division of the Oregon State Police and are funded by OSFM. There are 13 FTE that are assigned to the arson unit.

Tad explained how some positions are split funded. He stated that there are approximately four positions which are split funded. One dedicated arson detective in the Eastern part of the state and the rest is split throughout the state. FIPT originally funded the arson unit program.

Chair Keller asked what percentage of their budget does OSFM fund? Mark informed him it's "100%, with 13 people in the division." Mark also explained that 'training' used to be part of OSFM but when it was split out, training went to DPSST. Originally when FIPT was set up, it also funded fire training as well as the arson unit.

Mark mentioned he is looking at some legislative concepts one is a statute change to increase the revenue in FIPT. All of our proposals are vetted up through OSP and then up through the chain of command and only goes to the legislature after the executive branch gives their approval to move forward Mark said.

Mark reported that OSP Superintendent has told OSFM that we are the top priority on the docket for the budget and revenue increases. Petroleum Load fee is looking to get increased and a plan progression to get us in the black. Mark also mentioned that this is the worst time to be going for revenue increases, with the economy as it is. Because we don't get any general fund dollars, our revenues and expenditures have to match.

Kelly asked about the FIPT and how is the percentage figured and understanding it has not been increased since 1983. Mark explained how the percentage is figured through the gross premium homeowner's tax which is 1% of the gross premium tax that is charged for all property and casualty. Kelly asked if it has kept up with the increase of property taxes. Mark explained that on your premium statement, there is a 'gross premium tax amount' and part of it goes to the insurance company to pay their underwriting expenses. Kelly asked if the percentage goes up when the taxes go up? Mark explained that when your insurance goes up FIPT goes up because it's a percentage.

Mark explained the percentages of the FIPT as follows:

- Fire is 100%,
- Homeowners and farm owners is 65%
- Commercial is 50%
- Inland Marine is 20%
- Automobile is 8%
- Aircraft is 8%

These percentages are of the 1% that is received from the FIPT.

Mark went on to explain the problems with the housing market today, where the property values have gone down and foreclosures have gone up, the homeowners are not paying their mortgages so why would they be paying their insurance? This causes the FIPT to go down and this is why we aren't meeting our forecast.

We also get 1% of gross premium amount on excess coverage on large events. This includes concerts, art shows, conventions etc., DCBS collects the money and takes a percentage and then submit our amount to us in quarterly payments.

Jim mentioned that the largest problem we face with the FIPT is that the projections have been off and we're not getting the amount budgeted. We are trying to come up with the correct revenues for the biennium. We are very limited right now based on where we are on our revenues.

Kelly mentioned the difference of the coverage of insurance on a house that is occupied and if the house when in foreclosure. The insurance coverage can change on homes from banks depending on which ones they believe might or might not be a risk.

Mark said, "It's a very complex system and what we know for sure is that we get a forecast every quarter. The new forecast is in the negative and one out of the last fifteen quarters has had an increase and it was only .1%. We're budgeted for 19 million and in reality we're getting 17 million. The financial situation is tight and I think it's important that we know this information and be confident on the data."

In Community Right to Know (CR2K), we have 21,000 facilities that report to OSFM. The fee is adopted by rule and because it affects 8,000 facilities that currently pay zero and who are going to pay \$76.00 if it comes through, this is going to be a huge political football that the legislature is going to have to deal with. The petroleum load fee is one we can adopt it by rule and take action quickly, but the legislature needs to ratify the amount of fees. If they do not, then the fee goes back to what it originally was. We will be covering this in the 13-15 biennium.

Kelly would like to see the current information on the budget. Mark mentioned if we get approval to move forward on the budget, he'll try and have it at the next meeting. However if it's done before the next meeting, it will send them out with the minutes.

Mob Plan

Chief Wallace stated we're getting ready for the next fire season and we had the FDBC meeting here at OSFM with training in the morning and afternoon with the members. They went over the IMT conference and highlighted that the role of the Fire Defense Board Chief is to really maximize their mutual aid so they can minimize the need for a conflagration declaration. (Chief gave the council a handout from that meeting) He mentioned instead of doing the ad-hoc deployments that took place last year, there is a committee working on a matrix to show the scale of the initial response to the report of the incident. There was more training with the chiefs and the deputies so that everyone will be on the same page as far as deployment on an incident. Chief stated how last year we were successful in the way we responded and based on the calculations, there was a savings of \$324,000.00. The key part of this is the fact out of 352 structures that were threatened, we only had a loss of 6 outbuildings, because they were out beyond where they could safely protect both the main structure and the outbuilding. However, no homes were lost. The cost was 1.18 million last year, which the majority of the costs going to the High Cascade Fire. Based on the calculations and estimations of those 352 structures, there was approximately 45 million in properties that was saved

The FDBC would like an assistant task force leader to go out with them. Mark says it's not needed for safety but it is a good idea for a succession planning, ratios and training. "The problem comes back to the issue of money" he said, Especially when we're cutting back the IMT's and the state is looking at a worker ratio of 11-1. In a task force, we're looking at 3-1. It's really a financial decision and we'll be looking at this option. We'll also be looking for grant funding because it's important to have succession planning and get people ready to go out on these types of incidents as well as have the life experience and the trainees be able to sign off on a task force. But instead of having this a conflagration cost, it makes better sense for it to be a training cost. Until we do that, we are not going to send an assistant task force leader out with the task forces. There are some other options we are going to look at. While this is not going to be a popular decision out among the defense board chiefs, we hope to restore that opportunity with some grant funds.

Kelly asked Chief Wallace if they could send one on their own and Chief said they could, but we would not pay their salary or the back fill. We will pay for their camp costs and feed them but not the salary and backfill costs, which is where the main costs are.

Urban Search and Rescue

Mark spoke about the Homeland Security Grants on training. The Vigilant Guard exercise is coming up next month with the National Guard and the D.O.D. The training money we have is about \$300,000.00 and we've tried to put aside \$150,000.00 for equipment, but when the money is gone, it's gone. Chief Wallace will be meeting with the ten chiefs of those agencies which provide the bulk of the US&R task members to see where we go with that program because he does not see any more money coming in. Although it is an approved expense on FIPT, but with no money allocated to US&R, we're still 2.6 down. It's a difficult situation and trying to keep the task force members trained, is a high expense.

Kelly has concerns regarding our group, the GFSPC sitting back, taking our lumps and not being proactive on the FIPT up to the level we need to have it. He feels we need to let the superintendent know how important it is to fund the US&R program and the Petroleum Load Fees through the FIPT and take it to the governor. Kelly feels that if we tell our communities we need to be prepared for an earthquake, and we upgrade the local fire stations, but the citizens are at risk for rescue because we don't have the funding for the US&R teams, then we need to take action and make sure the governor knows how important it is to fund this program. It needs to be addressed sooner than later.

Eriks Gabliks shared his concern and agreed with Kelly saying he hit the nail on the head with this concern and the budget reductions coming up. He reiterated the fact this is the reason we have the committee, to bring up these important topics. Eriks also spoke on the importance of timing and getting the budget approved. If we wait, we might miss the window of opportunity. The council agreed and believes it is important.

Mark shared with the committee that he has spoken with the Superintendent and he knows our concerns of these fee increases and supports our proposals. Chair Keller believes we need some outline of a target coming from the Fire Marshal with the LC's signed by this committee in support to go to the Governor for his approval before he makes a decision. This will show we're on the same page and this committee is supporting the Fire Marshal.

Bob asked what the timeframe was for getting an approval. Mark feels we're within a couple weeks of a decision being made based on the schedule of the budget and the legislative things going on. Chief Wallace stated that a 25% increase is huge.

Chair Keller will be sending an email to this group in the next 2-4 weeks with a draft letter from the committee which will be forwarded to the Governor stating our concerns.

Chief Wallace also mentioned the importance of this budget for Eriks. Eriks said, "If we don't get these increases, we will be looking at reductions." He feels the next lift would be to talk with the insurance companies to let them know the reason for this new increase. Eriks went door to door and visited all the insurance companies in the northwest in the past to help get the funding from them to be able to increase the fees for FIPT.

Mark said he'd like to get this resolved and under the current thought, we won't see any increase in revenue until 2014. Jim stated we're down from 80 to 75 in FTE. This increase in FIPT isn't to increase personnel, but to help properly fund what we are currently doing and to get us where we're financially stable in our programs.

Mark shared once we get our proposals vetted and they are approved, then we can move forward.

Bob asked Chief Wallace if the council needed to contact the legislature to keep them apprised of things of how they are moving and if there are issues that he faces. Chief Wallace welcomed any of the committee to contact the legislature anything they feel is important.

Chair Keller agreed and stated he feels this group has a mission of being a representative of the Oregon Fire Service and providing direction to the Governor's office. With that being said, the groups that we all represent have tremendous amounts of political clout with legislators and the Governor's office. (Although Cameron Smith, the Governor's aid was absent from today's

meeting, it is Chair Keller's intention to have coffee with Cameron to go over the issues mentioned at this meeting.)

Chief Wallace said, "It is highly important to remember that when we look at the fire service as a whole, how important the units and programs are in regards to the quality of training. Without quality training and support, we won't be able to reach our mission in protecting the citizens of Oregon."

Action:

Chair Keller to meet with Cameron to go over the issues brought up in today's meeting.

OLD BUSINESS

Chair Keller gave up updates on the following:

Fire Service Summit Update

Attendees: Chair Keller, Chief Wallace, Kelly Bach, Bob Reeves, Dave Sellers and Eriks Gabliks

Follow up from the summit.

- Prioritization of the themes and great ideas as well as tough decisions of where the fire service goes from here.
- A single calendar for one stop shopping for what is going throughout the year for all the departments around the state.
- Collaboration and communication between agencies lead by SDAO and League of Oregon Cities

Dave Sellers said that they would like to use the OSFM website and utilize it as a link to help in the collaboration and communication piece as mentioned above. Mark explained that we would put a link on the Gated Wye as a way to get to the different agencies.

Respiratory Protection

Best practices by Dave Phillips

Dave will have a draft to the Chiefs Conference in May on recommendations

Less is more which will work best for all involved.

Oregon Annexation

Dave Fields reports there has been no meeting since last time GFSPC met in January. A check list has been created for annexation by his staff and ODF.

- LaPine had an annexation of 100 homes without any problems.
- More research has been done in western Lane County regarding the costs.
- A public hearing is currently going on in Grant County where they are refusing to put the fire district in Monument.
- Schooling is a problem with the local assessor's office.
- Greg Davis is working with LaPine on annexation all the way to Chemult (Crescent will take it all the way to Chemult) on annexations.
- Mutual Aid ~ Fire departments are collecting taxes and not providing any kind of service but they expect their responding neighbors to do it.
- Grant County ~ County assessor's office is not collecting taxes.

- Bend is another (Alfalfa) large area east, that has no fire protection coverage. If you have a Bend zip code and the right insurance company, you have coverage, but the fire department will not respond.
- Burns ~ City Fire Department where the community feels they should be provided coverage at no cost. Fire departments are feeling the impact of the citizens not paying fire insurance premium taxes. State Farm Insurance will no longer write insurance policies in this area because they are losing dollars.
- Education process ~ the county assessor's office and tax collectors are not informing the homeowners in these outlying areas that they're unprotected in the case of a fire.

Action:

Dave will report back with the decision on the hearing held today, as mentioned above.

OTHER BUSINESS

Eriks talked about the discussion held in 2008 addressing fire vehicle accidents in the state of Oregon. In one year there was a reported 11 incidents and the next year there were 12 with some line of duty deaths with the vehicle related accidents. The GFSPC established a task force at that time to look into what could be done. It was a three prong effort.

1. Collecting Data on the incident. ODOT/ DMV report forms capturing what types of vehicles were involved ie: police, fire or medical
2. Statewide awareness campaign on seatbelts
3. Driver Training ~ Implement a Code 3 Driver Training program through the SKID truck

Eriks say's we've done a lot of good things and this program was submitted to the National Fallen Fire Fighters Foundations as well as the Congressional Fire Institute Safety Awards program. Our involvement and the letters written by Chair Keller, Senator Wyden and Representative Schrader along with everyone's collective efforts has resulted in us receiving National Recognition for 2012.

Eriks reported that we have made a large impact on the number of fire vehicle accidents. The accidents have been cut in half in the state of Oregon.

US&R

Eriks shared that they have been working with the Air National Guard in building a new training facility at the academy and last week the contractors came out to look the site for the facility. There is a question on whether or not it will be built due to the fact contractor didn't take in to account the wet weather and the ground being very soggy, along with them being approximately \$100,000.00 upside down on his bid. The contractor has gone back to the National Guard in Washington D.C. to see if they will help fund the project. The job may or may not continue due to the funds.

Eriks explained the problem being is they are used to "cookie cutter" bidding and not considering the costs. The contractors come out to the sites with the expectation of the building area as a concrete slab or gravel lot with no preparation to be done prior to building. They don't take into consideration there may be land issues. There is one of these training sites being built at UC Davis. The good news is that DPSST that they have the property with all the paperwork ready to go. They will be letting the vendor do the permitting. Eriks explained that he cannot do

the permits on something he doesn't have blueprints for. The discussion continues on this and he will be updating us.

Action:

Eriks will update the committee as the discussion continues.

DEQ Backyard Burning

Eric McMullen went over a handout on a letter he received. He explained the issues with the local fire departments stance on the concerns of individuals who burn in their yards and who they call in case they have a complaint.

Eric stated that in past years the local fire departments have responded to backyard burns, illegal burns and agriculture burns when the rules fall under air quality for DEQ and we have no rules other than the fire code and statute that says, if a fire is hostile we can cause it to be put out or extinguished. He said 90% of what they respond to has nothing to do with a hostile fire.

Approximately four years ago, in some jurisdictions, the county Chiefs did a resolution that said we would not be smoke cops anymore, unless the fire is hostile, which is defined as threatening property or life, then they're going to have dispatch ask the question to the caller if the fire is threatening life or property and if the answer is 'no' then they will give the caller the number to DEQ's complaint line and let them know it's an air quality issue.

Eric reported that the only complaints he's received since they've been doing this is from DEQ, which is them complaining about how busy they are on all the calls they are receiving. Fast forward to today, and now DEQ is saying they are not going to be doing their job because of budget cuts. The repercussions of this will be that the calls will come back to the fire departments because they have nowhere else to go.

Kelly said he usually gets the neighbors to talk to each other and if they can't figure it out, they would put the fire out with a fire truck.

Tad shared Chief Simpson's view on this issue which was he didn't want the deputies to respond to these types of calls. In instances where he works, they have had threats of lawsuits from non-resident landowners who come into the area and leave, which has made a lot of fire departments wary of going onto private properties to put out a debris burn.

Chair Keller believes it is our issue if it is a hostile fire issue and if not its' not our problem and refer them the DEQ. We don't want to solve DEQ's problems with this committee. Chair said the state is split on this issue.

Eriks asked, "Can't the city pass an ordinance like the City of Salem and enforce this?"

Chair Keller said, "Yes and some have. However, it isn't our issue."

Dave Fields said it is happening in the Eastern region of the state. He has received two complaint letters from Paulina and Dayville in Grant County in regards to neighbors complaining. Dave has called DEQ on those instances and said next time he's out in the area he'll check on them. He said a lot of these calls have filtered down to the local deputies, because they end up being the jurisdiction.

Branding

Claire presented the branding that is now being used for the OSFM. Examples were shared around the committee. The purpose of the branding was to have consistency of our OSFM look. Also to reduce staff time when creating presentations and or documents for publishing and distribution.

Awards

Chair Keller thanked Tammy Fitch for being on the committee for two 3 year terms and acknowledged what a big commitment of time it is to be on the council. He also shared his appreciation of her time, involvement and commitment to this group and presented Tammy with her award.

Tammy thanked everyone and stated she hoped the council will keep the League of Oregon Cities involved. She understood the difficulty in the communication with them, but thought it was very important to keep trying to get them on board. If not, she suggested contacting CIS.

Scott Mullen wasn't present for his award but it will be given to Dave Sellers to deliver to Scott. For the record, Chair Keller wanted to acknowledge his involvement and commitment for the last three years as Vice Chair. Chair Keller also spoke about what a wonderful asset he was to the council.

Chair Keller continued with regards to what a phenomenal group of people are on the council and even though we meet only four times a year, he appreciates everyone's commitment, loyalty, openness and honesty they bring to these meetings.

Council Member Reports:

John Stein shared his concerns of how the members of the fire service not getting out of their stations and take a heartbeat on their community, the funding and looking at alternatives of how we can increase the funds. He also doesn't understand why we're paying a volunteer to go out on a conflagration, but when he is in his own town, he doesn't get paid to go out on calls. He suggested coming up with some alternatives until the economic situation improves.

Tammy has been counseling the public to do a state of the organization. Giving the public the knowledge of what their dollars are going towards. Be transparent and let them decide where the funds should go.

Eriks talked about the update on the solar panels and making fire fighters more aware of it. DPSST is working with western Washington County Fire Training Association and Solar World, which is a large manufacturing company in Hillsboro. They are bringing Matt Piesa up from San Jose, California to do a one day class at Solar World. The training will be specific to how the fire fighters interact with photo cells when they encounter them. TVF&R will be providing the video coverage of the training and DPSST will produce copies then distribute them to all the fire departments in Oregon who could not attend the training. This will be taking place in July. Eriks stated this is a bigger issue than anyone envisioned. The solar panels are showing up both legally and illegally. By illegally, Eriks means the homeowner may have installed the panels themselves without proper permits, wiring etc.

Eriks commented on the importance and the value the volunteers provide in local communities and the savings that is involved. Whether it be in the fire service or the humane society. He feels it doesn't get talked about enough.

Dave Sellers talked about the presentation given by Todd from Portland Fire. He would like to see this presentation done at the upcoming OVFA conference. Chair Keller said he would be happy to talk to Todd about doing this and suggested he be the key speaker and have the breakouts in the afternoon. He feels a live audience and the connection with them is better than a talking head in front of a camera.

Pictures were taken by Rich Hoover of Chair Keller, Chief Wallace and Tammy Fitch with her award for the Gated Wye publication.

Action:

Adjourn:

Meeting adjourned at 2:55 p.m.

Next meeting dates:

July 24, 2012

October 23, 2012

January 22, 2013

Meeting location:

Office of State Fire Marshal
Mt. Hood Conference Room

Meeting time:

1:00 pm – 3:00pm