

Summer 2016

The COMMUNIQUÉ

A Publication of the Oregon Fire District Directors Association



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A Publication of the Oregon Fire District Directors Association

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Spring 2016

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Mission Statement

To serve and strengthen through the provision and coordination of timely information, education, and legislation.

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OFDDA President's Message

By [Dennis D. Rogers](#), *Sheridan Fire*
OFDDA President

Meeting the needs and the demands of today's fire service requires a lot of time, energy, and leadership from the staff and volunteers as well as the board of directors. There is continual training to stay current and proficient at all skill levels. There is continual monitoring of records for compliance and review of policies for the changing times of the fire service. None of this comes without a cost factor of time and treasure for everyone.

As stewards of the public trust, serving on local boards requires your faithfulness to the oath of your office by staying current on the changing needs, regulations and policy issues that are forever before you each month. Legislative changes require your attention as do fire and EMT safety standards that seem to come up on some what a regular basis.

At OFDDA we are pleased to support and encourage local boards of directors to take advantage of training opportunities as they arise from time to time across the state. SDAO has been a strong partner in providing valued training opportunities for directors throughout the state. You are encouraged to take advantage of these training opportunities when they are available in your area. There are direct cost benefits for your participation in these training classes. SDAO offers discounts on your insurance premiums. It is also a good networking opportunity with other neighboring district directors .

As this issue of *The Communiqué* reaches you, the summer fire season will be upon us. I trust you will be ready, well equipped and trained to meet the challenging demands that you could face. Stay safe, alert and well equipped in your service to the people of your communities.



Making SB 1513 Work For Your County

[John Dunn](#), *Tangent Fire*
OFDDA Board of Directors

On March 15, 2016, Governor Brown signed into law [Senate Bill 1513](#) to take effect on June 2, 2016. This bill allows each county to put into place by ordinance or resolution, a property tax exemption up to \$250,000 of assessed value on an owner occupied dwelling of the spouse of a first responder who loses his/her life in the line of duty. This is for fire service professionals and volunteers, police officers and reserve officers. The question for many is, "How do we make this happen?" In Linn County, this is what we are doing:

- Asking as many police and fire agencies and boards of directors as possible to support this effort.
- Contacting our Linn County Fire Defense Board, which consists of all fire chiefs in Linn County, asking for their help and support.
- Having each agency send a letter of support to our county commissioners asking them to implement the provisions of SB-1513.

As we are all aware, it takes everyone working together to make things happen at the county level. It is up to each county to make the decision to enact the provisions of this legislation. Each county has the right to adopt all or part of the exemption amount.

For those of us in fire service, we know how important something like this is for our volunteer personnel and their families. In Linn County, we are scheduled for a hearing with the commissioners on June 21 about this and we are very hopeful that we will be successful in getting it approved.

Let's make this happen in every county in the state of Oregon.

The Legal Beagle

Carolyn Connelly

[Local Government Law Group](#)

Building Season is in Full Swing — Are you Ready?

With building season upon us, I'm seeing a couple issues regularly crop up that I thought I'd help you head off at the pass. First of all, please make sure that your anticipated projects have been properly reported to BOLI. State law requires that, at least 30 days prior to budget adoption, your district must submit a "WH-118" form to BOLI, listing each public improvement your district plans to fund in the upcoming budget period. This form is available on BOLI's website at: <http://www.oregon.gov/boli/WHD/PWR/docs/wh118.pdf>. In order to add or remove an improvement planned for the 2016-2017 budget year, simply file a revised list with BOLI before starting that project.



Prevailing Wage. In an effort to conserve funds, many districts choose to serve as their own general contractors on construction projects and bid out individual components of work which they cannot perform themselves. If all contracted components, together, exceed \$50,000, it is likely that each contract for work and/or demolition must be treated as a public work, subject to prevailing wages. This is the case even if no contract, alone, exceeds that threshold. [ORS 279C.827](#) governs the applicability of prevailing wage rates to "divided" projects. It flatly states:

"A public agency may not divide a public works project into more than one contract for the purpose of avoiding compliance with ORS 279C.800 to 279C.870."

Amended in 2007, this statute goes on to list a number of factors that BOLI will consider in determining whether a project has been artificially divided to avoid prevailing wages. These include: (1) physical separation of the projects structure; (2) the timing of the work on project phases or structures; (3) the continuity of project contractors; (4) the manner in which the project is coordinated and administered; and (5) whether the combined improvements have an overall purpose or function.

This provision applies not only to work the district contracts out, itself, but also applies to private construction which might occur in conjunction with district work. Before commencing any public or public/private construction project, please determine well ahead of time whether the project will be subject to prevailing wages. If so, upon award, be sure that your district submits a Notice of Awarded Public Works Projects to BOLI on the form WH-81. This form is also available on BOLI's website at: <http://www.oregon.gov/boli/WHD/PWR/docs/wh81.pdf>.

Some districts choose to undertake construction with their own equipment or personnel, as another type of cost savings measure. If estimated costs will exceed \$125,000, BOLI oversight is still an issue. Under ORS 279C.305(2), your district is required to show BOLI that the decision to perform the work yourself results in the least cost to your district. This is accomplished via submittal of a capital improvement project cost comparison (WH-119), which is found at <http://www.oregon.gov/boli/WHD/PWR/docs/wh119.pdf>.

As such a project progresses, make sure to maintain and preserve "a full, true and accurate account of the cost of performing the work, including all engineering and administrative expenses and the cost, including investment costs, of any equipment used." This final accounting is a public record, subject to disclosure upon request. ORS 279C.305(3).

Public Contracting Rules. If going out to bid, please be sure that your public contracting rules are up to date, at least with regards to the type of work at issue. If a Design Build or Construction Manager/General Contractor (CM/GC) alternative method of contracting is proposed, check to make sure that your district has the proper exemption in place prior to proceeding. CM/GC contracts were made a bit trickier in 2013, with the adoption of ORS 279C.337. This statute sets mandatory procedures and findings for CM/GC contracts. Be aware that all alternative forms of public improvement contracts involve public notice, at least one hearing, and the adoption of specific findings addressing statutory and rule requirements.

(Continued on page 7)

FEMA Fire Act Grants—More than Apparatus and Equipment

Eriks Gabliks, Director

[Department of Public Safety Standards and Training](#)

The federal Assistance to Firefighters Grant (AFG) Program is more than ten years old and still a secret to many in the fire service. The AFG Program is an excellent example of shared stewardship as the nation's major fire service organizations (IAFF, IAFC, NVFC, ISFSI, NAFTD, and others) provide ongoing feedback and input to the staff that administers this program. Over the past 12 years, this program, which is part of the Federal Emergency Management Agency (FEMA), has provided millions of dollars to our nation's fire service through competitive grants.

There are three categories of grants. The first is the Assistance to Firefighters Grant which provides funds for fire vehicle acquisition, operations and safety, and regional projects (communications, equipment, etc). The second is the Staffing for Adequate Fire and Emergency Response (SAFER), which provides funds to help hire and retain career firefighters and assist volunteer and mostly-volunteer fire departments hire new positions. The third is Fire Prevention and Firefighter Safety Research and Development (FP&S). There have been many articles written in our various fire service trade journals about these grants, but what you may not realize is that Oregon has greatly benefited from this program.

A fire department applying for AFG grants will be asked if it provides training to its members. Specifically, the fire department must indicate the percentage of active firefighters that are trained to the National Fire Protection Association (NFPA) 1001 Professional Qualifications Standard. Fire departments with less than 100 percent must explain their plan to meet this standard. Applicants will find this same question in other program areas. This is in place because the advisory group set the goal that all career and volunteer firefighters in the United States should meet *NFPA 1001*. This is similar to actions taken by the Oregon fire service through standards in place for firefighter training and certification with the Oregon Department of Public Safety Standards and Training (DPSST). If your community struggles with training resources, your organization's grant request can include funds to provide training to members.

The same type of situation will be found in other areas. If your department submits a grant request for SCBA, you can request funds to train your members on how to use them. The same is true of other equipment that your department may request a grant for. No one places equipment in service without training members how to use it. The AFG Program understands this and will allow funds to provide the training.

If your department submits a grant request for a fire truck (engine, tender, etc.) you will be asked if your members will be trained to *NFPA 1002* (Driver/Apparatus Operator), and equally important, if they will be trained to operate the new apparatus if you are awarded a grant. The AFG Program Staff have received lots of calls about this requirement but the reason is simple and supported by the AFG Advisory Committee. No fire department should ever place a fire engine or tender in service without providing training to all of the personnel who will be operating it. This training should include both driving the vehicle as well as operating it. Your grant request can include funds to provide this training to your members. Since the AFG Program began, more than \$70 million has been awarded to more than 600 fire agencies in Oregon. Grants have been awarded in every region of the state and includes fire districts such as Banks, Echo, Halsey-Shedd, McKenzie, Sisters-Camp Sherman, and many more.

Many people think SAFER grants are used just to hire and retain career firefighters, but a separate pot of money is available to volunteer-only fire agencies. Volunteer and mostly-volunteer fire departments might want to look at SAFER grants to address training concerns. If your volunteer department needs a training officer, you might want to consider applying for a SAFER grant. The position should be able to respond to emergency calls as their primary duty but could also perform secondary duties, such as that of training officer. More than three dozen Oregon fire agencies have received SAFER grants and total awards have exceeded \$10 million.

The Fire Prevention and Safety Grants support projects that enhance the safety of the public and firefighters from fire and related hazards. The primary goal is to target high-risk populations and reduce injury and prevent death. More than \$14 million in the FP&S category has been awarded to more than 100 fire agencies in Oregon since 2004. We encourage you to be aware of this program and be active in your district's grant application process. If you are interested in additional information on the Fire Act Grants, you can find a lot of information online at: <http://www.fema.gov/welcome-assistance-firefighters-grant-program>.

Save The Dates—Upcoming Oregon Fire Service Events

Dates	Event	Location	Addt'l Info
July 19	*SDAO/OFDDA Workshop— Moment of Truth	Sheridan FD	jaustin@whainsurance.com or 541-284-5852
July 21	*SDAO/OFDDA Workshop— Moment of Truth	Dallas Fire Department	jaustin@whainsurance.com or 541-284-5852
July 26 July 28 August 2 August 17 August 23 September 14	**SDAO Regional Board Member Training	Medford Cottage Grove Redmond Newport Tigard Irrigon	sdao.com
October 18-19	Oregon Fire Marshals Association 2016 Roundtable	DPSST Campus in Salem	ofma.net (coming soon)
October 19-21	Oregon Fire Service Office Administrators Conference	Ashland	ofsoa.com (coming soon)
October 27-29	Oregon Fire Service Conference hosted by Oregon Fire District Directors Assn	The Riverhouse (Bend)	ofdda.com (coming soon)

* SDAO/OFDDA Workshops are jointly sponsored by SDAO and OFDDA and are presented by Jeff Griffin of Wilson-Heirgood Associates. Participation in the training does qualify for the 2 percent Property and Casualty Best Practice Credit offered by SDAO. There is no charge for attendance and a complimentary dinner is provided. Dinner is served at 5:30 pm and the training begins at 6:00 pm. Please contact [Jane Austin](mailto:jane.austin@whainsurance.com) at Wilson-Heirgood Associates (541-284-5852) to RSVP for one of the scheduled trainings or to make arrangements to host a training workshop at your district.

** Participation in an SDAO Regional Board Member Training does qualify for the 2 percent Property and Casualty Best Practice Credit..

Oregon Fire Service Updates

OVFA Past President David Sellers Honored with Lifetime Achievement Award

David Sellers was recently selected by the Oregon Volunteer Firefighters Association for the association's Lifetime Achievement Award. The award recognizes individuals who have a long-term and significant commitment to public fire and life safety service. Nominees for the award must have contributed 20 or more years of active service.

David was nominated for the Lifetime Achievement Award by Nestucca RFPD Training Officer Jim Oeder. During his career, David has provided volunteer service in a number of communities, including Tualatin Valley Fire & Rescue, Hillsboro, and Nestucca. According to Oeder, David's involvement includes "being a board member and serving on many state committees," representing volunteer firefighters and public safety interests statewide.

In presenting the award, OVFA President Rex Parks commended Sellers for his dedication to duty and his commitment to the Oregon fire service.



*David Sellers,
Nestucca RFPD*

Preview—Oregon Fire Service Conference 2016

The 2016 Oregon Fire Service Conference hosted by the Oregon Fire District Directors Association is scheduled for October 27-29 at the Riverhouse in Bend. In a departure from last year's program, the planning committee has elected to return to the traditional conference schedule of Thursday morning through Saturday noon.

Registration for the conference is anticipated to open in early August—watch the OFDDA website (www.ofdda.com) for more details. Scholarship information will also be available. With a theme of “Making Connections and Building Bridges—Together”, sessions at this year's conference will address a number of topics, including:

- ◆ Board Member Duties & Responsibilities
- ◆ Developing and Implementing Mutual, Auto, and Intergovernmental Agreements
- ◆ Creating a Fire Authority
- ◆ Developing an FDCARES Program in Your Community
- ◆ Responding to a Mass Casualty Incident—Lessons Learned from UCC
- ◆ How Not to Micro-Manage Your Fire Chief
- ◆ Bridging the Generational Gap
- ◆ Creating a Chaplain Program
- ◆ Recreational Marijuana and its Impact on the Fire Service
- ◆ Managing the New Reality

Lodging

Lodging is currently available at the newly renovated Riverhouse Hotel in Bend; call the hotel directly at 1-800-547-3928 to book your rooms today. Negotiated room rates range from \$104 to \$144 per night (tax not included). A breakfast buffet is included with your room reservation. Be sure to mention the Oregon Fire District Directors Association to ensure that you get the negotiated rate.

Elections, Recognition, & Awards

Because the conference hosts OFDDA's Annual Business meeting, nominations and elections for open OFDDA Board Member positions are conducted at the same time. This year, three director seats will be open for election—if you are interested in serving on the Board, please visit the [OFDDA website](http://www.ofdda.com) to download an application form or contact the OFDDA office for additional information.

The conference also serves as a forum for the Association's memorial service to honor any member of the fire service (personnel, administrative staff, and elected officials) who have passed during the year. Please visit the [OFDDA website](http://www.ofdda.com) to download the fire service memorial form.

District Director service awards and the District of the Year award are presented at the conference. Nomination forms for these awards are available for download at the [OFDDA website](http://www.ofdda.com).

Legal Beagle (cont'd)

(Continued from page 4)

As a final point regarding public contracting rules, please provide your district's rules to whomever will be drafting your bid documents. An architect's or engineer's “form” bid packet likely requires some changes to accommodate your specific rules. You will shorten the amount of time needed for bid document drafting and review by providing your district's public contracting rules to your consultant at the get go.

Award. Another way to save both time and money is to include your intended contract form with the bid packet, *and* to specifically require that bid submission evidences a bidder's intent to be bound to the enclosed contract and agreement terms. Districts are regularly (and unpleasantly) surprised when award of a contract only commences protracted negotiations, rather than construction, itself.

As always, please be sure to work closely with your legal counsel and consultant to ensure that the above issues are handled properly ahead of time, rather than having to spend time and money cleaning up problems that arise after bid documents have been issued and contracts awarded.

Note: This update is informational only and is not intended as legal advice. If you have questions about any of the information in this update, please contact your legal counsel.

Attention All Firefighters



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