

SPRING 2014

The COMMUNIQUE

A Publication of the Oregon Fire District Directors Association

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CARE ACT**

VOLUNTEER UPDATES

Page 6

INFORMATION YOU NEED
LEGISLATIVE REPORT

Page 7

Online Training, Best Practice Program, Health & Dental & more • Page 5

The COMMUNIQUE

A publication of the Oregon Fire District Directors Association.

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CONTENTS

- 3 President's Message
- 3 Roger Edwards Joins OFDDA Board
- 4 SDAO Membership Pays
- 6 NAEFO News
- 7 Legislature 2014 News
- 7 Legal Beagle – Executive Session Tidbits



2014

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Don Trotter
OFDDA President 2014

It's already Spring 2014

As you may know, attendees at the 2013 Oregon Fire Service Conference were asked to complete a survey identifying critical issues facing the fire service statewide and critical issues in their own district over the next few years. There were a large number of surveys completed and I thank everyone who did so. More than 50% of the people who completed the survey listed "retention of volunteer firefighters" as a critical issue facing their district. Some of you may already know that OFDDA does sponsor and administer a Length of Service Award Program (LOSAP) which is a tool to help districts retain volunteer fighters. It encourages participation and longevity of service by providing a financial award for volunteer firefighters. More information about LOSAP is available on the OFDDA web site. We are reviewing the program to see if there are ways to make it even more effective.

Another critical issue listed by many is for OFDDA to continue its efforts on legislative issues. We will continue to provide bill tracking and lobbying by our experienced staff on bills that may have an impact on Fire Districts and others in the fire service. Genoa Ingram, our

lobbyist, has been very busy during the 2014 Short Legislative Session. I encourage you to read her legislative report in this issue of the Communiqué for information on some of the bills and issues of interest to the fire service. In addition, OFDDA Past President Roy Palmer serves as the association's representative on the Special Districts Association of Oregon (SDAO) Legislative Committee and meets with that group to communicate with other special district representatives on legislative issues.

At the January OFDDA Board meeting, the board members began working on updating the association's Strategic Plan for this year. Part of our discussion was based on the issues listed on the surveys from the Conference. Based on those discussions, the Board's Executive Committee is preparing a final draft of the Plan for approval at our March 15th Board meeting. After approval, the Plan will be posted on the OFDDA website. I encourage you to read it and email me if you have any questions or comments.

Roger Edwards Joins OFDDA Board

Roger Edwards, current President of the Hoodland Fire Department Board of Directors, has been elected to the OFDDA Board of Directors. He has been on the Board for Hoodland Fire Department since 2004 and is a native Oregonian from Sandy, Oregon.

Roger has a broad background in public safety. To date he has served 26 years in law enforcement, currently with the Oregon State Police. He is also a veteran of the United States Army Military Police Corps and served four years on active duty, patrolling the beaches of Waikiki in downtown Honolulu, Hawaii. Once out of active duty, he joined the Oregon National Guard once again as an MP, then in the

Army Reserve where he was assigned to the 396th Combat Support Hospital in Vancouver, Washington.

During his Oregon National Guard and Army Reserve time, Roger had the opportunity to work full time for the United States Department of Justice for several years. On March 1, 1998, the Oregon State Police hired Roger and assigned him to work at the Government Camp Office. It was at this time he started to work side-by-side with the Hoodland Fire District and, ultimately, was elected as a Director for the Hoodland Fire District.

Roger is a very active in both his personal and professional life and does everything he can to support

emergency services locally and nationally. In addition to serving as a Director for the Fire District, Roger is an active member of the Fraternal Order of Police, the largest police origination in the world. He performs the duties as Secretary for the Oregon state lodge and is the Vice President for his local lodge.

Roger enjoys vintage vehicles and is the proud owner of a 1927 Chrysler, 1929 Ford Coupe and a 1931 Ford Coupe.

His energy and long standing commitment to public safety should prove to be extremely valuable to OFDDA and to the fire service in general.

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SDAO Membership Pays

SDAO offers many great benefits to its members. The most widely taken advantage of is the insurance program through Special Districts Insurance Services. This unique, self-insured pool offers a variety of insurance options to members and is one that is consistently giving back to participants.

Last year, the SDIS Trust approved a \$2 million distribution to qualifying members that participate in the property/casualty program. Half of that amount will be distributed in 2014 and the remainder will be given in 2015. Districts will also receive a 5% rate lock for next year. To qualify, members must maintain a 65% loss ratio and agree to stay in the program for two years.

This is not the only opportunity for members participating in the property/casualty program to save money. In 2013, over 600 districts completed their Best Practices Survey. In doing so, this group was awarded \$730,000 in credits to their 2014 premiums. In order to offer even better value to our insured districts, the Best Practices Program has been restructured. Members can now receive up to a 10% discount by completing requirements in five different areas that are each worth 2%. Districts can start earning credit right away and the savings earned will be reflected on 2015 premiums. The opportunities available for credit include:

- 2% - All board members receive board training. There are four free DVDs that you can request from SDAO to help with this requirement.
- 2% - Sign-up for online training through SafePersonnel and have at least one person complete one of three designated classes.

- 2% - Adopt a Board Member Duties and Responsibilities Policy or Resolution (sample available) and send a copy to SDAO.
- 2% - Complete the scaled down version of the Best Practices Checklists. They will no longer be scored, but will be used as a self-assessment tool. Receive credit by submitting a signed form certifying that your Board has reviewed the checklist.
- 2% - Join an affiliated organization to receive specialized advice and training - OFDDA membership qualifies!

Another great way to save money is through the SDIS Safety and Security Matching Grant Program. Members enrolled in the general liability program are eligible to apply for the Safety and Security Matching Grant each year to help fund safety and security related projects for their district. Last year, over \$200,000 was awarded and a total of nearly \$1.5 million has been given to members since the program's inception.

SDIS also offers health and dental insurance. In order to remain flexible and continue to offer competitive health and dental plans, SDIS will be changing its health and dental program to a self-insured pool in June 2014. This will also allow the program to avoid some of the restrictions associated with the Affordable Care Act and help stabilize rate increases long-term. Enrolled districts will continue to see the same high level of service as well as potential savings down the road.

An additional savings offered to SDAO members is the free online risk management training program. In January 2014, SDAO partnered with

SafePersonnel to offer online training courses. SafePersonnel offers over 40 courses designed specifically for members and their employees. Each district will have a personalized website to complete, manage, and track classes. To get started, contact SDAO at 800-285-5461 and ask for Member Services.

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Affordable Care Act Update for Volunteers



Mark Kreutzer
Oregon NAEFO Representative

The past several weeks has been very busy with legislation regarding the Affordable Care Act and Volunteers. Originally it was determined that Volunteers would be considered “employees” by the IRS and subject fire departments, with more than 50 employees, including Volunteers, to provide health care insurance to its members. NAEFO believes that it is important for our Volunteer firefighters to have health care insurance, but disagree with that the fire departments that utilize them as Volunteers should provide this benefit. The cost to provide this benefit would be prohibitive to many organizations. I would like to thank Chief Kevin Hanson from Marion County Fire District for his diligence in providing information and updates on this important issue. Below is a summary of the most important issues on a national level. Obviously there are additional legislative bills that have been introduced, but I believe these are the most important at this time.

Patient Protection & Affordable Care Act/IRS

Hopefully by now everyone has heard of the final regulations issued from the IRS regarding the Patient Protection and Affordable Care Act (PPACA).

The final regulations for the employer shared responsibility provision of the PPACA was recently issued. The references to volunteers are on pages 26-27, 142-143 and 147. Further, you will find specific reference to volunteer firefighters within the regulations. The regulations clarify that bona fide volunteers, including volunteer firefighters DO NOT count as service hours under the PPACA. Further, regulations also encompass a wide range of benefit types, using the terms “reasonable benefit” and “nominal fee” to describe the sorts of incentives

that are allowable to bona fide volunteers. Agencies that provide minor stipends, tax or fee reductions, LOSAP or non-monetary benefits are now for all intents and purposes exempt from having their volunteers counted as employees under the PPACA.

Federal Pro-Volunteer Bills Moving Forward!

HR 3747, Volunteer Responder Incentive Protection Reauthorization Act of 2013 was introduced in the House of Representatives on December 12, 2013 by Representative Larson (CT). This bill currently has 26 cosponsors, including Congressmen Blumenhauer, Schrader and Walden. Volunteer Responder Incentive Protection Reauthorization Act of 2013 - Amends Internal Revenue Code, with respect to the tax exclusion for benefits paid to volunteer firefighters and emergency medical providers by states and local governments, to: (1) increase the amount of benefits excludible; and (2) make such tax exclusion available for taxable years beginning in 2014, 2015, or 2016. Specifically this bill amends the Internal Revenue Code of 1986 by striking \$30 and inserting \$50, and would apply to taxable years beginning after December 31, 2013. Should this law pass, volunteers could receive \$50 per month or a total of \$600 per year TAX FREE (No W-2 required). The identical bill is Senate bill 501.

In other news, Congressman Bill Pascrell, Jr. from New Jersey has been named a Co Chair of the Fire Service Caucus, replacing New Jersey Congressman Rob Andrews, who is not seeking reelection.

As always, remain engaged with your Fire Chief, local, county and elected state officials, to understand the issues and how they impact your Fire District.



2014 Legislative Update

by Genoa Ingram

The 2014 “short session” of the Oregon Legislature began on February 3 and adjourned just before 5:00 on March 7, keeping within the 35-day constitutional limit enacted by the voters.

Anticipated by most to cover budgetary and emergency issues, legislators instead took on such weighty issues as construction of the new I-5 bridge (the “Columbia River Crossing”), additional gun control legislation, and legalization of marijuana.

In its March quarterly economic and revenue outlook, the Oregon Office of Economic Analysis reported that there was not a great deal of change from previous forecasts, which reflected slow economic recovery.

The forecast called for an increase in state revenue of \$14.8 million for the 2013-15 biennium. The Legislative Revenue Office reported that it has increased its estimate of local school revenue for the 2013-15 biennium by \$98 million.

Following are several key issues for the public safety community.

Definition of “Supervisory Employee” for Collective Bargaining SB 1518, which modifies definition of “supervisory employee” for purposes of public employee collective bargaining law, handily passed both Chambers and was signed by the Governor. The bill was opposed by the Oregon Fire Chiefs Association and the Oregon Fire District Directors Association since, in some instances, the Chief would be the only paid personnel not included in the collective bargaining unit. Amendments that exempted jurisdictions with populations less than 30,000 were introduced but not heard.

Those interested in listening to the testimony may do so by following this link: <http://www.leg.state.or.us/listn/archive/archive.2014s/HBL-201402190740.ram>.

The testimony pointed to two protections for employers as follows:

1. Exemptions for “confidential employee”;
2. Provision in Division 25 of the

Employment Relation Rules require that a majority of members within the affected classification vote in favor of joining the collective bargaining unit.

Scholarships for Children of Volunteer Firefighters and Reserve Officers HB 4120, introduced at the request of Wendy Libke and a host of others, including OFDDA, was also signed by the Governor. The bill was introduced following the shooting death of Oregon City Police Officer Robert Libke and expands scholarship opportunities for children of public safety officers injured or killed in the line of duty to include the children of reserve police officers and volunteer firefighters.

9-1-1 Funding After several sessions of legislative wrangling, HB 4055 became the vehicle for including pre-paid cell phones in the 9-1-1 tax, increasing funding for 9-1-1 by \$1.4 million. Beginning January 1, 2015, wireless carriers will pay the tax. Then, beginning in October 2015, collection of the tax will transfer to pre-paid wireless customers who will pay the tax at the point of sale. The bill represented a compromise of the participating parties and is expected to be signed by the Governor.

[LEGAL BEAGLE]

Welcome to a bright shiny new year

By Kenneth Jones
Local Government Law Group
a member of Speer Hoyt, LLC

Beginning on a personal note, I've recently heard exaggerated rumors about my “retirement.” Know that regardless of what you heard, I'm still around. If for some reason you can't reach me directly, there are five other attorneys in the Local Government Law Group that are ready to assist your District.

It seems like my first article each year is a reminder that budget season is approaching. If you haven't already done so, the first step is to appoint a budget officer. (Typically that is the Fire Chief). Second, review the composition of your budget committee. Your budget committee consists of the five board members and five electors appointed by the Board. The appointive members of the budget committee may not be officers,

agents or employees (volunteer or otherwise) of the District. If for some reason you cannot find five electors for the committee, you must put in your minutes what effort you made. You then proceed with the number you have. Budget committee members serve for three year terms. The terms are to be staggered so that as near as practicable one third of the terms of the appointive members expire each year. My experience is that many Districts have not assigned numbers to the budget committee positions and do not have the terms staggered. Please check your records. Budget committee members can be reappointed as many times as the Board desires. If there is a vacancy, the new member is appointed to fill the remaining term of the vacant position.

Second note of importance is that May 20, 2014, is the Primary Election. The deadline for filing for that election with the County Elections Office is March 20th. This

election does not impose the 50-50 voting requirements for money measures. So if a money measure is in your plan, you have a short window for action. Your next available date is November 4, 2014.

Last, if you have any boundary changes make sure those are completed by the County and filed with the Department of Revenue by March 31st. If not filed, you will not receive any tax money for that property in tax year 2014 – 2015.

As always, if you have any questions, please contact your legal counsel. Typically, it's those unanswered questions that should have been asked, that can lead to the big problems.



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