



# The COMMUNIQUE

SUMMER 2012

A Publication of the Oregon Fire District Directors Association

## **DRUG SHORTAGE** *What the Fire Service Can Do*

**National Association of  
Elected Fire Officials  
2012 Annual Conference**

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# The COMMUNIQUÉ

A publication of the Oregon Fire District Directors Association.

OREGON FIRE SERVICE CENTER  
1284 Court Street NE  
Salem, OR 97301  
800-223-9708 • 503-378-0896  
Fax: 503-364-9919  
www.ofdda.com

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Bob Reeves (12)  
*President*  
HOOLAND FIRE DISTRICT #74

–OFDDA STAFF–  
Genoa Ingram  
*Executive Director*  
PH: 503-378-0896 • F: 503-364-9919  
genoa@ofdda.com

ADMINISTRATIVE SERVICES  
Mary Tucker/Zack Tucker, Intern  
PH: 503-378-0896 • F: 503-364-9919  
mary@ofdda.com

CONTRIBUTING WRITERS  
Carolyn H. Connelly  
Eric Einspruch  
Mark Kreutzer  
Eric Einspruch



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## 2012 BOARD OF DIRECTORS

### BOB REEVES .....(12)

*PRESIDENT*  
HOODLAND FIRE DISTRICT #74  
69634 E. HWY 26  
WELCHES, OR 97067  
PH: 503-622-3816 • F: 503-622-3125  
C: 503-956-0801  
oldreeves@msn.com

### DAVID JONES .....(12)

*IMMEDIATE PAST PRESIDENT*  
JEFFERSON RFPD  
PO BOX 1136  
JEFFERSON, OR 97352  
H: 541-327-3514 • C: 503-871-8143  
DRJfireman@gmail.com

### ROY O. PALMER ..... (12)

*1st VICE PRESIDENT*  
CALAPOOIA RFPD  
250 S STATE ST.  
SUTHERLIN, OR 97479  
PH: 541-673-2100 • C: 541-580-8133  
F: 541-672-8913  
royopalmer@douglasfast.net

### ELDON MARCUM .....(13)

*DIRECTOR – POSITION #2*  
STANFIELD RFPD 7-402  
33101 STAGE GULCH RD.  
STANFIELD, OR 97875  
H: 541-449-3723 • C: 541-571-1537  
F: 541-449-8743  
emarcum449@msn.com

### DON TROTTER .....(12)

*2nd VICE PRESIDENT*  
CLACKAMAS FIRE DISTRICT #1  
12102 SE 36th  
Milwaukie, OR 97222  
PH: 503-659-5678  
dstrotter@msn.com

### DARRELL KING .....(12)

*DIRECTOR – POSITION #3*  
CHARLESTON FIRE DISTRICT  
91168 CAPE ARAGO HWY  
COOS BAY, OR 97420  
H: 541-888-3863 • C: 541-297-0408  
DarrellEileen@frontier.com

### MARK KREUTZER .....(13)

*DIRECTOR, POSITION #4*  
COLUMBIA RIVER FIRE & RESCUE  
59420 MEADOWVIEW DR.  
ST HELENS, OR 97051  
H: 503-366-7854 • W: 503-649-8577  
mkreutzer@ados.net

### DENNIS ROGERS .....(13)

*DIRECTOR, POSITION #5*  
SHERIDAN FIRE DISTRICT  
24700 SW ROGERS ROAD  
SHERIDAN, OR 97378  
H: 971-240-4738 • C: 971-241-7138  
ddrogers@onlinenw.com

### CAROL SMITH..... (13)

*DIRECTOR – POSITION #6*  
NORTH LINCOLN FIRE & RESCUE  
PO BOX 200  
LINCOLN CITY, OR 97367  
W: 541-996-2233 • H: 541-994-3837  
csboots@hotmail.com

## STAFF

### GENOA INGRAM

*EXECUTIVE DIRECTOR*  
PH: 503 378-0896  
TF: 800-223-9708  
F: 503-364-9919  
genoa@ofdda.com

### MARY TUCKER

*FINANCIAL SERVICES/LOSAP/  
OFFICE MANAGER*  
PH: 503 378-0896  
TF: 800-223-9708  
F: 503-364-9919  
mary@ofdda.com

### KEN JONES, LEGAL COUNSEL

*SPEER HOYT JONES et al. PC*  
975 OAK ST SUITE 700  
EUGENE OR 97401  
W: 541-485-5151 • F: 541-485-5168  
jkj@speerhoyst.com



# Busy Times and Changes Ahead for OFDDA

*By Bob Reeves*

It's been busy times for your OFDDA Board. We awarded the contract to rehab our building to Total Comfort Weatherization. The work should start soon and be finished by the end of summer. We wanted to be sure on the type of material to be used so this delayed signing the contract. We will keep the membership posted as work progresses. Again, thanks to the Past Presidents Committee for the hard work they put in on behalf of your organization.

OFCA sponsored a Fire Summit in April. Your President, along with 1st Vice President, Roy Palmer, and Executive Director, Genoa Ingram, attended on behalf of OFDDA. Congrats to the Chiefs for putting on an excellent program. It was great to see so many members of several fire service associations at the table at the same time working together for the good of all. I hope this program continues.

Just a reminder, the Joint Conference is coming up. The dates are November 8 -10 in Bend. Please disregard the date on the post card that was sent out. The Joint Conference committee has put together a great program for us and a special thanks to the staffs of both organizations for the hard work they do for us. It's the staffs that make your committee look good.

The contract has been signed for the Director's 2013 conference in Pendleton. As I have said before we will be working with the Chiefs to assist with sessions designed for them. We also will be working with the Volunteers to offer some programs for them as well. Your OFDDA Board would like to hear from the Directors on what you would like to see at future conferences. Do you want to move the conference around the state or have one central location? What would the Directors like to see in the way



Bob David Reeves,  
OFDDA President 2012

of programs, any changes, etc? Now is the time to get your comments in to our office as the 2013 committee will be starting the planning process soon.

Remember the OVFA Conference June 20 -23, 2012. A lot of hard work has gone into putting this program together so let's support this great conference.

The next OFDDA Board meeting will be June 23rd at the OVFA Conference. Directors are welcome to attend.

Till next time be safe. ♦

## Help Cut Costs

Posting and printing costs continue to rise, driving up the cost of publishing. Those funds could be used for training, conference speakers and programs, member outreach, and other benefits of membership. Help OFDDA make better use of financial resources by providing your email address.

Send your email address to [info@ofdda.com](mailto:info@ofdda.com)



# The Drug Shortage *What the Fire Service Can Do*



By Dave Penicook, Wilson-Heirgood

From the time that President Obama signed an Executive Order in October of 2011 directing pharmaceutical manufacturers to take action to help further reduce prescription drug shortages, protect consumers and prevent price gouging, news agencies from the Wall Street Journal to local newspapers have been reporting on the drug shortage and the impact of the shortage.

While a very small number of the total number of drugs available experience a shortage in a given year, the number of reportable (to the FDA) drug shortages has tripled between 2005 and 2011. These shortages are becoming more frequent as well as more severe in their impact.

Many national groups from the American Medical Association to the International Association of Fire Chiefs have taken a position on this issue. While the pharmaceutical manufacturers have testified before Congress that regulations are at least partly to blame, most national groups are calling for more legislation of the manufacturers.

There are several factors that are often listed as being a part of this problem:

1. Fewer manufacturers willing to produce generic drugs which have a lower per unit profit potential (a limit of 6% profit on generic drugs),
2. Quality issues that result in production halts or recalls, including issues arising from the utilization of pharmaceutical ingredients produced outside the United States,

3. Product discontinuations and/or unavailability of raw ingredients,
4. "Secondary shortages", shortages caused by shifts in market demand due to the shortage of another drug,
5. A lack of FDA staff to inspect foreign facilities and to approve new drug applications,
6. Discontinuation of production lines by certain manufacturers,
7. Very conservative expiration dates for various drugs, which includes life expectancy of the contents of multi-dose drug containers,
8. Reduction of inventories and institution of "just in time" production of pharmaceuticals which has reduced previous larger inventories,
9. Fewer manufacturers producing generic drugs (26 in 1967 with 6 in 2012),
10. Manufacturers not investing in technology, new plants, or improved production processes,
11. Government price controls on pharmaceuticals, and
12. A limited number of manufacturers producing critical drugs.

The federal government's National Vaccine Advisory Committee has identified price controls as the primary reason for the decline in the number of pharmaceutical manufacturers. The committee lists the federal budget as not providing sufficient funding for adequate personnel for FDA to analyze plans, inspect new production lines and for inspection of foreign facilities as a secondary cause of the shortage. At the same time, the Generic Pharmaceutical Association has proposed nearly \$300

million in fees to assist the federal government in hiring personnel to reduce some of the backlog and delay in inspection and approval of drugs, facilities, processes, etc.

The IAFC suggests we can do the following to help alleviate this looming drug shortage problem;

1. Become involved with the legislative process to provide appropriate funding for the FDA to inspect facilities and approve new drug applications,
2. Support regulations/laws to require a/an;
  - a. 12 month advance notification of voluntary discontinuation of production of a drug or the inability to provide a supply at or above the historic average demand for drugs commonly utilized by EMS providers,
  - b. incentives to maintain adequate supplies of drugs medically necessary for the EMS system, and
  - c. effective sanctions for manufacturers that do not comply,
3. Cooperation between government agencies and drug manufacturers in improving the supply of pharmaceuticals required by the EMS system,
4. Examination of the drug approval process to find opportunities to continue to meet the needs of the EMS system,
5. Collaboration between DEA and FDA to address Schedule II drug shortages, including quota requirements, and

6. Collaboration between EMS leaders at the national level.

The IAFC is encouraging its members to;

1. Stay informed of shortages by visiting the FDA's drug shortage website ([www.FDA.gov/drugs/drugsafety/drugshortages](http://www.FDA.gov/drugs/drugsafety/drugshortages)),

3. Reevaluate inventories to insure we are not contributing to the problem,

4. Work with medical directors to develop protocols to address shortages through the utilization of alternative medications,

5. Remain agile to provide training for field personnel to adapt to changes in drug availability,

6. Develop alternative pharmaceutical solutions including drugs, dosages, container size, etc.,

7. Work regionally with our partners; suppliers, hospitals and other EMS providers to alleviate the problem locally, and

8. Enhance ALS training to include the implications of shortages and to improve proficiency in drug calculations and administration,

9. Train personnel in the appropriate administration and effects of replacement drugs, and

10. Ensure personnel are fully aware of the appropriate dosage for any replacement drug administered.

*Information for this article came from the following sources:*

*International Association of Fire Chief's Position Statement on the National Drug Shortage, 3-13-12.*

*Fort Worth Star-Telegram, Medical Column, 2-24-12*

*Wall Street Journal, The Drug Shortage Debacle, Awi Federgruen, 3-1-12.*

*Las Vegas Review-Journal, To Your Health, Paul Harasim, 5-8-11. ♦*



# OFCA Hosts Summit/Conference — NAEFO Conference to Follow this Fall

*By Mark Kreutzer*



Mark Kreutzer  
NAEFO President

I recently attended the Oregon Fire Service Summit. This was the second year of this event. Fire service representatives met and discussed issues affecting Oregon. Budgets, State funding of programs, grants, volunteer retention plus many other subjects of concern were discussed in length. I would like to thank the Oregon Fire Chiefs Association for organizing this event.

I attended the Oregon Fire Chiefs Association's spring conference to listen to Chief Robert "Butch" Cobb. The former Chief from New Jersey now works for ISO and gave a very informative presentation on changes to ISO. It appears that ISO will be updating their grading schedule to reflect changes in the fire service. Also apparent from audience questions, the insurance agents themselves are confused about ISO and how it applies to fire departments. Another issue that came up was inconsistencies of ISO evaluators and how they apply the standards. The fire service looks forward to ISO moving forward in updating their grading system.

NAEFO has lined up some excellent speakers for this year's conference September 24-25 in Las Vegas. Executive Director of CFSI Bill Webb, will speak on the political climate in Washington D.C. for 2013. Chief Bill Metcalf will discuss the financial situation facing the fire service across the United States and

Oregon's own Ken Jones will also speak on how to be an effective Board member. Go to [www.naefo.org](http://www.naefo.org) for registration information.

June 9th, the NAEFO Board will meet to update the strategic plan. The regular Board meeting will be held July 14th in Ridgefield Washington. For more information on these meetings, go to the NAEFO website. ♦

## Did You Know?

Members who receive their Communiqué electronically often receive their copy 3-7 days faster than if it were mailed.

**Send your email address to [info@ofdda.com](mailto:info@ofdda.com)**



# PSU Announces Emergency Management and Homeland Security Leadership Program

*By Eric Einspruch, Ph.D., Senior Fellow and Program Manager, Center for Public Service, Adjunct Associate Professor, Division of Public Administration, Portland State University*

The Center for Public Service at Portland State University's Mark O. Hatfield School of Government is proud to announce that it is now offering an Emergency Management and Homeland Security Leadership Program, beginning in the Fall of 2012.

This professional program will provide a broad and strong foundation in the core concepts, contemporary practices, and theories of emergency management and homeland security. The courses offered have been designed to provide state-of-the-art education, tools, and leadership skills to help a broad range of emergency management and other professionals more effectively manage a wide range of emergencies.

Participants are expected to come from the public, private, and non-profit sectors, and will include professionals already working directly in the field of emergency management, persons who have assumed emergency management tasks in addition to their primary work functions, and those who wish to enter the growing field of emergency management.

The program's 6 courses may be taken individually or as a series. Participants completing all 6 courses will receive an official Certificate of Completion, and will also be well positioned to earn additional certification (for example, from entities as the International Association of Emergency Managers).

The courses may be taken for upper-division undergraduate credit, graduate credit, or on a non-credit basis. Instruction will be provided by PSU faculty and by nationally recognized emergency management experts, in a format that combines the value of in-person interaction with the ease and convenience of online learning. With classroom sessions concentrated across several 3- and 4-day weekends, the sessions are designed to minimize the impact on full-time, working professionals.

The first classes begin in September 2012. For more information about the program, and how to submit your application, please visit: <http://www.pdx.edu/cps/emhslp> ♦

## family fun night



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4 P.M. to 9:30 P.M. Rides begin at 5 p.m.

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- 1936 fire truck • Junior Firefighter obstacle course
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- Frontier/KUIK - Safe Assured ID program
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# Qualification Based Selection— May Be Here To Stay

By Carolyn H. Connelly  
Local Government Law Group, a member of Speer Hoyt, LLC



As you may have heard, the 2011 legislature substantially changed “business as usual” for districts soliciting certain consultant services anticipated to cost over \$100,000. No longer may local governments ask for or evaluate fees in their procurements for architects, engineers, and land surveyors (plus two new types of professionals) until a potential awardee is identified. This change and its origins are discussed in greater detail, below.

As a bit of background, you are probably aware that Oregon’s prior public contracting law, ORS Chapter 279, was replaced with ORS Chapters 279A, 279B, and 279C (the “Public Contracting Code” or “Code”), on March 1, 2005. If your Board has taken no action regarding public contracting since that date, the Board serves as your district’s local contract review board. Further, your district’s public contracting procedures are governed by the Attorney General’s (AG’s) model rules. The model rules are prepared and maintained by the AG as rules of procedure appropriate for use by all contracting agencies. Your district does, however, have the authority to adopt its own public contracting rules—which may or may not include portions of the AG’s model rules.

For the most part, the AG’s model rules do a good job interpreting and implementing the Public Contracting Code. However, there are a number of areas where small jurisdictions can benefit from changes in the AG’s model rules. Since 2005, many of you have taken action to adopt your own public contracting rules. For those that have, ORS 279A.065(5)(b) requires that your district review your public contracting rules and ensure statutory compliance each time the AG modifies its model rules.

The 2011 legislative changes focused primarily on the solicitation of certain identified consultants. Within the AG’s rules, such solicitations are governed by Division 48, which implements ORS 279C.100 to 279C.125 of the Code. Since 2005, Division 48 has governed the selection of architectural, engineering, and land surveying consultants. The 2011 legislature added two new types of professionals to this list: photogrammetric mappers and certain transportation planners. Covered transportation planners include only those working on projects that require compliance with the National Environmental Policy Act (NEPA). In other words, Division 48 only applies to transportation planning services provided on certain federally funded projects.

Most importantly, as mentioned above, the 2011 legislature expanded the reach of qualification based selection (QBS) procedures. What does QBS mean? It is a consultant selection process that permits the consideration of the consultants’ experience and qualifications, while forbidding consideration of price or cost until after the most qualified consultant has been selected for award. Only at that time can your district and the selected candidate mutually discuss and refine the scope of services and negotiate conditions, including but not limited to compensation. The compensation ultimately agreed upon must be “reasonable and fair” to your district, as determined in your district’s sole discretion. ORS 279C.110(5). Please note, however, this limitation applies only to consultant services anticipated to cost over \$100,000.

Not surprisingly, many local governments are more than a bit perplexed over this new limit on considering price when evaluating and ranking potentially costly consultants.

The change was made in response to a national scale effort by lobbyists for Division 48 consultants. In Oregon, such lobbyists gained a toehold several sessions back, when the state agreed to hold itself to this QBS process. QBS also was required on certain state funded local solicitations. In 2011, however, the lobbyists prevailed and now all Division 48 solicitations for service anticipated to cost over \$100,000 must be cost-blind.

Why this change was made reflects the QBS philosophy that public entities lacked sufficient procurement tools for services for which price competition made no sense. The backers believe that awards based upon the lowest cost inappropriately under value quality and professional creativity. Their fear is that low cost awards may lead to unintended consequences, including poor service and quality, excessive and expensive change orders, and litigation over disputes.

In contrast, our experience indicates that, before this change, local governments already had a sufficient number of tools in their belt. Districts could consider a firm’s qualifications, but could temper that information with cost considerations. Rather than gaining a tool, it could be argued that an effective tool has been lost through this legislative change.

Regardless of its impact, this change does mean that your district should take a careful look either at its own rules, or if none have been adopted, at Division 48 of the AG’s model rules (OAR 137-048-0100 through 137-048-0320). In particular, those of you who have yet to solicit design services for any construction planned for this building season should pay careful attention to this new limitation. Talk to your attorney about compliance and any needed updates to your district’s procurement rules. ♦



## National Association of Elected Fire Officials 2012 Annual Conference set for September

The Orleans Hotel & Casino in Las Vegas, Nevada has been secured as the host hotel for the 2012 NAEFO Conference and the Clark County Fire Department Training Center in Las Vegas, Nevada has been secured as the conference/program site for the 2012 Annual NAEFO Conference.

**The dates are set for Monday, September 24th and Tuesday, September 25th.**

**Although subject to modification, the tentative conference schedule is as follows:**

### **Monday, September 24th**

8:30 AM: Registration and Sponsor meet and greet  
9:00 AM: Welcome and Introductions  
9:30 AM: William R. Metcalf, Fire Chief of North County FPD, Fallbrook, California and 2nd Vice President of IAFC  
Topic: Facing Economic Reality: The State of Local Government Financial Affairs Now and Looking Forward  
10:30 AM: Break  
10:45 AM: Resume with William R. Metcalf  
11:30 AM: Lunch and Sponsor Introductions  
12:30 PM: Bill Webb, Executive Director of CFSI  
Topic: Potential Outlook for Fire Service Issues in 2013 on Capitol Hill

### **Tuesday, September 25th**

8:30 AM: Ken Jones, Attorney with Local Government Law Group, PC, A Member of Speer Hoyt, LLC  
Topic: Walking a Tightrope: How to be an effective board member, effective community member, and effective leader  
10:15 AM: Break, Sponsor meet & greet  
10:30 AM: State Fire Service Reports  
11:00 AM: Committee Reports  
12:00 Noon: Lunch and Sponsor Introductions  
1:00 PM: Annual Business Meeting  
3:00 PM: Closing NAEFO President, Mark Kreutzer

1:30 PM: Break, Sponsor meet and greet  
1:45 PM: Board Meeting  
3:30 PM: Committee Meetings and Sponsor meet and greet  
5:00—7:00 PM: No Host Welcome Reception back at The Orleans meeting room Salon K

### **The Guest Rates At The Orleans Are Set For:**

Dates:	Fri—9/21/12	Sat—9/22/12	Sun—9/23/12	Mon—9/24/1	Tue—9/25/12	Wed—9/26/12
Rates:	\$99.00	\$99.00	\$35.00	\$35.00	\$35.00	\$35.00

Please note, the rooms DO NOT include taxes or the \$6.00 resort fee per room, per day. To make reservations, online visit, [www.orleanscasino.com/groups](http://www.orleanscasino.com/groups). Be sure to enter the group code to receive special group rates.

The group reservation code is: **AZTFC09**. Or call 1-800-675-3267. Be sure to identify yourself as members of a group with the specific Group Name: **National Association of Elected Fire Officials**

**Reservations must be made by August 21, 2012 in order to receive the group rate and avoid a \$25.00 late registration fee!**

The Orleans Casino & Hotel is located at 4500 W Tropicana Avenue, Las Vegas, Nevada 89103.

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Summer 2012

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