



The

SUMMER 2011

COMMUNIQUE

A Publication of the Oregon Fire District Directors Association

WALLACE

Selected As
State Fire Marshal

FIREFIGHTERS CANCER PRESUMPTION

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A publication of the Oregon Fire
District Directors Association.

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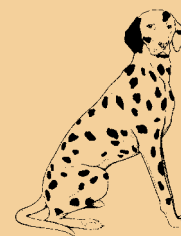
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New Fire Stations (and they are fully sprinkled)

By David Jones

Just a few weeks after opening the new substation in Perrydale, Amity Fire Chief Bruce Hubbard hosted an open house and dedication of the new Amity Fire District main station on Saturday, April 30th. The ceremony included the usual speeches, (including one from your Board President), ribbon cutting, cake, and tours of the new facility located on Hwy 99 just at the south end of town.

Aschim, and the Amity Fire Board of Directors for securing the funding and making these two new stations a reality.

On the other side of the Willamette Valley on Saturday, May 14, the entire community of Gates turned out to open their new fire station. The theme of the day was "Celebrate the Dream" and started with a parade from the old station around town and ended up at the new Gates Fire



David Jones,
OFDDA President Elect 2011

President-elect of the Oregon Fire Chiefs and myself, your Board President.

This new facility is the realization of a dream Chief Swanson first presented four years ago, that is to build a fire station without tax money from his district. With Federal grants, numerous fund raisers, private donations, etc, this new facility was open to the public, with a celebration that included the entire community. Congratulations to Chief Swanson, the Gates Fire Board of Directors, and the entire community of Gates in making this dream a reality.

These new fire stations are a carryover from my previous life, as the State Fire Marshal for this area. I did the fire and life safety plan review on all three, debated sprinkler systems with one of the building officials, and attended the ground breaking ceremony in Gates last July.

And, all three are fully sprinkled. Again, OFDDA congratulates both the Amity and Gates fire districts. ♦

Congratulations to Chief Hubbard, Assistant Chief Allen Aschim, and the Amity Fire Board of Directors for securing the funding and making these two new stations a reality.

With these two new stations, the floor space has more than quadrupled, meetings and training can now be held without moving out the trucks, and the entire rolling stock will be inside. The funding, a voter approved bond, includes these two new stations and the purchase of two used brush trucks from TVF&R and a used fire engine from Salem. Congratulations to Chief Hubbard, Assistant Chief Allen

Station and Community Center. The parade included a Fire Service Honor Guard, a marching band of bagpipes, numerous personnel from Gates and neighboring fire agencies, and of course, fire engines. Fire Chief Gary Swanson and Board Chairperson Alexis Winn welcomed the large crowd which included two State Representatives, a County Commissioner, the Interim Oregon State Fire Marshal,

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Wallace Selected as State Fire Marshal

Oregon State Police (OSP) Superintendent Chris Brown has announced the appointment of Mark Wallace as the next State Fire Marshal for the Oregon Office of State Fire Marshal (OSFM). Wallace, a 42-year fire service veteran from McKinney, Texas, was appointed effective July 1st to replace Randy Simpson who retired at the end of 2010 following more than 33 years in the Oregon fire service.

Wallace, age 61, retired June 1, 2011

materials safety in Oregon,” said Brown.

The author of “Fire Department Strategic Planning: Creating Future Excellence”, Wallace is also a FEMA-certified instructor of the Incident Command System and a former Lead Adjunct Instructor at the National Fire Academy teaching Fire and Arson Investigation in both the resident and field programs.

Wallace holds an Associates Degree



Mark Wallace, State Fire Marshal
Oregon Office of State Fire Marshal (OSFM).

“I am honored to be selected as your new State Fire Marshal. This is an exciting opportunity and I look forward to meeting with, listening to and building relationships with Oregon’s citizens and our fire service partners,” said Wallace.

from the McKinney Fire Department where he served as Fire Chief since February 2001. A native of Colorado, he has served in every functional position within the fire service and teaches throughout the world focusing on strategic planning and organizational effectiveness.

“We are fortunate to be able to bring in someone with Mark’s background of experience, knowledge and leadership to guide the Office of State Fire Marshal in helping lead fire safety and hazardous

in Fire Science Technology; a Bachelor’s degree in Business Administration; and Masters in Public Administration. He is a graduate of the Executive Fire Officer Program of the National Fire Academy and is designated a “Chief Fire Officer” by the Commission on Public Safety Excellence. He was selected as a member of the Institution of Fire Engineers, an international association of fire service professionals, and is a designated “Certified Emergency Manager” by the International

Association of Emergency Managers.

“I am honored to be selected as your new State Fire Marshal. This is an exciting opportunity and I look forward to meeting with, listening to and building relationships with Oregon’s citizens and our fire service partners,” said Wallace.

Brown extended his appreciation to Chief Deputy State Fire Marshal Jim Walker who served as acting state fire marshal following Simpson’s retirement until a replacement was named.

“During the last 5 months, Jim has done a great job as interim director and he will be a valuable asset to our next State Fire Marshal,” said Brown.

In furthering its mission to protect citizens, their property, and the environment from fires and hazardous materials, the Oregon Office of State Fire Marshal employs a staff of 78, working in areas of community education, emergency planning and response, fire & life safety, inspection, investigation, fire code administration, licensing, permitting, and data gathering and analysis. ♦

Did You Know?

Free Workshops: Did you know there are free workshops available on “How to use Census Data to Support Grant Proposals”? The workshops are three hours long, with a minimum requirement of eight attendees.

For information, contact Linda Clark at 425-908-3060.

Recommendations For All New Board Members

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



Welcome to all of you new and for that matter, not so new, Directors. One of the non-legal areas of advice we give our district clients involves new Board members.

- We recommend that new Board members take a facilities tour. This would include all stations.

- Next we recommend there be a 'major issues' review. Many times this can be accomplished by simply providing a new Director with the last 6 to 12 months of Board minutes.

- A budget review would then be appropriate, especially if the new member was not involved in the budget process. This would include providing a copy of the newly adopted budget, as well as the budget message. If there were any major changes, they could be explained to the new member.

- I recommend providing a copy of, or at least referencing, ORS Chapter 478. This is the statute that gives authority to rural fire protection districts. As a special district, a fire district generally has the authority to do only those things specifically authorized in ORS Chapter 478.

- For new Board members it is important to read the Board Members Guide that was published by OFDDA and SDAO.

- Review your District policies, especially those that impact the authority of a Board member, procedural matters in regard to establishing items for the agenda, and general Board operations.

Having new Board members is also a good opportunity to update, or at least review with the Board, Capital Asset Replacement Schedules. This includes buildings, as well as apparatus.

With the exception of the facilities tour, all orientation issues can be discussed in an open meeting. The new Board member then receives input of the continuing Board members as well. Just a reminder – if the orientation involves three or more Board members at one time in one place, it would be a public meeting and would require notice.

The goal of the above is to get new Board members oriented with both the background on the District as well as information on issues that will come before

the Board. If you have not done so in a recent period of time, this may provide a good opportunity to update the District's short- and long-term goals.

Always remember, you are now a member of a team and, except at a meeting, have no special authority. I hope all of you will be able to take advantage of the materials and education provided at the OFDDA/OFCA November conference in Seaside. Also, watch for special presentations provided in different areas around the state over the course of the year. ♦

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Firefighter Cancer Presumption

By Dave Campbell – WHA Insurance, Retired
and Ryan Massey WHA Insurance



Over the course of the last year, firefighter presumption laws have been the center of great debate across the state of Oregon. With a growing number of presumption centered claims mounting, what should Oregon Fire Districts do to reduce the risk of their members being denied benefits as a result of these laws?

ORS 656.802(5): Twelve types of cancers

Brain cancer, Colon cancer, Stomach cancer, Testicular cancer, Prostate cancer (but not if it was first diagnosed after the firefighter reached the age of 55); Multiple myeloma; Non-Hodgkin's lymphoma,

presumption until he or she has worked for at least five years as a firefighter. Conducting a baseline physical prior to any firefighter performing district duties will greatly reduce the risk of potential benefit denial due to preexisting conditions.

The physical examination required to qualify for the presumption under subsection 4 must be of the type that a court would find sufficient to reveal evidence of a disqualifying pre-existing condition. It must include the customary tests that a physician would use under the circumstances to screen for the presence of a pre-existing condition.

Recommendations to Reduce the Risk

1) Conduct baseline physicals for all new members of your fire district

2) Set appropriate assumed wage for district volunteers workers compensation

3) Have a supplemental Accidental Death and Dismemberment policy in place

This article references a memo by Attorney George Goodman of Cummins, Goodman, Fish, Denley & Vickers PC. They may be contacted at 503-476-8200 if you have specific legal questions regarding this issue contact Ryan Massey of Wilson Heirgood Associates at 541-284-5851 ♦

The physical examination required to qualify for the presumption under subsection 4 must be of the type that a court would find sufficient to reveal evidence of a disqualifying pre-existing condition.

Reducing the risk associated with presumption starts with learning the law and what presumption covers. Firefighter's presumption is outlined in ORS 656.802 (4) and (5), Occupational Disease.

ORS 656.802(4)

Conditions of the lungs or respiratory tract (e.g., lung cancer, emphysema, chronic bronchitis, etc.);

Hypertension (i.e., high blood pressure);

Cardiovascular-renal disease (which may cover heart attacks, strokes, kidney damage, etc.); and

Throat cancer; Mouth cancer; Rectal cancer; Breast cancer; and Leukemia.

Although 12 types of cancers fall under the presumptive status, there is no guarantee that diagnoses of one of these cancers will automatically justify payment of workers compensation benefits. The presumption only applies to certain firefighters. Fire chiefs, fire marshals, and the like may also qualify, provided they have had five years of firefighting experience during their careers. EMTs may not qualify for the presumption, unless they actually perform firefighting work. A firefighter does not qualify for the

Volunteers' Corner

The Oregon Volunteer Firefighters Association has been very busy the past couple of months working on our annual conference. This year's conference in Lincoln City is shaping up to be one of our best attended conferences in quite some time. This is very encouraging because this is one of the areas we addressed in our strategic plan as needing improvement and to see it coming together is exciting for our future. We have been working with the Oregon Fire Instructors Association and the Mid Willamette Fire Instructors Association on the possibility of combining our training conferences. MWFIA created an Incident Management Team, which OVFA is part of, to start looking at how we can combine forces and deliver a great training event for both of our contingencies. There are a lot of logistics, planning and financing to be worked out before we get to that point but all of our Associations are



Scott Mullen, OVFA President
Oregon Volunteer Firefighter Association

we can get the full bill passed with everyone on board. OVFA was not successful in the bill we presented to add our association to the tax check-off box for donations to support our relief fund. Our staff worked as hard as anyone I have ever seen work on a bill but the legislative forces just wouldn't budge. However, we greatly appreciate all the hard work on our behalf.

Lastly our campaign still strives to

Lastly our campaign still strives to get more fire departments and districts signed up as members.

confident we can put on a great conference together. Stay tuned!

As everyone knows by now, this legislative season was a bit controversial. When SB 106, which would have legislated fees and additional regulatory oversight for non-transport and all volunteer entities, was introduced, OVFA and quite a few other Associations stepped up and voiced our concerns. To our constituency we are happy to say that your concerns were met and addressed. From that bill a work group has been formed to address all the end users' concerns and hopefully in the next session

get more fire departments and districts signed up as members. Again, this area was addressed in our strategic plan and is seeing improvement. As Directors for your districts please discuss with your Chief or Volunteer Coordinator whether your volunteers are members of the OVFA and, if not, encourage them join and take advantage of our great benefits and representation. If you need a Board member to come to your district and give a presentation on how OVFA can benefit your volunteers, please let us know and one of us will be glad to come out. ♦

Helpful Links During the 2011 Legislative Session

To view or print out the full text of bills introduced during the 2011 session, or for history and status of bills, go to http://www.leg.state.or.us/bills_laws/

For Committee schedules and agendas, go to Committee Agendas On-line <http://www.leg.state.or.us/11reg/agenda/webagendas.htm>

Legislators' Committee Assignments & Audio of Committee proceedings, visit: Committee Web Pages <http://www.leg.state.or.us/committees>

For contact information, including address, telephone number and email address for your legislators, go to <http://www.leg.state.or.us/senate/senateset.htm> for the Senate and <http://www.leg.state.or.us/house/houseset.htm> for the House of Representatives.

If you are unsure of who your legislators are, go to <http://www.leg.state.or.us/findlegsltr/findset.htm>.

To listen to legislative proceedings over the Internet, go to <http://www.leg.state.or.us/listn/listenset.htm>

If you do not have access to the Internet, copies of bills and measure status may be obtained by calling 1-800-332-2313. You may also leave a message for your legislator at this toll free number.

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- ❖ As a PacificSource member, you'll have access to numerous health and wellness programs including an online health and wellness center with personalized information, health risk assessments, and tools to help you make the most of your health. Turn the page for a partial listing of available programs and services.

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