

# The COMMUNIQUÉ

Spring 2020



*This quarter's  
publication includes...*

- ◇ OSFM Reports on Wildland Fire Interface Discussions
- ◇ Exciting SDAO/SDIS Programs & Opportunities
- ◇ Speer Hoyt Weighs In on HB 2016
- ◇ ...and more!

# The **COMMUNIQUE**

## A Publication of the Oregon Fire District Directors Association

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### **MISSION**

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

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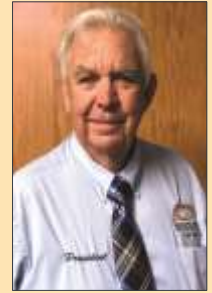
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# PRESIDENT'S MESSAGE

*by John Dunn  
OFDDA President*



The OFDDA Board and Conference Committee have started work on our 2020 conference utilizing the 2019 conference surveys that many of you completed. We are reviewing all suggestions about sessions and speakers. Thank you for your valued input. It really helps us to present a conference that is beneficial to each attendee.

We are excited to host the 2020 Annual Conference in our capital city of Salem. It will be held October 22-24 at the Salem Convention Center, which is a beautiful facility right in the heart of the Willamette Valley. The convention center is a centralized training facility with easy access to many dining options and scenic locations to explore, and downtown Salem is a wonderful location with a lot of architectural charm and history. We anticipate a great turnout this year.

Lodging will be available at the Grand Hotel, Salem's premier lodging facility. The hotel is adjacent to the convention center for easy access, complete with free underground parking with clearance for vehicles up to 6 ft. 9 in.

In addition to the conference, we hope to provide a private tour of the State Capitol on October 21, showcasing the ins and outs of the legislative process. This will be hosted by our very own Executive Director and Lobbyist, Genoa Ingram, who is extremely knowledgeable in the ways of the legislature.

While this year's event will be in Salem, OFDDA's goal is to plan conferences in different locations across the state so that all members have the opportunity to participate and learn.

Make a note and save the conference dates. Watch our website for more information about registration. We look forward to another successful year for our members.

*The Oregon Fire Service Center's  
2020 Fall Conference is coming!*

- ✓ Mark your calendars for the 2020 Fall Conference held October 22-24.
- ✓ Bookmark [//ofdda.com/](http://ofdda.com/) and watch for more details.
- ✓ Call the Grand Hotel at the Salem Convention Center (877-540-7800) to reserve your room.
- ✓ Locate alternative parking if the vehicle you're driving will not fit within the parking structure's limitations (maximum 6'9" clearance).

*Wondering about future conferences?  
We have the when and where  
for 2021 and 2022...*

- November 3-6, 2021 at the Ashland Hills Hotel & Suites in Ashland, OR
- November 1-5, 2022 at the Best Western Plus in Hood River, OR

# Legislative Update—2020 Short Session Ends

*by Genoa Ingram, Executive Director  
Oregon Fire District Directors Association*

The 2020 short session is effectively over. On March 5, the House Rules Committee met to discuss changes to Oregon's Constitution and policies that would prevent future walk-outs, including a change in quorum requirements to a simple majority.

Following the meeting, the House convened at 2:00 p.m. without a quorum and Speaker Kotek announced that the House would not meet again until called back at 11:59 p.m. Sunday evening, March 8, for final adjournment. The Speaker read a response to the House Republicans' offer to return to Salem on Sunday to take action on budget proposals and other legislation, saying she would not allow the absentee lawmakers to cherry pick which bills would pass. She also announced that the Emergency Board would meet on Monday, March 9 to provide funding for Umatilla flood relief and to combat the Coronavirus, and that the Governor would enact the low carbon fuel standard (Cap-and-Trade) by Executive Order. The Senate convened at 2:30 p.m. this afternoon, also without a quorum, and Senate President Peter Courtney repeated the Speaker's remarks. He adjourned the Senate pending a "Call of the President".

Again, only three bills were passed and signed by the Governor during the 2020 short session:

[HB 4061 Enrolled](#)- Increases the surcharge for cultural vehicle registration plates from \$30 per pair to \$50 per pair.

[HB 4106 Enrolled](#)- Provides that city in Clackamas County annexed into county parks and recreation service district between January 1, 2005, and December 31, 2006, by vote of city electors is deemed withdrawn from and no longer part of county service district as of June 30, 2020.

[HB 4140 Enrolled](#)- Requires the Oregon Department of Education (ODE) to develop a form by August 1, 2021 for public education programs to use when a student has been diagnosed with a concussion or other brain injury.

\$76 million in wildfire mitigation and \$20 in disaster relief and emergency preparedness were contained in bills that did not pass. Please let me know if you have questions.

# 2020 OFSOA Conferences

*by Julie Spor, OFSOA President  
Sisters-Camp Sherman Fire District*

The Oregon Fire Service Office Administrators Event Planning Committee is working hard to complete preparations for our Spring Conference. The conference will be held on May 12 and 13 at the Hilton Garden Inn in Medford. The theme of the event is Honoring the Past—Building for the Future. The two-day event will be jam-packed with some excellent educational opportunities as well as purposeful networking time. The registration for this event is capped at 65, so be sure to register early at [www.ofsoa.com](http://www.ofsoa.com).



*Save the Dates!*  
May 12-13: Spring Conference  
October 6-7: Fall Conference

The Fall Conference is planned at the Oregon Gardens in Silverton on October 6-7. Please check our website to register and for more details on upcoming events.

If you have staff members who are not currently involved in OFSOA, please encourage them to attend one of our events so they can see the benefits of our organization for themselves. We offer member and non-member rates for each event.

If there is anything OFSOA can you do for you, please don't hesitate to reach out.

## OFSM: Progress and Fundraiser

*by Jim Tormey*



Progress on Oregon Fire Service Museum's new building has been steady. The rough-in electrical has been completed, interior framing is complete, and plumbing rough-in will begin soon.

Utilizing a generous grant from Oregon Community Foundation, work is underway to create a 1055 square foot memorial plaza adjacent to the museum building. This space will utilize commemorative bricks and the historic cast iron bases and columns salvaged from the ruins of the Oregon State Capitol Building that was destroyed by fire in 1935. We hope to have most of the work for this project completed by June. Bricks are still available for purchase with order forms provided on our website (<http://www.oregonfiremuseum.org/>).

Plan to come see the memorial plaza and get a peek at the progress on the museum at our upcoming fundraising event: Father's Day Firehouse Fun at Powerland Heritage Park, 3995 Brooklake Road NE, Brooks, Oregon. There will be an apparatus show, waterball competition, swapmeet, activities for kids, and more, so bring your family and friends.

If you wish to show off apparatus, please contact Greg Musil (541-554-0669) for details. In addition, your general admission will give you access to any of the 14 other museums and attractions on the 62-acre site that are open that day. These include a major truck museum and trolley museum with trolley rides available. Watch Facebook or call 888-313-6873 for more information.

The Oregon Fire District Directors  
present the 2020 Fall Conference  
Keynote Speaker



This year we welcome American hero Kris "Tanto" Paronto as our keynote speaker.

More information will be provided in coming weeks, so monitor your email and our website to ensure your opportunity to hear Mr. Paronto speak in person. Seats will sell out quickly!

Autographed copies of Mr. Paronto's book, *The Ranger Way*, will be sold on-site.

Kris Paronto—"Tanto" as he is affectionately known in security contracting circles—is a former Army Ranger from 2nd Battalion 75th Ranger Regiment and private security contractor who has deployed throughout South America, Central America, the Middle East, and North Africa. He also worked with the US Government's Global Response Staff conducting low profile security in high threat environments throughout the world.

Mr. Paronto was part of the CIA annex security team that responded to the terrorist attack on the US Special Mission in Benghazi, Libya, September 11th, 2012, helping to save over 20 lives while fighting off terrorists from the CIA Annex for over 13 hours. Mr. Paronto's story is told in the book *13 Hours* written by Mitchell Zuckoff and his five surviving annex security team members.

Information, including tickets and pricing, will be  
available later this year.

Thank you for your patience  
as the Conference Committee finalizes details.



## HB 2016 – Fact or Fiction?

by Diana Moffat, LGLG  
Speer Hoyt LLC

Where were you on June 27, 2018? Do you remember the *Janus* decision being announced that day? I certainly remember. I was in bargaining with a local LIUNA union. The mood of the union immediately became sullen. Mark Janus, the plaintiff in the Supreme Court case, issued a statement: "My name is Mark Janus, and I was the plaintiff in the Supreme Court case *Janus v. AFSCME*. On June 27, 2018, the Court ruled that government employees like me could not be forced to pay a government union as a condition of working in public service. This landmark ruling was a tremendous victory for workers' rights, and I was privileged to be a part of it."

Fast forward to June 20, 2019, when Oregon Governor Brown, in reaction to the *Janus* decision, signed House Bill ("HB") 2016 into law, placing numerous new restrictions and requirements on how public sector employers do business with unions and unionized workforces. Those provisions went into effect on January 1 of this year.

There seems to be a lot of fact v. fiction in the Oregon labor arena as to what HB 2016 does or doesn't do, so let's take a look at FACT or FICTION.

Paid leave time for union collective bargaining preparation. Some unions assert that HB 2016 requires an employer to allow employees to be paid, with no deduction from their paid leave banks, to PREPARE for collective bargaining sessions. FACT or FICTION? Mostly fiction:

First, let's look at the actual language of HB 2016. Section 3 provides: "A public employer shall grant public employees who are designated representatives reasonable time to engage in the following activities during the public employee's regularly scheduled work hours without loss of compensation, seniority, leave accrual or any other benefits." Subsection (d) lists one of those activities as being when an employee acts "as a representative of the exclusive representative for employees within the bargaining unit for purposes of collective bargaining." Unlike subsection (c) wherein the legislation specifically provides for time to "participate in or prepare" for certain activities, no such provision is made for preparation time under subsection (d).

Now with that said, though, paid time for purposes of employees participating in, and even preparing for, collective bargaining has been and remains a mandatory subject of bargaining.



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However, the new legislation does not REQUIRE that the employer agree to pay for preparation time. It is also important to note that the legislation does not define what constitutes “reasonable time” for participation in bargaining. That remains a subject of bargaining.

Release time. Some unions have asserted that release time requires a public employer to allow union employees to conduct union business on paid time with no deletions from the employee's paid leave bank. FACT or FICTION? Mostly fiction:



The new law defines “release time” as “the period of time when a public employee who is a designated representative takes a leave of absence from the employee's regular public employment to conduct labor organization business.” Release time has nothing to do with conducting business on an occasional basis. It involves a complete leave of absence from the employee's position. Section 4 goes on to provide for a “reasonable term” of release time—again, a matter of bargaining,

followed by specific provisions as to job re-entitlement, reimbursement by the union for any costs of compensation, and benefits to the employer, etc.

Forced union membership. Some unions claim that they can limit an employee's right to withdraw their union membership by confining the withdrawal of membership to a specific and limited period. FACT or FICTION? Mostly fact:

In reality the union's practice of limiting members' ability to withdraw from their membership in the union has been going on for a long time. Most folks just never knew about it. That was mainly because, prior to the *Janus* decision, the employee's payment of money/dues happened regardless of their membership in the union or not. If they elected to no longer be a member of the union, the employee still had to pay their “fair share” dues. The limitation for withdrawing from the union was usually in small print on the union dues authorization card. The typical language limited a change in membership status to a small window of time once per year or to the end of the period of the applicable Collective bargaining agreement. When the *Janus* decision was announced, which prohibited fair share dues, unions became alarmed that they might lose union members AND lose union dues.

HB 2016 was the union's push back to that likely reality of the *Janus* decision. Section 6 provides that the “employee may enter into an agreement with a labor organization that is the exclusive



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representative to provide authorization for a public employer to make a deduction from the salary or wages of the public employee...to pay dues, fees and any other assessments or authorized deductions to the labor organization..." Note that the agreement (authorization) is between the employee and the union—not between the employee and the employer. Subsection (4) provides that the "authorization is **independent of the employee's membership status in the labor organization** to which payment is remitted and irrespective of whether a collective bargaining agreement authorizes the deduction." Subsection (6) provides that the "employee's authorization for a public employer to make a deduction...shall remain in effect until the public employee revokes the authorization in the manner provided by the terms of the agreement."

*\*For a full list of the provisions of HB 2016 you can refer to LGLG's previous newsletters and for a copy of the complete text of HB 2016 you can go here:*  
[//olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2016/Enrolled](https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2016/Enrolled)

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## SDAO Awards Program Recipients



Each year, the SDAO Awards Program gives recognition to member districts for accomplishments which allow them to provide better service to the public and honors individuals who have greatly contributed to the success of their organization. These awards celebrate the ingenuity, creativity, and diversity of our members. Within this program are two special recognition awards; the Outstanding Special District Program award, and the Outstanding Special District Service award.

At the 2020 SDAO Awards Banquet, we presented awards to two districts and four individuals. The Outstanding Special District Program Award (6-25 Employees) went to **Sisters-Camp Sherman Rural Fire Protection District** and the Outstanding Special District Service Award (Volunteer) went to **Sean McGonigal with Banks Fire District #13**.

SDAO will be accepting nominations for the upcoming awards cycle beginning this summer. For more details, please watch your email inbox and our website at [sdao.com/S4/programs/awards.aspx](https://sdao.com/S4/programs/awards.aspx).

## SDIS Best Practices Program

It's time to spring into action and begin earning Best Practices credits for your district! The SDIS Best Practices Program is designed to keep your board members, staff, and volunteers informed and trained to reduce risks that special districts in Oregon are currently facing. This year's program focus is harassment.

Harassment can occur anywhere within a district, not just among staff members. It is important to remember that prevention is the best tool to eliminate harassment. By participating in the program, SDIS will award your district a credit of up to 10 percent off 2021 general liability, auto liability, and property insurance contributions.

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The 2020 program is easy to follow, and you may have already earned credit. There are five credits available, each worth 2 percent. These include:

- ◇ Maintain a Membership with an applicable SDAO/SDIS Affiliate Organization
- ◇ Complete the Harassment Checklist Within the Best Practices Survey
- ◇ Implement a Harassment Policy
- ◇ Complete an Online Training About Harassment
- ◇ Attend an SDAO/SDIS Training

Later this spring, the survey will be available to complete on the SDIS Insurance site. We will send an email notifying participants in the property casualty insurance program of its launch.

For more detailed information about the program, please visit SDAO's website:  
[www.sdao.com/S4/Programs/bestpractices.aspx](http://www.sdao.com/S4/Programs/bestpractices.aspx)

## SDAO Internship Grant

We are now accepting applications for the 2020 SDAO Internship Grant Program! This program is available to SDAO members to assist in meeting or improving loss control and best practices, ultimately benefiting both the district and the intern. This grant is not intended to fund routine maintenance needs or normal staffing requirements, but to help with project needs.

Interns must be hired by the district as temporary employees to be in compliance with wage and hour laws relative to compensating student interns. A freshman through junior college-level student will need to be hired to qualify for funding of this grant. The maximum grant per district is \$3,000; the funding must be matched by the district by 50%. For example, you may be eligible to receive up to \$3,000 on your request for a project that will cost your district \$6,000 or more. You may be eligible to receive up to a maximum of \$2,100 on your request for a project that will cost your district \$4,200. SDAO may not fund all grant requests.

The deadline to submit your application is **April 17, 2020**. The SDAO Awards Committee will review each application to determine which projects are eligible to receive funding. Funds will be disbursed before July 1.

Learn more on SDAO's website at:  
[//www.sdao.com/S4/Programs/S4/Programs/internship\\_grant.aspx](http://www.sdao.com/S4/Programs/S4/Programs/internship_grant.aspx)

# OSFM: Living with Fire in the Wildland Urban Interface

*by Chief Deputy Mariana Ruiz-Temple*

Over the past year, the Office of State Fire Marshal facilitated 16 meetings around the state to discuss issues surrounding Oregon's wildland urban interface fire challenges. More than 250 individuals involved in the prevention, mitigation, and response to fire in the wildland urban interface attended these meetings. Attendees came from many disciplines, including the structural fire service, tribal partners, community leaders, forestry, emergency management, and more.

Many of the individuals we met with expressed a desire for a statewide approach. Not only did they call for an overall plan, but they proposed specific tools, messaging, technology, data, and risk mapping ability that would allow local agencies to share a common goal and have a clear path moving forward as a unified front.

Some fire agencies and areas of the state have the personnel and funding capacity to provide outreach campaigns, while others are limited in their approach or must focus solely on response. Findings from the tour point to an opportunity to create a common statewide strategy to address the threat of wildland fire and minimize the disparities in the information shared and the level of

prevention and mitigation work being done by the structural fire service.

The report also has been reviewed by, and has the backing of, the Oregon Governor's Fire Service Policy Council, the Oregon Fire Chiefs Association, and the Oregon Fire Marshals Association. Together we are committed to building a science-driven, proactive, statewide approach to wildfire prevention, mitigation and education.

OSFM recognizes the many demands confronting the structural fire service from Oregon's wildfire threat and their ongoing efforts to protect lives and structures put in harm's way. Our proposed path forward looks toward investments in prevention up front, thereby promoting and mitigating longer-term risk. Legislative proposals now before the Legislature would put staff dedicated to community risk reduction in communities statewide. In addition, by creating a data-driven, knowledge-based strategy at the state level and assisting in its implementation locally, we believe we can increase safety and reduce risk for first responders and the public.



Our final report on our tour and its findings can be online at:

[//www.oregon.gov/osp/Docs/OSFM\\_ListeningUnderstanding\\_Final\\_Web.pdf](http://www.oregon.gov/osp/Docs/OSFM_ListeningUnderstanding_Final_Web.pdf).



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# Oregon Fallen Fire Fighters Memorial

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**Save the Date**  
September 17th, 2020 at 1:00PM

