



THE TRUMPET



NETHIS NEWSLETTER IS PROVIDED AS A SERVICE TO THE MEMBERS OF THE MISSOURI ASSOCIATION OF FIRE CHIEFS

EDITORIAL COMMENT:

This is the 1st in what is hoped to be a quarterly newsletter for the members of the Missouri Association of Fire Chiefs.

For this to meet the needs of the members of the Association it is hoped that members submit information they would like to see published in the newsletter and/or request specific types of articles they would like to see. Any and all are welcome.

Please send the information to:
rlehmann@kc.rr.com

PRESIDENT'S CORNER

It has been a busy year in the Missouri Fire Service. It seems every time we turn around another part of the state is being hit by a natural disaster; ice storms, flooding, thunder storms or tornadoes. I think that there have been more federally declared disasters in Missouri in the last few years than in any other state. The areas that have been hit the worst are a credit to the fire service. You have all rolled up your sleeves and went to work; no whining and crying poor me. I haven't heard anything but positive comments about the work you have done. I wanted to thank you and those departments that provided mutual aid either regionally or statewide. We have some great leadership in the fire service! Something we can all be proud of.

I have always thought that Missouri has our share of people that step up and take a leadership role. I attended the Missouri Valley Fire Chiefs Conference in Joplin this past July. Chief Turlson and the Joplin Fire Department did an outstanding job. They provided a great atmosphere for learning and the opportunity to relax and spend time with Fire Chiefs from the Missouri Valley Division.

I will be heading out to FRI in Denver August 13-17 and wanted to take a minute to thank another Missouri Fire Chief. Chief Steve Westermann from Central Jackson County Fire Protection District will be honored for his service as the President of the IAFC this past year 2007-08. I have been fortunate enough to be able to attend several national meetings and conferences since I have been President of MAFC and I have heard many positive comments about Steve's leadership. I am fortunate enough to be able to call Chief Westermann a friend and to know that every decision he made was with honesty, integrity and with the best interest of the fire service. Thanks Steve.

Thanks again for all your hard work.
Respectfully submitted,

Dave Williams

President

Missouri Association Fire Chiefs

hdwiliams@nkc.org



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TREASURER'S REPORT

John VanGorkom

The following is as of July 31, 2008:

Checking	63,085.99
CD	25,000.00
BALANCE	88,085.99

BIG CEDAR STRIKES AGAIN

Chief Rick Lasky of the Lewisville, Texas Fire Department will lead the 2009 Winter Seminar at Big Cedar Lodge. Chief Lasky is an author and veteran public speaker. He will build on last year's program of Pride and Ownership and Real Leadership. Chief Lasky has made numerous presentations at national conferences and we are very fortunate to have him come to Missouri Fire Chiefs for this year's seminar. Please place the 2009 Winter Seminar on your calendars. February 20 – 22, 2008.

LEGISLATION

As was reported in the last Legislative Report this year, it was a very painful 4 ½ months. While we were able to have all of our bills submitted, we did not succeed with passing many of them.

Most of our legislation was a part of Omnibus bills that, because of the inordinate amount of time (17 hours over the last three days) on a Village Law bill, they were never heard for final disposition.

The failures:

- Lost our \$100,000.00 increase in training
- 9-1-1 cell phone legislation made it to committee but never passed out
- Minor changes in Mutual Aid never made it out of committee
- Safe Cigarette legislation had a very favorable hearing but did not make it to the floor

We had one **success** and that was the legislation on overtime. It was part of an omnibus bill and now state law follows federal law on overtime for public safety personnel.

Other Bills of Interest that are now law:

Property Tax

SB 711 is a very convoluted tax bill. It changes to some extent the process of setting property taxes. It is important that taxing entities study this bill as to how it affects your taxing entity. Here is what is considered the heart of the new legislation:

The statute states, with respect to roll backs;

- (3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may, **in a non-reassessment**



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year, increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval in the manner provided under subdivision (4) of this subsection.

(4) In a year of general reassessment, a governing body whose tax rate is lower than its tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate.

HazMat Cleanup (SB 898)

The following is part of the bill that has changed previous legislation:

260.546. 1. In the event that a hazardous substance release occurs for
2 which a political subdivision or volunteer fire protection association as defined
3 in sections 320.300, RSMo, provides emergency services, the person having control
4 over a hazardous substance shall be liable for such reasonable [cleanup] and

5 necessary costs incurred by the political subdivision or volunteer fire protection
6 association while securing an emergency situation or cleaning up any
7 hazardous substances. Such liability includes the cost of materials[,] and
8 supplies [and contractual services] actually used to secure [an] the emergency
9 situation. The liability may also include the cost for contractual services which
10 are not routinely provided by the department or political subdivision or volunteer
11 fire protection association. Such liability shall not include the cost of normal
12 services which otherwise would have been provided. Such liability shall not
13 include budgeted administrative costs or the costs for duplicate services if
14 multiple response teams are requested by the department or political subdivision
15 unless, in the opinion of the department or political subdivision, duplication of
16 service was required to protect the public health and environment. [Such liability
17 shall be established upon receipt by] **No later than sixty days after the**
18 **completion of the cleanup of the release of a hazardous substance, the**
19 **political subdivision or volunteer fire protection association shall**



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20 **submit to** the person having control
of the spilled hazardous substance [of]
an
21 itemized statement of costs provided
by the political subdivision. **The**
statement
22 **of costs shall include but not be**
limited to an explanation of why the
23 **costs were reasonable and**
necessary. The explanation shall
describe
24 **how such costs were not**
duplicative, did not include costs for
normal
25 **services that would otherwise**
have been provided, and why
contractual
26 **services, if any, were utilized in**
the response to the emergency
27 **situation. Response and clean-up**
costs are eligible for reimbursement
28 **if the initial response and**
assessment to a release of a
hazardous
29 **substance was based on best**
practices and in a manner that any
30 **prudent political subdivision or**
volunteer fire protection association
31 **would respond to a release of a**
hazardous substance. Such
response
32 **and clean-up costs may also**
include the costs of contractual
services
33 **which are not routinely provided**
by the department or political
34 **subdivision or volunteer fire**
protection association. Such costs
shall
35 **not include the costs of normal**
services which otherwise would
have
36 **been provided.**

37 2. Full payment shall be made within
thirty days of receipt of the cost
38 statement unless the person having
control over the hazardous substance
contests
39 the amount of the costs pursuant to
this section. If the person having control
40 over the hazardous substance
elects to contest the payment of such
costs, [he]
41 **such person** shall file an appeal
with the director within thirty days of
receipt
42 of the cost statement.
43 3. Upon receipt of such an appeal,
the director shall notify the parties
44 involved of the appeal and collect
such evidence from the parties involved
as [he]
45 **the director** deems necessary to
make a determination of reasonable
cleanup
46 costs. **The burden of proof shall**
be on the political subdivision or
47 **volunteer fire protection district**
to document and justify such costs
48 **allowed under subsection 1 of**
this section. Within [thirty] sixty days
of
49 notification of the appeal, the
director shall notify the parties of his **or**
her
50 decision. The director shall direct
the person having control over a
hazardous
51 substance to pay those costs [he]
the director finds to be reasonable and
52 appropriate. The determination of
the director shall become final thirty
days
53 after receipt of the notice by the
parties involved unless prior to such
date one of



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54 the involved parties files a petition for judicial review pursuant to chapter 536, 55 RSMo.

If you need further information on the above or any bills, please contact me at:

rlehmann@kc.rr.com

Also if you have any ideas for legislation for 2009 contact your Regional Director to provide the information to them for discussion by the MAFC Board.

Missouri Emergency Managers Mutual Aid By Chief Greg Pottberg

Over the past couple of months Emergency Managers across the state have been reviewing a mutual aid document for input in the development of a state wide system. The plan is similar to the Missouri Fire Chiefs/State Mutual Aid plan and will be utilized across the state to provide for organized assistance for cities, counties and emergency managers that need long-term assistance in handling natural and man-made disasters.

SEMA is accepting public comments on the plan until September 30th at which time SEMA and Missouri Emergency Managers will finalize the plan. If you would like to review the plan and submit comments you can contact Dawn Warren at dawn.warren@sema.dps.mo.gov

STATE MUTUAL AID

For the last several years, Missouri Statewide Mutual Aid has been utilized more and more frequently, with Southern Missouri bearing the brunt of need. The system has functioned well.

The system has been in existence since 1993 and has been utilized for regional mutual aid (aid within one of the nine (9) regions) dozens if not close to 60 times and statewide several dozen times.

The calling out of true statewide mutual aid rests with the Division of Fire Safety's office. This office acts as the Fire Coordinator (ESF 9) at the State Emergency Operations Center (EOC). Response within regions is handled by regional coordinators. These coordinators (who are volunteers) have been doing yeomen duties since the inception some 15 years ago of the statewide plan. Our hats are off to them.

After Hurricane Katrina (2005) the International Association of Fire Chiefs (IAFC) began a systematic program of insuring national response from the fire service by originating a program called Intrastate Mutual Aid Systems (IMAS). This is accomplished by providing grant assistance (\$5000.00) and technical expertise to each and every state's Fire Chief Associations that wanted it.

All states are actively working on providing a statewide plan, or improving their



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current plan. To date, some 30 states have a plan in place.

Prior to this IAFC program, only four (4) states had what was considered an effective statewide mutual aid plan that could easily provide deployment during a national disaster.

Your organization received this assistance last year (2007). Your president appointed a ten (10) member Task Force to review and update the Missouri State Mutual Aid Plan. (The plan that began in 1993 had been put together by 23 members of the MAFC in September of 1992).

The plan was approved by the IAFC as meeting all of the requirements in August of 2007 and approved by your Board of Directors in December, 2007.

MAFC had also sponsored two meetings of Stakeholders (other statewide organizations that have an interest in State response to disasters; some 22 in all). They also approved of the plan in November of 2007.

The plan is called the Missouri Systems Concept for Operational Planning for Emergencies (MOSCOPE). MOSCOPE actually is an umbrella for any and all statewide plans for emergencies by any group. The Emergency Medical Service (EMS) and, as you read earlier, the State Emergency Managers are both putting together their plan.

The MAFC, while having control of the plan in terms of updating it, has handed it off to the Division of Fire Safety to utilize during disasters. The Division of Fire Safety, in September, 2007, hired a part time mutual aid coordinator (Ms. Sherril Gladney) to administer the plan during emergencies and act as a liaison to the MAFC for updating and operating the plan.

Sherril and I are currently providing programs to any group or organization that wishes to hear about the plan. Contact one of us:

Sherril at:

Sherril.Gladney@dfs.dps.mo.gov

Rich Lehmann at:

rllehmann@kc.rr.com

The plan can be seen at the MAFC website as well.

The IAFC, in conjunction with the MAFC, will be sponsoring a tabletop exercise of the plan this coming October. The Trumpet will provide the results of that exercise.

Lastly, the Division of Fire Safety and the MAFC stands ready to assist any organization that wishes to provide a statewide plan of their own. The fire services part of MOSCOPE can, has, and should be a template for such plans.