

**GRAHAM FIRE & RESCUE
BOARD OF FIRE COMMISSIONERS
REGULAR BOARD MEETING
May 8, 2017**

CALL TO ORDER

Commissioner Gustafson called the meeting to order at 7:00 p.m.

Attendance:

Present: Commissioner Gerald W. Gustafson, Commissioner Adam Rosenlund, Commissioner Gina Blanchard-Reed, Commissioner Ryan Portmann, Deputy Chief Tony Judd and Board Secretary Jodi Reynolds

Absent: Interim Chief Pat Dale and Commissioner Russell T. Barstow had excused absences.

Commissioner Gustafson led the Pledge of Allegiance and welcomed the audience.

APPROVAL/MODIFICATION OF THE AGENDA

Commissioner Portmann moved to modify the Agenda and remove from General Administration, under Standing Committees, the Performance Evaluation and Interim Fire Chief committees. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

Commissioner Gustafson stated Commissioner Russell Barstow is excused from the meeting tonight.

APPROVAL OF THE MINUTES

Commissioner Rosenlund moved the approval of the Minutes of the Regular Board Meeting of April 24, 2017, as presented. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

Commissioner Blanchard-Reed moved the approval of the Minutes of the Special Board Meeting of May 1, 2017, as presented. Commissioner Rosenlund seconded the motion. Motion carried unanimously.

CORRESPONDENCE

Pierce County Fire Prevention Bureau Monthly Report for April 2017

FINANCIALS

Payables Checks #22713 through #22752 in the amount of \$58,730.20, and a Transfer (EFT) in the amount of \$354.32, for a total of \$59,084.52, were presented for approval.

Commissioner Rosenlund moved to accept the payables in the amount of \$59,084.52, after proper auditing. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

GENERAL ADMINISTRATION

Fire Chief's Report

Deputy Chief Judd greeted the Board and audience members and then reported on the following:

The West Pierce Fire Academy graduation is scheduled for Wednesday, May 10th at 6:00 p.m. Our two Fire Fighter/Paramedics have done very well. The ceremony will be held in the McGavick Center at Clover Park Technical College. He and Chief Mason will attend. If any Board members would like to attend, please contact him to make arrangements to ride together, if desired.

South Sound 911. Deputy Chief Judd informed the Board updated Policy Board Meeting Minutes are in their books for review. The next Operations Board Meeting is this Friday which he will be attending. After that Chief Dale will represent Graham Fire on the Operations Board.

Station 92 Living Quarters. Deputy Chief Judd reported to the Board the survey is done. He was contacted by Verizon about the possibility of them placing a cell tower on our property. They are trying to get as close as possible to the intersection of Kapowsin Highway and Orting-Kapowsin Highway. He met with a Verizon engineer and walked the property before the survey was complete. They need access to the back of the property where they want to put the cell tower. Now that the survey is completed, the Wetlands Biologist believes this could be accomplished with no problem. Deputy Chief Judd reconnected with Verizon to see if they are still interested, and they are. He requested Board direction whether to pursue this arrangement with Verizon. He added that he and Chief Dale discussed it and could not come up with a down side.

Commissioner Rosenlund moved to direct staff to proceed with negotiations with Verizon to place a cell tower on Station 92 property. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

Orting Collaboration. Deputy Chief Judd stated he had no update.

South Pierce Response Changes. Deputy Chief Judd informed the Board he received a letter from South Pierce Fire & Rescue's Chief Gale notifying us of a reduction of their minimum staffing for the next three months due to FMLA and member resignation issues. They are moving their staffing to minimize the impact; however, we can expect an increase in mutual aid requests. At the end of July they will re-evaluate and see where they are at.

Station 91 Copier. Deputy Chief Judd explained to the Board that Station 91 has two copiers which are quite old. One of the copiers requires a \$2,000 repair and he is not interested in putting any more money into the copier. Lyle Stahnke of our IT Division has located a nice refurbished one for \$4,500. Chief Dale is requesting \$4,500 from the Board's Contingency Fund to replace the copier at Station 91.

Commissioner Rosenlund moved to encumber the Contingency Fund, line item no. 522.10.49.099, in the amount of \$4,500 to purchase a refurbished copier from Pacific Office Automation for use at Station 91. Commissioner Portmann seconded the motion. Motion carried unanimously.

Water Tender 89-1. Deputy Chief Judd recalled for the Board that in the report provided by Prothman Company, someone inside the Department reported this vehicle was unsafe and should not be in service. We take this very seriously. He had Assistant Chief Richards look into

this. He evaluated the maintenance records, had the vehicle weighed, the axle weights checked and conferred with our mechanic. Our inspection found the vehicle meets all NFPA safety standards. While the tender does exceed the NFPA recommended life span of 25 years, because this is a tender it does not run on calls every day. This vehicle was deemed fit by all other safety standards.

Standing Committees

Policy: Operating Instruction 108 – Commissioner Committees. Commissioner Rosenlund recalled the Board had discussed separating committee number three into two committees: Mergers/Consolidations and Legislative Affairs. Staff has made the change in the policy.

Commissioner Rosenlund moved to approve Operating Instruction 108 – Commissioner Committees, as written. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

Operating Instruction 107 – Board Meeting Procedures. Commissioner Rosenlund stated clarifying language was added to the quarterly reports section as discussed.

Commissioner Rosenlund moved to approve Operating Instruction 107 – Board Meeting Procedures, as written. Commissioner Blanchard-Reed seconded the motion.

Discussion was held on the motion. Commissioner Gustafson stated he still had an issue with section VII. Procedure, H. Public Comments, 1. “Citizens wishing to comment shall sign in on a form near the recorder’s desk prior to addressing the Board.” “Shall” means “has to.” He believes it should read “should.” Those that do not sign in can still speak. Commissioner Blanchard-Reed suggested they clarify this with the District’s Attorney, because when she met with him over this language previously, she recalls he said it was appropriate. The Board decided to table this item until the committee obtains feedback from the Attorney on “shall” versus “should.”

Commissioner Rosenlund rescinded his motion.

Commissioner Blanchard-Reed stated she would contact the Attorney.

Commissioner Blanchard-Reed asked her fellow Board members if they had suggestions for additional new policies that she and Commissioner Rosenlund could address when they meet again. Commissioners Portmann and Gustafson said they did not.

NEW BUSINESS

None

OTHER BUSINESS

None

GOOD OF THE ORDER/PUBLIC INPUT

Citizen Robert Benum asked why they do not use the microphones. Deputy Chief Judd responded that the control head that makes those work is not functioning. Then several members of the audience expressed a similar complaint about not being able to hear the Board members when they speak. Deputy Chief Judd said he would address this.

Mr. Benum continued by addressing Commissioner Gustafson. He said he had been reading the information they were given the past two meetings and he would like some clarification. First, he read the following excerpt from the (WFCA) Commissioner’s Handbook:

WHO ARE THE PEOPLE RESPONSIBLE FOR OPERATING YOUR DISTRICT?

THE VOTERS/CITIZENS.

The voters/citizens should be the focus of the District. The purpose of the District is to protect the citizens by providing the services identified above. The citizens pay the taxes that provide the majority of District funding. The voters are responsible for selecting the Commissioners and for determining the amount of tax levies they will support.

THE BOARD OF COMMISSIONERS.

The board of commissioners, generally consisting of three, five or seven elected individuals, is responsible for governing the operations of the District. The board will generally be responsible for the following areas:

1. Determining levels of service and establishing goals.
2. Determining type and level of funding, approve budgets, tax levies.
3. Establishing policies and approve operational procedures.
4. Employing key personnel, supervising chief.
5. Guiding strategic planning.
6. Representing District to public.

THE COMMISSIONER.

As an individual commissioner you have no individual authority to operate a fire protection district. Instead, individual commissioners have the following responsibilities:

1. Attend meetings of the board of commissioners.
2. Educate yourself to understand the history of your District, the laws governing the operation of the District and your role in governing the District.
3. Actively participate in the governance of the District by working with the board of commissioners in open public meetings.
4. Understand and comply with all ethics laws.
5. Act as a representative of your District with a professional demeanor.

6. Avoid any attempts to unilaterally direct staff members or micromanage the staff. The board of commissioners runs the District through the Chief, individual commissioners do not, and should not, attempt to run the District.
7. Represent all constituents and avoid special interests.
8. Maintain confidentiality of privileged or private District records and information.

Mr. Benum then stated he had a copy of Prothman's Leadership and Management Assessment – Draft, from which he read the following paragraph:

This report is not an investigation of the Fire Chief per se and as such there are no specific findings with regards to the union's list of issues. Instead it is an unbiased review and assessment of the current climate within Graham Fire and Rescue. The information gained from the document review and interviews will be synthesized and summarized. Where appropriate, suggestions will be offered to assist the Board in determining strategies to move forward.

Mr. Benum then read another passage from the report:

Minimum staffing –

. . . The Fire Chief appeared to be indifferent to the union's concern in this area and therefore was perceived as failing to honor the commitment made in the M&O. Frustrated with this, the union took their issue directly to the Board, apparently to one Board member in particular. This only exacerbated the strain in relationship between the Fire Chief and the labor group. It also damaged an effective chain-of-command and enabled the union to bypass the Fire Chief, effectively undermining his authority within the fire department. Effectively communicating a staffing plan to the entire organization (by the Chief and the Board) would have helped alleviate some of the tension with this issue.

Mr. Benum asked if there was any action taken by the Board on the one Board member the report stated the union was taking their issues to. Commissioner Gustafson responded that there was nothing out in the public.

Mr. Benum continued by reading the following passage from the report:

It was reported that at least one Commissioner was consistently in the Chief's office last year and attempting to provide direction to the Chief. If this was in fact the case it would have significantly contributed to the current dysfunction in the relationship between the Chief and labor leadership.

The special meeting on September 6th was initiated by the Board, which is appropriate; it appeared to be a direct result of the union dealing directly with a Board member. This is indicative of broken relationships and poor communication.

The Board has begun work on self-governing guidelines and these should be completed as soon as possible. Each Board member must be accountable to

assure that they stay within the bounds of their authority. As a member of an elected commission the Board only has authority as a collective body. No individual Commissioner has any power to enact policy and/or direct the operations of the fire district.

Mr. Benum asked if there was any action taken with regards to this issue. Commissioner Gustafson responded there was not and that they all know what their responsibilities are and what they are to do. Commissioner Portmann stated the Board did adopt Operating Instruction 109 – Board and Chief Relations which he believes mirrors much of what is in the Commissioner’s Handbook and addresses the expectations of the Board and what they shall and shall not do. He said he encourages Mr. Benum to review that policy if he has not already done so.

Citizen Carolyn Benum asked if these policies were to correct what Prothman identified. Commissioner Portmann responded they were in response to their recommendations.

Mr. Benum stated he also had questions regarding the March 27, 2017 Regular Board Meeting Minutes. He began by reading the following excerpt:

Standing Committees

Performance Evaluation: *Commissioner Portmann stated he had nothing to report and would be requesting an Executive Session to discuss this topic.*

Commissioner Policies: *Commissioner Blanchard-Reed referred the Board to the draft policies she provided to them for their two-week review and asked that they be prepared to discuss and approve the policies at the next Board meeting.*

Mr. Benum said that the Board had two weeks to consider these seven resolutions [sic]. Then he read the following from the minutes:

EXECUTIVE SESSION

Commissioner Portmann requested a one hour Executive Session under RCW 42.30.110 (1) (g) to evaluate qualifications of a public employee or review their performance, with possible business to follow.

Commissioner Gustafson announced a one hour Executive Session. . .

Commissioner Gustafson announced a recess at 7:10 p.m.

The Executive Session was announced as beginning at 7:13 p.m.

An announcement was made at 8:13 p.m. to extend the Executive Session 30 minutes.

An announcement was made at 8:43 p.m. to extend the Executive Session 30 minutes.

An announcement was made at 9:13 p.m. to extend the Executive Session 10 minutes.

The Executive Session was announced as ending at 9:23 p.m.

Commissioner Gustafson reconvened the Regular Board Meeting at 9:24 p.m.

Commissioner Portmann moved to approve the Leadership and Management Assessment Draft written by Prothman Company and accept it as the final draft report. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

Mr. Benum asked the Board why there was such a hurry to get this on the table. The Board gave itself two weeks to study seven resolutions [sic]. The Board had two hours and 11 minutes to come to the conclusion it did. He said he did not understand what advantage it was for the citizens for the Board to do this in such a rapid fashion.

Commissioner Blanchard-Reed explained the policies they reviewed allow for input, discussion and debate and can be changed. The assessment was done by a third party and they could not alter it in any way. It was a matter of reading it and accepting it as a recommendation and an assessment.

Mr. Benum responded that what the Board approved was the first draft, and there have been two drafts since then. It went from 22 pages to 15 pages. He asked if it was possible information was deleted from the original draft that would have swayed their opinion. Commissioner Portmann stated he believes the Board received the document much earlier. In the March 13th minutes, it is stated a draft of the document would be presented during Executive Session. They held a special Board Meeting on March 15th, and then on March 27th they approved the original draft. Commissioner Blanchard-Reed explained they did not realize there would be another draft.

Mr. Benum continued to read from the March 27th, 2017 Minutes as follows:

Commissioner Barstow moved to approve, under Article 2, section 3 of the Fire Chief's Contract, a written Separation Agreement with full pay and benefits through February 2018, between the District and Ryan Baskett. Commissioner Portmann seconded the motion.

Mr. Benum asked if during those two hours of Executive Session there was any consideration to give Chief Baskett help whereby we could resolve the issues presented in the Vote of No Confidence and move forward. From a financial position, he has no idea what it is costing us to pay two chiefs until February, plus the \$14,000 to Prothman. He asked how much it will cost to meet the Chief's salary for that period of time. Commissioner Portmann responded Deputy Chief Judd will have that figure for him momentarily. Deputy Chief Judd explained through the end of the year, it is slightly more than \$128,000, for May 1st through December, which is the interim contract Chief Dale signed.

Mr. Benum stated he is left to believe they could have saved the District a lot of money if they worked with Chief Baskett to solve the problem. He was only here for 28 years. For all he knows, the Board made him an offer and he turned it down. In the report, there were all kinds of suggestions as to what could be done to help him. Commissioner Portmann responded because of an agreement between the Board and the Chief, he is not comfortable stating anything about what occurred in Executive Session. He understands their frustration and wanting to learn what happened, but he will not violate the spirit or terms of the agreement.

Mrs. Benum asked Commissioner Portmann if he could say yes or no whether the Board offered to help Chief Baskett rather than having him go on leave and never come back. He stated he

would stand by his previous statement. Mrs. Benum stated that Prothman never once mentioned letting him go; they said to help him, and you ignored that.

Mr. Benum continued reading from the March 27, 2017 Minutes the following excerpt:

Discussion was held on the motion. Commissioner Blanchard-Reed stated she would like to make some comments. She explained that in light of Ryan Baskett's service to the District for the past 28 years, this offer is five months more than his contract states. She also said she had a statement to read on behalf of the entire Board for the public record, as follows:

Mr. Benum said that we are talking about a lot of money here and we get to pay for it. He said he thinks things could have been handled differently, from his perspective. He read one final excerpt from the minutes: **"Commissioner Gustafson called the question. Motion carried unanimously."** He continued and said there was a motion to adjourn at 9:28 p.m. He asked if they really wanted to do it that fast, and if so, why. Commissioner Rosenlund responded that the discussions had been going on for several weeks and months and then waiting for the report, with the compilation of that tonight. He stands with Commissioner Portmann in that they wish they could share more of the process, but they agreed to confidentiality with Chief Baskett.

Commissioner Rosenlund stated he wanted to address his meetings with Chief Baskett they referred to earlier. After the election, before he took office, Chief Baskett took him to coffee and they continued to meet often, with the Chief mentoring him in his new position. He recognizes now that during some of those meetings when he would challenge Chief Baskett and not agree with him, he may have been misunderstood. He said he sat on the Policy Committee with Commissioner Blanchard-Reed to draft policies, specifically, a policy to clarify the Board-Chief relationship for this Board and those coming after. He admitted he made some naïve missteps in the early days of his office, and experienced misinterpretations of his intent. He knows what his intent was with Chief Baskett, but that really does not matter; he recognizes what the effects were. By participating on the Policy Committee he hopes to remedy that within himself and for future Board members by helping set these policies.

Citizen John Marshall from Fredrickson began by stating, "I still don't trust any of you." He said that if their intention was not to get the Chief fired, and now we get stuck with the bill. You are wasting \$120,000 plus \$14,000—\$134,000—and you won't even give us a working audio system." He said around Christmas time he spoke with someone who said their friend who works in Puyallup said Graham and Orting better watch their backs. Then he finds out you are after the Chief. He said, "Adam, you are the cancer on this Board. Some of the others have good qualities." We do not need to merge with Orting. He said he needs time to come back to the Board with some questions, and that he does not think we have apples and apples here. We have apples and prunes. He can see no benefit to our Fire District merging with Orting. He understands that Orting has a video showing some personnel out of uniform. He asked if we really want to do that to our fire fighters. He said it looks like this is all fueled by Local 726, and he does not think anyone on his half of the room is happy about this. You took \$130 grand out of our pocket. And it does not say anywhere in this \$14,000 report anything about getting rid of the Chief, but you did it anyway. He concluded by saying he thought we had a new Chief, but that he does not see him. Mr. Marshall asked the Board if he had time before the next meeting to put something together for them about Orting. Commissioner Portmann responded there would still be many meetings before any decisions are made and there had been no activity on the Orting merger yet. He and Commissioner Gustafson are on the committee and have not had any further conversations about it.

Mrs. Benum inquired about some kind of potential agreement being sent back and forth, and Commissioner Portmann explained it was a response agreement for our Battalion Chief to assist them. Deputy Chief Judd added there were also some discussions about joint training opportunities.

Mr. Marshall stated he was reading some past minutes and it is almost like it is a done deal. We are hiring this new guy for the interim period and then we are going to take the Chief out of Orting and make him the Chief of the combined department. He said he cannot believe it has already been decided, apparently. Commissioner Gustafson responded that there is nothing in our minutes that states that. Mr. Marshall did not agree.

Citizen Terry Hurd from the Fredrickson area stated the person we are discussing had a 28-year career here. He asked if there was anything that indicated there was a problem with this individual as he worked his way up, because the last three evaluations were all glowing reports. There was no indication there was a failing somewhere. Now all of a sudden, it seems like this came upon this individual and this body very quickly. The report does not appear to be a non-biased report. Apparently all of a sudden he became unworkable; "We cannot be around this individual. It's his way or the highway." Many things that were put in the report show a last minute change in this individual. Now you are going to reinvent the wheel about how the relationship should exist between the Fire Fighters and Management. Management is a real lonely position to be in. He explained that you do not have friends anymore when you are making these decisions, and he has been there, and it really hurts. You do not all of a sudden become a tyrant, but you do have to look at everyone in a different light and make the hard decisions. Chief Baskett had hard decisions to make and he ran up against a stacked deck. Mr. Hurd said he also looked at the number of Chiefs that have received a Vote of No Confidence, with the same Union bringing this about, but different Boards. The Union has gained strength in numbers and they influence the Boards, while the Chiefs are kept separate. He concluded by asking if this is the kind of road we are walking down.

EXECUTIVE SESSION

None

ADJOURNMENT

With no further business to come before the Board, the Regular Board Meeting of May 8, 2017, was adjourned at 7:50 p.m.

Gerald W. Gustafson, Commissioner

Anthony D. Judd, District Secretary