

**GRAHAM FIRE & RESCUE  
BOARD OF FIRE COMMISSIONERS  
REGULAR BOARD MEETING  
SEPTEMBER 12, 2018**

**CALL TO ORDER**

Commissioner Portmann called the meeting to order at 6:30 p.m.

**Attendance:**

Present: Commissioner Ryan Portmann, Commissioner Gerald W. Gustafson, Commissioner Russell T. Barstow, Commissioner Adam G. Rosenlund, Commissioner Gina Blanchard-Reed, Fire Chief Pat Dale, Deputy Chief Tony Judd, Deputy Chief Oscar Espinosa and Board Secretary Jodi Reynolds

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

Commissioner Portmann announced consultant Doug Mah will be arriving at some point during the meeting at which time he will do his presentation on the Strategic Plan, then the Board will proceed with the remainder of the Agenda.

**APPROVAL/MODIFICATION OF THE AGENDA**

**Commissioner Rosenlund moved to approve the Agenda as presented. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.**

**APPROVAL OF CONSENT AGENDA**

Approval of Regular Board Meeting Minutes of August 22, 2018

Approval of Financial Documentation:

Payables: Checks #24945 through #25028 =	\$157,206.81
Transfer (EFT) =	<u>\$181.20</u>
<b>TOTAL:</b>	<b><u>\$157,388.01</u></b>

**Commissioner Rosenlund moved to approve the Consent Agenda in the amount of \$157,388.01 after proper audit. Commissioner Barstow seconded the motion. Motion carried unanimously.**

**CORRESPONDENCE**

Commissioner Portmann stated he had additional correspondence from Quinn & Quinn, P.S. which was distributed to the Board for their review. He explained it would be discussed later in the meeting.

**GENERAL ADMINISTRATION**

**Fire Chief's Report**

Fire Chief Dale welcomed the audience members and reported on the following:

Four probationary Firefighters started here on September 4<sup>th</sup>, and the career Academy at Bates on September 7<sup>th</sup>. The fifth new hire presented on his first day with a knee injury he incurred one week earlier. Without medical clearance he was unable to begin the Academy. After

meeting with him, Chief Dale has determined if he has full medical clearance by early December, he will attend the Academy in January.

The joint Graham Fire & Rescue – Bates Volunteer Academy started on September 4<sup>th</sup>. We have six new Resident Volunteers enrolled, Brown's Point has eight and Orting has one.

Tomorrow, Assistant Chief Tom Mason will deploy to North Carolina on account of hurricane Florence, as part of the Pierce County Type 3 Incident Management Team. This is projected to be a seven-day deployment. We will be in contact with him daily since he is going into a high risk area.

Fire Chief Dale inquired if any of the Board members plan to attend the Brian Snure seminar Wednesday night at the Commissioners conference. Commissioners Gustafson and Barstow responded affirmatively.

### **STANDING COMMITTEES**

Budget, Finance and Audit – No report.

Policy and Procedure – Commissioner Rosenlund reported the committee is working on various policies. Commissioner Portmann stated the past week he heard from several Board members regarding the Board and Fire Chief Relations policy; in particular, which powers the Board has delegated to the Fire Chief. While the Board had clear intent, he believes there is still some confusion. He requested they hold a discussion regarding this topic tonight to confirm their intent, and he would then direct the policy committee to go back and craft a policy that provides better clarity. He referred to the legal opinion from Attorney Eric Quinn he emailed to Board yesterday and provided them with copies tonight. He explained it addresses the Board's ability to delegate certain powers to the Fire Chief and whether delegation is even necessary. Commissioner Portmann stated he would start by asking if the intent of the Board is to allow the Chief to hire and terminate employees. Based on Attorney Quinn's letter, they may consider more clearly defining the administrative powers delegated to the Chief, and accordingly, he provides sample language for them. Commissioner Portmann revisited the ability of the Chief to terminate employees and the definition of key personnel. Commissioner Rosenlund stated the intent was the key staff positions are the three contracted employees, Fire Chief Dale, and Deputy Chiefs Judd and Espinosa. Commissioners Blanchard-Reed and Rosenlund agreed that all other employees fall within the Fire Chief's discretion to hire and terminate. Commissioner Portmann requested the committee clarify these areas of the policy using the language provided in Attorney Quinn's letter.

Commissioner Gustafson asked for the date when this policy was written and when it went to the attorney originally. Commissioner Blanchard-Reed responded she met with the two attorneys and Deputy Chief Judd back in February. They reviewed about five policies that day, lasting approximately two hours. Commissioner Portmann added the policy came before the Board, and they had two readings on it. Commissioner Gustafson stated there are two policies over the past two months they have not done because they were bad and another one which stated you must sign in to speak before the Board, which you cannot do, so they changed that one during the meeting. These did not go to the attorney. Commissioner Blanchard-Reed stated that they did. Commissioner Portmann recalled the discussion wherein they decided that once a policy was approved by the attorney, it would come back with a stamp "Approved as to form." This will occur on all policies moving forward.

Commissioner Blanchard-Reed stated the committee is currently working on two policies. Commissioner Rosenlund is planning to send these to the attorneys once finished. Commissioner Rosenlund returned to Policy 212, Board and Fire Chief Relations, and explained the policy was discussed and approved by the Board. The policy was derived from standard boiler plate language provided by the attorney. The opinion letter states the policy is consistent with the case law referenced, and by adding the additional paragraph provided clarifies the intent of the powers of the Fire Chief to manage and supervise personnel. He believes the attorney's letter confirms they are going in the right direction and to continue. Commissioner Gustafson stated that Commissioners are bonded, the Chief is not. If something is done wrong, and the Board doesn't catch it, they will come after the Board with a lawsuit. We need to watch how we do things and how we give powers to other people. We are the ones that are elected and have the big target/bullseye on us. Commissioner Blanchard-Reed asked him how he would define key personnel, because the Washington Fire Commissioners Association Commissioner's Handbook lists the seven duties of a commissioner, one of which is to supervise key personnel. Who does that include? Commissioner Gustafson responded that just about everyone is key. Who would you take out? Everybody has a key job in the Fire District. Commissioner Blanchard-Reed then asked if key personnel includes everyone then. Commissioner Gustafson reiterated that everyone in the Fire District has key jobs.

Commissioner Portmann continued by stating the second item addressed in the legal review is the Chief's ability to enter into contracts, and if so, what that dollar value would be, and did the Board actually delegate that authority. We have a resolution containing language that the Chief can approve capital contracts up to \$50,000 and some vague language in Policy 212 under the administrative duties section, but nothing that clearly states the Board delegated this authority to the Fire Chief. His opinion is that as the District grows and there are more types of contracts needing to be executed, the Board should delegate some of that responsibility to the Chief, and it needs to be stated clearly in the policy what those parameters are. Not allowing the Chief these powers, especially in dealing with the termination of an employee and working out a settlement agreement, limits the Chief's ability to have these negotiations with the employee. Commissioner Blanchard-Reed said she sees differences between the various types of contracts, and although all are legally binding, they may have different repercussions. Does he see these differences and what are the pros and cons of the Board being involved if want to broaden the scope past capital improvements contracts? Discussion continued. Commissioner Portmann asked the policy committee to review the legal opinion and craft a revision to the policy allowing the Chief more flexibility. Commissioner Gustafson asked what state law says the top contract amount is. It used to be \$50,000. Commissioner Rosenlund stated he feels \$50,000 is a good number. He concurs with Commissioner Portmann's intent to expand the capital contract language to other types of contracts like employee separation agreements. Commissioner Portmann confirmed with the committee they will work on this and return with the revised policy for approval.

Mergers/Consolidations – No report.  
Joint Labor/Management – No report.  
Strategic Leadership Plan – Presentation later tonight.  
Legislative Affairs – No report.

## **UNFINISHED BUSINESS**

### Strategic Plan Presentation by Doug Mah

Commissioner Portmann stated the presentation will commence when Mr. Mah arrives.

## **NEW BUSINESS**

### Medic Unit Redeployment from Station 93 to Station 94

Deputy Chief Espinosa referred the Board to the Density Map in their books. This is a heat map of all of our EMS responses in 2017. The map shows the majority of our EMS calls are in the northern part of the District, Station 91, where there is the greatest population density. The central and west area, Station 94, is our second greatest call density area. They put much thought into moving the Medic Unit from Station 93 to 94. The statistics they looked at show 1,500 calls per year will see an improvement in response times for arrival of first Medic Unit. Of course, in the Station 93 area some calls will see some decrease, but with the Engine down there, they may see some improvement in initial response going forward. Station 91 is the busiest response area; Station 95 is the second busiest; Station 94 is the third busiest, with approximately 1,400 calls per year. He and the Battalion Chiefs will be keeping a close eye on the transition and will keep the Board informed. Commissioner Portmann asked if the reason for the potential improved response time in Station 93 service area is because the station is no longer cross-staffed and the Engine is staffed 24/7; whereas before, the Medic Unit may have been at the hospital, thus leaving the area uncovered. Deputy Chief Espinosa responded the latter part is their prediction. Engine 93 will be more reliable as the first unit at the scene. Commissioner Portmann posed another question: In a true, major medical emergency like a cardiac arrest, if the Medic Unit is not there, but the BLS Engine is, is this still an acceptable standard? Deputy Chief Espinosa stated this can and does happen in any of our stations' service areas; the first arriving unit is an Engine company and the crew starts high performance CPR, which they are very effective at doing. Commissioner Rosenlund asked if any of the Engines are ALS and Deputy Chief Espinosa responded they are not. He does, however, predict that with the move, this will be a topic of conversation, especially down at Station 93. They will be doing more research on this. Commissioner Blanchard-Reed asked Deputy Chief Espinosa to explain the circles and the area where those numbers are coming from. He explained the heat indicators are calls per square mile per year. Anywhere there are 100 or more calls, the area is getting very busy, and we are responding frequently. The dots represent individual calls; but, there may be multiple calls in one area we are unable to differentiate due to the two-dimensional format. She asked what the number 20 with a circle means. He said that represents 20 calls per square mile per year. She commented there is nothing over by Station 92 of that significance. He concurred. He clarified he pulled up only EMS calls to keep the appearance of the map cleaner; when including all calls, it gets very busy.

## **UNFINISHED BUSINESS**

### Strategic Plan Presentation by Doug Mah

Mr. Mah began by stating he appreciates the opportunity to address the Board. This presentation represents the end point of the Strategic Planning work he and the District did. He confirmed with the Board they received the draft version of the 2018 Strategic Plan document. He explained it is a fairly short, condensed document that outlines some very clear steps and specific items to be addressed moving into the future. He proceeded with his PowerPoint presentation followed by a question and answer session.

Commissioner Portmann asked what the time frame is for short-term actions. Mr. Mah responded short-term are less than a year. Commissioner Blanchard-Reed inquired about his use of the word "consider" and what is meant by that. Mr. responded that it really depends on which item you are looking at. For example, "Consider a fire benefit charge." You will have a lot of questions about how that works, whether it is implementable, etc. The Board will need to have a dialog with the Chief on each of these items to determine the information needed before the Board can make decisions. Commissioner Portmann thanked Mr. Mah for his work and the

staff members and citizens who participated. He said this is a nice roadmap for moving forward for the next few years.

Chief Dale requested the Board allow a five-minute recess at this time.

**Commissioner Rosenlund moved to allow a five-minute recess. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.**

**Commissioner Portmann announced a recess at 7:35 p.m.**

**Commissioner Portmann reconvened the Regular Board Meeting at 7:40 p.m.**

### **NEW BUSINESS – Continued**

#### Resolution No. 912 – 2018 Human Resources Manager Eligibility List

Deputy Chief Judd reported the recruitment process led by ESCI was very successful. The panel interviewed seven highly qualified candidates. They narrowed that group down to the top three who were interviewed by him, Commissioner Portmann, Chief Dale, and Luke Wahl of Local 726. Additional conditions must be met before a candidate is given a full offer of employment, including background investigation, etc. The targeted start date is November 1<sup>st</sup>, if this resolution is approved by the Board tonight.

Board Secretary Jodi Reynolds read Resolution No. 912, 2018 Human Resources Manager Eligibility List, into the record.

**Commissioner Rosenlund moved to approve Resolution No. 912, 2018 Human Resources Manager Eligibility List, as written. Commissioner Blanchard-Reed seconded the motion.**

Deputy Chief Judd explained the financial impact. Out of the 2017 remaining funds, the Board had authorized four months of salary for this position. In the Budget Amendment, this will be reduced down to two months of salary, because that is all that is needed for this year. Also, once the conditions of employment are met, and because this is a key position, a personal services contract will be negotiated with the Board.

**Commissioner Portmann called the question. Motion carried unanimously.**

#### Fleet Services Interlocal Agreement with Orting Valley Fire & Rescue

Fire Chief Dale explained this agreement would allow us to work on Orting Fire's apparatus for the cost of labor. They would purchase their own parts and outsource for major repairs. The benefit to us is that we will hire a mechanic to assist Mechanic Fortner and do some mobile repairs. In this Agreement, Orting Fire would pay \$60,000 per year for that service. The cost to us would be between \$30,000 and \$40,000 for benefits. The draft Agreement is presented to the Board for first-reading tonight. Commissioner Portmann inquired about the staff time required to do the required billing involved. Fire Chief Dale responded there is some fee provided for that in the Agreement, and he believes we have the capacity to handle the work.

#### Firefighter/Paramedic Hiring

Fire Chief Dale recalled for the Board we have seven Paramedics on the current eligibility list, all of which are good Medics. The Board had previously approved the hiring of four. He would like to hire a fifth one at this time. He explained the financial impact. Going back to the career Firefighter that showed up with a leg injury and was unable to attend the academy, we have that

salary savings for the rest of the year. For 2019, we will fit this additional Medic into the budget. Rather than a first reading, he requested a motion to approve hiring a fifth Medic.

**Commissioner Rosenlund moved to waive the first reading for this request. Commissioner Barstow seconded the motion. Motion carried unanimously.**

**Commissioner Rosenlund moved to approve staff to hire a fifth Paramedic from the certified Firefighter/Paramedic Eligibility List. Commissioner Barstow seconded the motion. Motion carried unanimously.**

#### RFP Award – Station 94 and 96 Exterior Painting

Deputy Chief Judd explained a Request for Proposal (RFP) was issued on August 25, 2018 for Station 94 and 96 Exterior Painting. The RFP closed at 1:00 p.m. on September 10<sup>th</sup> and a bid opening was conducted shortly thereafter. We received three bids. Assistant Chief Richards reviewed the proposals and recommends awarding a contract to N.W. Complete Contracting. He also recommends we include their recommendation of sealing all masonry at both stations for an additional \$7,125 for a total cost of \$68,830, which still comes in as the lowest bid.

**Commissioner Barstow moved to approve awarding a contract to N.W. Complete Contracting for exterior painting of Stations 94 and 96, in the amount of \$68,830 (plus sales tax). Commissioner Gustafson seconded the motion. Motion carried unanimously.**

#### 2019 Budget Preparation

Deputy Chief Judd referred the Board to the 2019 Budget Calendar in their Board books. He explained this calendar provides the timeline for submitting budget requests and dates for meetings. He asked the Board if they have any requests for specific considerations prior to staff developing the 2019 budget to provide those tonight or as soon as they know.

He continued by reviewing the revenue side of the budget. We are anticipating collecting the full \$4.3 million of the M&O Levy, up from \$2.6 million in 2018, a full 6% increase from the Fire Levy lid lift (actual AV increased 10%), a 1% increase on the EMS Levy, new construction and continued GEMT transport revenue. Commissioner Portmann asked if any of the retro-GEMT money had come in yet. Deputy Chief Judd responded it has, approximately \$100,000, and that it is coming in chunks.

Commissioner Portmann reminded the Board and staff that the Budget and Finance Committee members requested involvement in the budget process and they should consider meeting with staff prior to the September 26 Budget Presentation. Commissioner Blanchard-Reed stated the committee members would email Deputy Chief Judd with possible dates and times to meet.

#### **PUBLIC COMMENTS**

Citizen Carolyn Benum thanked the Board for including her and Mr. Benum in the Strategic Planning process. Mr. Mah did a great job presenting the information. She said she sympathizes with the Fire Department in trying to get changes made through the County.

#### **COMMISSIONER COMMENTS**

Commissioner Blanchard-Reed inquired of staff if they attend any Pierce County meetings. Deputy Chief Judd responded the Pierce County Fire Chiefs Association has a Fire & Life Safety Division of which he is a committee member, and they meet and work with the Fire Marshall on higher-level building code issues and other planning commission-themed issues.

## **EXECUTIVE SESSION**

**Commissioner Portmann announced a 10-minute Executive Session under RCW 42.30.110 (1) (g) to evaluate qualifications of public employees or review their performance, with possible business to follow, a 10-minute Executive Session under RCW 42.30.140 (4) (b) to plan or adopt strategy/position for professional negotiations, with no business to follow, and a 30-minute Executive Session under RCW 42.30.110 (1) (g) to evaluate qualifications of public employees or review their performance, with no business to follow.**

Commissioner Gustafson asked Commissioner Portmann to expand on the subject matter of the first and third Executive Sessions. Commissioner Portmann started to answer, then Deputy Chief Judd stated the content may only be discussed in Executive Session. Commissioner Gustafson stated he needed to know prior to that so he could recuse himself from one of the Executive Sessions.

Commissioner Portmann requested a five-minute recess.

**Commissioner Blanchard-Reed moved to have a five-minute recess. Commissioner Rosenlund seconded the motion. Motion carried unanimously.**

**Commissioner Portmann announced a five-minute recess at 8:10 p.m.**

**At 8:15 p.m., Commissioner Portmann announced the recess would be extended another five minutes.**

**Commissioner Portmann reconvened the Regular Board Meeting at 8:20 p.m.**

Commissioner Portmann restated the three Executive Sessions previously announced.

Commissioner Gustafson stated he wanted to recuse himself from the first Executive Session.

**Commissioner Portmann announced a recess at 8:21 p.m.**

**Executive Session was announced as starting at 8:22 p.m.**

At 8:44 p.m., Commissioner Gustafson entered Executive Session.

**Executive Session was announced as ending at 9:12 p.m.**

**Commissioner Portmann reconvened the Regular Board Meeting at 9:13 p.m.**

**Commissioner Blanchard-Reed moved the approval of the Separation Agreement between the District and an employee, as written. Commissioner Barstow seconded the motion. Commissioner Gustafson requested a roll call vote. Commissioners Barstow, Rosenlund, Portmann and Blanchard-Reed: Yes; Commissioner Gustafson: He stated that he would not vote on this because if it is what he thinks it is, it is an illegal move. Deputy Chief Judd clarified he was abstaining from voting. He responded affirmatively. Gustafson: Abstain. Motion carried by a majority.**

**ADJOURNMENT**

**With no further business to come before the Board, the Regular Board Meeting of September 12, 2018, was adjourned at 9:16 p.m.**

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Ryan Portmann, Commissioner

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Anthony D. Judd, District Secretary