

**GRAHAM FIRE & RESCUE
BOARD OF FIRE COMMISSIONERS
REGULAR BOARD MEETING
September 25, 2017**

CALL TO ORDER

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

Attendance:

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

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

APPROVAL/MODIFICATION OF THE AGENDA

Commissioner Barstow moved to approve the Agenda as written. Commissioner Portmann seconded the motion. Motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Approval of Regular Board Meeting Minutes of September 11, 2017

Approval of Financial Documentation:

Payables: Checks #23289 through #23342 =	\$198,653.71
Payables (Payroll): Checks #23354 through #23369 =	\$471,319.99
Payroll: Checks #23343 through #23353 =	\$13,718.51
Payroll Transfers (EFTs) =	<u>\$656,921.11</u>
TOTAL:	<u>\$1,340,613.32</u>

Commissioner Blanchard-Reed moved to approve the Consent Agenda in the amount of \$1,340,613.32 after proper audit. Commissioner Barstow seconded the motion. Motion carried unanimously.

CORRESPONDENCE

None

GENERAL ADMINISTRATION

Fire Chief's Report

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

Commissioner Rosenlund called in and may be able to participate in tonight's meeting by phone. He will contact staff if he is able to do so.

Probationary Firefighter/Paramedic Allen Putz has resigned his position effective September 20th.

Assistant Chief Job Descriptions. Chief Dale referred the Board to the revised job descriptions for the three Assistant Chiefs provided in their books. He requested the Board review them over the next two weeks and stated he would be seeking approval at the next meeting.

Commissioner Portmann asked if the job descriptions were revised to reflect the reorganization, and Chief Dale responded affirmatively.

Request from Orting Valley Fire & Rescue. Chief Dale informed the Board that Orting Valley Fire & Rescue went out for an M&O Levy in August which unfortunately failed, which led them to do some reorganization. Their Battalion Chief of Training will be back on a fire company starting October 1st. He was contacted by Orting's Chief Gibson in regards to the possibility of providing training to their members through a contract for service. Based on their initial meeting, he is very interested in this path. With regards to the concept of possible merger/consolidation, he expressed it would only draw from our funds affecting our ability to provide services. A contract for service allows us to establish and maintain a relationship with them moving forward. This could possibly lead to a contract for service for fleet in the future. A contract for service for training is a wise way to move forward at this time. The training would be in fire suppression, not EMS. For the most part, this is training we are already doing here at Graham, so it would just be a matter of including Orting's members. Currently, the training schedule is the same for both agencies. He favors producing a draft Inter Local Agreement (ILA) for them as soon as next week. They have not spoken about dollars yet; however, he sees advantages for Graham Fire from this relationship. He concluded by requesting Board Authorization to move forward with the draft ILA and contract for service to provide training.

Commissioner Portmann inquired if Orting plans to run the levy again in November. Chief Dale responded affirmatively. Commissioner Portmann asked if Orting will still want training services if the levy passes. Chief Dale stated he understands they will still need it whether the levy passes or not. Deputy Chief Judd added that Orting is reducing their levy amount this second time, which will allow them to maintain only, so they will still need our help. Commissioner Blanchard-Reed asked if there is a negative side for Graham Fire to doing this. Chief Dale responded he could think of none except for an increase in work load for staff, which should be minimal, and the revenue should help support that. Commissioner Portmann stated he is in support of the contract for service for training as well as fleet. Chief Dale responded he and Chief Gibson have not spoken about fleet yet, but he appreciates knowing Commissioner Portmann is in favor of it.

Commissioner Portmann moved to authorize staff to move forward with drafting an Inter Local Agreement with Orting Valley Fire & Rescue for Graham Fire & Rescue to provide training services. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

Levy Lid Lift. Chief Dale referred the Board to the draft flyer and tri-fold pamphlet included in their books. The mailing of the flyer would occur October 18th. The tri-fold is information for our members to hand out whenever appropriate, starting as soon as tomorrow. He pointed out the call volume figures in both documents. Over the past 13-14 years call volume has increased 64%. This is remarkable. Chief Dale stated he will send out PDC (Public Disclosure Commission) guidelines to our members. He requested the Board authorize using the Contingency Fund to pay for printing and mailing the flyer, for less than \$10,000.

Commissioner Portmann moved to approve encumbering the Contingency Fund, not to exceed \$10,000, to print and mail the levy lid lift informational flyer. Commissioner Barstow seconded the motion.

Discussion was held on the motion. Commissioner Blanchard-Reed asked if this would pay for the postcard going out and the printing of the tri-fold. Chief Dale responded that we would be printing the tri-fold in-house.

Commissioner Gustafson called the question. Motion carried unanimously.

Chief Dale thanked Deputy Chief Judd for his work on both pieces. Deputy Chief Judd requested feedback from the Board on these prior to them going to print. Commissioner Blanchard-Reed voiced a concern about the print quality of the copy of the tri-fold pamphlet provided to her. Deputy Chief Judd showed her a clean copy, of which she approved.

Fire Benefit Charge. Chief Dale reported to the Board that he, Commissioner Blanchard-Reed, and others attended a presentation by Puget Sound Fire's Deputy Chief Rabel who was one of the first authors of a fire benefit charge in Washington State, over 25 years ago. Now he runs a division that looks at planning and sustainability. Chief Dale explained he requested and received information back from Deputy Chief Rabel. Chief Dale is seeking for him and his staff to put into a test environment the demographics and tax parcel information for the Graham Fire District to see if a fire benefit charge would produce revenues worth the while of pursuing a fire benefit charge. He explained the process would take from October through March, beginning next week. On March 12th Deputy Chief Rabel and his staff would present their findings to the Board. They would require 40-50 hours of staff time from us during this five-month process. The cost is \$8,000. He sees great benefit in putting ourselves in this test environment to get information to determine if this is a feasible additional funding source for our District.

Commissioner Gustafson stated he would like to explain the fire benefit charge. Boeing is in the corner of our District. They do not pay the \$.50. We could not charge them a fire benefit charge because they have firemen in place. You lose that money completely, which amounts to a lot. This is why we have not gone to a fire benefit charge. We have looked at it before and it does not make sense for us. You can look up what Boeing is paying us and deduct that and you will see what we will lose. The most we can charge them is \$1.00, and no fire benefit charge. If you are going to go and pay someone to do this research, you are throwing money away. Commissioner Portmann asked if we now collect the full levy rate from Boeing. Commissioner Gustafson responded affirmatively. Commissioner Blanchard-Reed asked when this was last looked at. Deputy Chief Judd responded it was last put into a test environment in 1997 or 1998. She asked if the area has changed enough that the results would be different, and Commissioner Barstow asked if the laws have changed at all. Commissioner Gustafson responded no. Deputy Chief Judd explained he understands the Board establishes the charges and credits through a series of public hearings. You can give Boeing credit for having personnel inside their facility to put out a fire, however, only being staffed with three people, they cannot handle a fire on their own. You can give Boeing partial credit, but not 100%. Commissioner Portmann stated he has heard several people mention a fire benefit charge, but he does not know enough at this point to make a decision. He is curious if this is a more stable funding source than relying on levies in the long term. He is in favor of spending \$8,000 to determine if this is a viable option. Commissioner Gustafson suggested they talk to the assessor to see what Boeing is paying us for fire, then deduct one third.

Commissioner Blanchard-Reed asked if the findings in the report could be of value and benefit for other purposes. She recalls from the presentation the study will be quite in-depth, and she deferred to Chief Dale to elaborate further. He explained one of the uses for the 40-50 hours of our staff time is for ground-truthing. We would collect information regarding all tax parcels in our area from the County, then go out and verify the information is true. Depending on the risk the parcels present and the draw on our resources, they will do a risk analysis to come up with the rate for the fire benefit charge. There are also deductions or credits that can be applied to a parcel. The resulting information would be very detailed and belong to us. Part of their deliverable is a comparison of 2018 funding sources to a fire benefit charge. Commissioner Gustafson added that another consideration is distance to a fire station. Your rate may be higher than someone who is five miles from a fire station. Commissioner Blanchard-Reed

asked if we could negotiate the 40-50 hours required of staff and requested further clarification of the \$8,000 fee, and if the staff time was included in that fee. Chief Dale explained it is not included. The 40-50 hours of staff time over the five months is for ground-truthing. We occasionally have members on light duty and we may be able to leverage some of this time. Commissioner Portmann asked if the fire benefit charge is strictly for fire and not EMS. Chief Dale responded at this time yes, but they are looking at terming this a service benefit charge to include EMS, but this time it would be a fire benefit charge.

Chief Dale concluded he has determined this is the best route and method to determine if this would benefit us. Commissioner Barstow stated he agrees with Commissioner Portmann that this will put to rest the question of whether it will work or not. Commissioner Blanchard-Reed stated she has no problem spending \$8,000 on this because the resulting data will be very valuable.

Commissioner Blanchard-Reed moved to approve the contract with Puget Sound Fire in the amount of \$8,000 to provide research and analysis for a possible Fire Benefit Charge. Commissioner Portmann seconded the motion for the purpose of discussion.

Commissioner Portmann asked if anyone knows if the Boeing facilities in Kent and Auburn have Boeing Fire on site. Chief Dale responded he knows the Kent Valley facility does not have their own fire department on site, but they do have fire inspectors. Deputy Chief Judd responded that Auburn does have a fire department and the Renton facilities have a large fire department on site.

Commissioner Gustafson called the question. Commissioners Barstow, Blanchard-Reed and Portmann: Yes; Commissioner Gustafson: Abstain. Motion carried by a majority.

Fire Chief/Board Relationship. Chief Dale stated he wished to discuss the management of personnel—FTEs, specifically the hiring and termination of FTE members after the budget is clearly set by the Board, within the FTE allotment in that budget. He recommends once the allotment of FTEs is set, he as Fire Chief can manage the hiring and termination of employees within that FTE allotment set by the Board within the budget. Commissioner Blanchard-Reed asked if this is a policy question, and if so, is it not addressed in the policy. Deputy Chief Judd confirmed that it is not specifically addressed in the policy. Commissioner Portmann explained the past practice has been for the Chief to come to the Board when he wishes to hire or terminate someone, or at least a courtesy call to the Board Chair. He understands the desire to be more nimble, and if a vacancy occurs you want to be able to hire without approval from the Board, because theoretically the Board has already approved the FTE positions in the budget. Chief Dale explained the reason for bringing this up is that sometimes there is a delay of two weeks or longer before he can bring it to the Board. He wants a relationship that operates this way. Commissioner Portmann stated he is in favor of this, but if it involves the termination of a tenured employee, he asks the Board be advised of this. Commissioner Gustafson stated the Board does the hiring and firing, but the Chief must bring the request to the Board. Commissioner Blanchard-Reed stated she believes the Commissioner's Handbook addresses supervising key personnel, and she asked if this is what they are talking about. Chief Dale responded he is referring to Assistant Chiefs and below. Discussion continued between Commissioners Gustafson and Portmann. Commissioner Blanchard-Reed read from the Commissioner's Handbook responsibility no. 4, "Employing key personnel, supervising chief." She added that Chief Dale is not speaking about key personnel in his request. Chief Dale explained that since he is new here and still establishing this relationship and with new members on the Board, he wanted to communicate to the Board he would prefer to do it this way. Commissioner Portmann expressed he believes he and Commissioner Blanchard-Reed are correct in their interpretation of the statute; however, he would like our legal counsel to

determine if these decisions require Board approval or not. Chief Dale responded staff had anticipated this and deferred to Deputy Chief Judd to elaborate. Deputy Chief Judd explained he asked our legal counsel this question. In reading the Commissioner's Handbook, "key personnel" is not defined, so the Board would need to define who the key personnel are. He read Attorney Eric Quinn's email response to the question, as follows:

"The commissioners have the ultimate responsibility to 'manage the affairs' of the fire district. The commissioners 'fix the compensation' (set the budget) of all employees, but with respect to employer-employee relations, Title 52 RCW does not go beyond that. There is no requirement in the law that the commissioners do all of the hiring and firing. The commissioners can delegate that authority in order to 'manage the affairs' of the district."

Deputy Chief Judd stated his original question to Attorney Quinn was, "Can the Board set the number of FTE's in the budget and then the Chief manage those FTE's throughout the year?" Attorney Quinn's response was as follows:

"Yes, the commissioners can set a number of FTE's in the budget and delegate employment decisions to the chief. The commissioners cannot abrogate their responsibility to *set* the budget, but the commissioners can delegate authority in *enforcing* the terms of the budget. Sometimes 'managing the affairs' of the district entails delegating that management authority."

Deputy Chief Judd stated this has been our past practice, as Commissioner Gustafson has explained. Commissioner Blanchard-Reed asked if there is a benefit to knowing specifically those employees that have been approved in the past to determine how to define "key personnel." Commissioner Gustafson stated he had two comments: First, they do not have to wait two weeks. A special meeting can be called with 24 hours' notice. Second, the hiring/firing is done by the Board. That is why they were elected. Commissioner Blanchard-Reed expressed that the Board is not making recommendations, they are approving recommendations. Discussion continued among the Board members. Commissioner Blanchard-Reed stated it is important to define what "key" means. Commissioner Portmann asked if their decision needs to come back as a resolution to define key personnel and delegate authority to the Fire Chief to hire non-key personnel. Chief Dale responded that Deputy Chief Judd informed him it could be done in the Board/Fire Chief relationship policy. Commissioner Blanchard-Reed stated she would meet with Commissioner Rosenlund to make a slight revision to the policy, then submit it for approval by the entire Board. Chief Dale asked the Board if they would be prepared to address this again at the next Board meeting and they responded affirmatively. Chief Dale thanked the Board for having this discussion.

Standing Committees

Budget, Finance and Audit – No report
Policy and Procedure – No report
Mergers/Consolidations – No report
Joint Labor/Management – No report
Strategic Leadership Plan – No report
Legislative Affairs – No report

NEW BUSINESS

Resolution 886 – Sole Source for West Coast Fire/Rescue

Board Secretary Jodi Reynolds read Resolution No. 886, Sole Source for West Coast Fire/Rescue, into the record.

Commissioner Barstow moved the approval of Resolution No. 886, Sole Source for West Coast Fire/Rescue, as presented. Commissioner Portmann seconded the motion. Motion carried unanimously.

COMMISSIONER COMMENTS

Commissioner Blanchard-Reed requested staff speak on the upcoming All Bethel Community (ABC) Days on October 7th. Deputy Chief Judd explained this is an annual event for the entire school district, with the location rotating between the three high schools. This year it is at Graham-Kapowsin High School. They expect between 6,000-7,000 people to attend. The event has a carnival-like, family-fun atmosphere, and most activities are free of charge. Graham Fire personnel will be there with an Engine and Medic Unit. PPEO Merdian-Drake will have games and activities for the kids to partake in. The event also includes food, music, various activities and vendors. Commissioner Blanchard-Reed asked if we would have any of the levy lid lift information available to hand out, and Deputy Chief Judd said we would.

PUBLIC COMMENTS

None

EXECUTIVE SESSION

Fire Chief Dale requested a five-minute Executive Session under RCW 42.30.140 (4) (b) to plan or adopt strategy/position for collective bargaining, with possible business to follow.

Commissioner Gustafson announced a five-minute Executive Session under RCW 42.30.140 (4) (b) to plan or adopt strategy/position for collective bargaining, with possible business to follow.

Commissioner Gustafson announced a recess at 7:59 p.m.

The Executive Session was announced as beginning at 8:02.

An announcement was made at 8:07 to extend the Executive Session five minutes.

The Executive Session was announced as ending at 8:12 p.m.

Commissioner Gustafson reconvened the Regular Board Meeting at 8:14 p.m.

Commissioner Portmann moved to approve a Memorandum of Understanding between IAFF Local 726 Chief's Bargaining Unit and the District regarding Deputy Chief roll-back provision to Battalion Chief. Commissioner Blanchard-Reed seconded the motion. Motion carried unanimously.

ADJOURNMENT

With no further business to come before the Board, the Regular Board Meeting of September 25, 2017, was adjourned at 8:16 p.m.

Gerald W. Gustafson, Commissioner

Anthony D. Judd, District Secretary