

**ISLAND COUNTY FIRE PROTECTION DISTRICT NO. 3
REGULAR MEETING - BAYVIEW STATION
TUESDAY, JANUARY 14, 1992 - 7:00 P. M.**

Attendance: R. E. "Bob" McGinty, Commissioner
Ken McClellan, Commissioner
Gary Gabelein, Commissioner

I. CALL TO ORDER

Commissioner Gary Gabelein as acting Chairman called the meeting to order at 7:00 P. M. to form the new board of commissioners for ICFPD #3. Commissioner Gabelein then welcomed Bob McGinty aboard as the new Fire Commissioner to the Board of Fire Commissioners of Island County Fire Protection District #3. Commissioner Gabelein asked for input on the flag salute. Commissioner McGinty stated that it was his request that we eliminate the Pledge of Allegiance. This was based on a supreme court ruling back in the 1960's that prohibited the Pledge in municipal organizations because it was an insult to the aliens who were not citizens of the U. S. therefore became a violation of the constitution. Commissioner McGinty couldn't say he quite agreed with it, however, that is the law.

II. ELECTION OF NEW CHAIRMAN

The Chair opened the floor for nominations for Chairman for 1992. Commissioner McClellan nominated Bob McGinty as Chairman for the year 1992. Motion passed unanimously. Commissioner Gabelein graciously turned the Chair over to the newly elected Chairman.

III. APPROVAL OF AGENDA

Commissioner McClellan moved to approve the agenda. Motion passed.

IV. APPOINTMENT OF DISTRICT SECRETARY & FINANCIAL OFFICER

Commissioner Gabelein moved to appoint Mike Carter as Interim District Secretary and Financial Officer for Island County Fire Protection District #3. Discussion followed. Motion passed.

V. ELECTION OF FIRE COMMISSIONER TO LOCAL BVF

Chairman McGinty opened the floor for nominations for a commissioner to the Local BVF. Commissioner McClellan nominated Commissioner Gabelein to serve on the Local BVF. Motion passed.

VI. ADOPTION OF PARLIAMENTARY RULES OF PROCEDURES

The Chair announced that he had done an extensive research and that this District does not operate under any parliamentary rule from the day of its inception. Commissioner Gabelein moved to adopt Standing Rules of Procedures with Roberts Rules of Order Newly Revised will be the governing rules of procedures. Motion passed.

VII. DEFINITION OF VISITORS & COMMISSIONERS COMMENTS

These comments are to be utilized to inform the Board, staff, and community. These comments are not an avenue that is used to incorporate something that should be on the agenda. These comments are informational only. Any member of the audience will not be denied an avenue to speak on any issue that comes before the Board, and we welcome input from the audience. The Chair stated that audience members have a right and should be able to put your opinions in as long as it doesn't become argumentative. Everyone in the audience should be given an opportunity to speak on any issue that comes forth. If an issue is so important that a lot of people want to speak, we may have to have a list. We as Board Members are obligated to listen to the public.

VIII. APPROVAL OF MINUTES

Commissioner McClellan moved to approve the minutes of December 12, 1991, as corrected. The Chair announced it would abstain because he was not a commissioner at the December meeting. Motion passed.

IX. VISITORS COMMENTS

A. Mr. Dick McClellan wanted to welcome Mr. McGinty to the Board of Fire Commissioners in Fire District 3 and congratulate you on your election victory. The chair acknowledged Mr. McClellan's comments.

B. Mr. Ed Cohn wanted to bring up a deal on the antenna tower on Cultus Bay Road. The Chair ruled Mr. Cohn out of order. If you want to present that, the Chair requested that Mr. Cohn submit a letter to the District, where it will come under correspondence or be placed on the agenda. It does not fall under visitor comments.

X. REPORTS

A. Secretary's

1. Correspondence Received.

a. Two letters from County Auditor for election expenses. Total election expense was in excess of \$18,000.00 for the primary and general elections.

b. Island County Board of Commissioners sent a letter for a new mutual aid agreement. The Chair recommended that a copy be sent to each commissioner and put on the February agenda.

c. Rescue squad received donation totaling \$80.00 and letters for a Henry Engman.

d. Several Christmas cards from vendors.

e. Mr. Dick McClellan sent the Board a letter referencing Mr. Snure's legal fees. The Chair directed the secretary to submit a letter to Mr. McClellan that there is no attorney. And to submit a letter to the insurance company to ascertain the status of the Scott Treggett's and Sue Raley's suits. Discussion followed. Secretary will be directed to inform Mr. Snure that he doesn't represent the District. Any further usage of him will be billed to the individual who contacts him.

2. No Correspondence sent for this month.

3. Miscellaneous

Saved the District over \$100.00 by paying off tankers two days early and use tax computation and there is 345 shopping days until Christmas.

B. Finance Officer's

1. Statement of Operations as of December 31, 1991; Total receipts \$118,722.25, disbursements \$226,081.61, ending cash balance of \$131,044.42 for the years and will be carried over to 1992.

2. Transaction summaries. Commissioner Gabelein had acquired as to why there could be a negative percentage for budget remaining. The finance officer was able to ascertain that the individual preparing vouchers for the previous year was charging the wrong account. Commissioner Gabelein moved to invest \$100,000.00 for six months. Motion passed.

C. District Chief's

1. Stands as submitted.

2. Chief Klassen passed out sample polices concerning SOP's for the Board of Fire Commissioners and recommended that they be adopted. The samples were obtained from other fire districts and there are seven volumes including Board of Fire Commissioners, Section 2000 is personnel, 3000 is community relations, 4000 is standard operating procedures, 5000 is non-service, 6000 is fiscal management, 7000 is facilities. These polices are appropriate for this District with minor adjustments.

D. Commissioner's Reports

1. Commissioner Gabelein brought up about the Little Red Fire Truck aka Pumper 53. Commissioner Gabelein moved to set a revolving matching fund of \$3,000 for the Little Red Fire Truck. Discussion followed. Motion passed.

2. Commissioner Gabelein recommended that a memo be sent out that fuel be purchased at the lowest price when feasible unless there is an emergency. The Board will entertain that recommendation and will peruse it to determine the validity or non-validity of the issue.

E. Miscellaneous Reports

Discussion of Mel Ogden as district photographer by Commissioner Gabelein.

XI. UNFINISHED BUSINESS

A. Litigation follow up on sexual harassment, Scot Treggett, and employment security and status of attorney for the District.

1. The Chair stated that the Board for the district does not have an actual attorney hired by the District. There has been an attorney hired to peruse the two situations and that's all.

The District is in need of an attorney, and we would solicit from the Chief recommendations of attorneys, if he has any to be used by the District on a needs basis. The Chief had a recommendation with Chair reserving the right to peruse it and make a decision. Mr. Dick McClellan, a visitor presented his view, and if the attorney is off island he would vigorously object to this.

2. Does anyone know where the case is at the moment? The Chair stated if we aren't sure or we don't know, then the Board requests that the secretary send a letter to the insurance carrier and Clark Snure for a written request of what is the status and where we are? We seem to have nothing that is documented of where we are? We have paid a lot of money and we want some feedback as to the status of these cases.

3. Chief Klassen presented a legal documents for reconsideration for Scot Treggett from Mr. Treggett's attorney for action of the Board in disciplining Mr. Treggett.

4. Commissioner Gabelein moved that a letter be written to the insurance carrier and attorney Clark Snure to up date the District as to the status of the following cases; Sue Raley's sexual harassment and employment security appeal and Scot Treggett's lawsuit to include his motion for reconsideration that was submitted tonight. And to determine if there would be further litigation that could be brought against the District or any ramifications to rehear or respond to this reconsideration. It be provided at no cost as we have not had any updated information pertaining to these cases at this time. Discussion followed. It was mentioned from the audience that an attorney should keep a client up to date on the status of the case as part of earning his fee. Motion passed.

Meeting recessed at 8:30 P. M., then reconvened at 8:45 P. M.

B. Meeting dates.

1. The Chair made a statement about the open meeting law (RCW Title 42). After the regular meeting tonight there will an executive board session of the three commissioners and the public will be informed as to what the executive board will consist of prior to the Board going into executive session.

2. The Chair stated that there was a motion made in the November meeting of last year to change the meeting date from the second Tuesday to the second Thursday of the month. In December those minutes were approved. The meeting was not officially, at that point, changed and so there was a misunderstanding of the meeting times. The Chair then read a letter from Clark Snure referencing the motion changing the meeting times. It was Mr. Snure's opinion that the meeting dates were changed from Tuesday to Thursday even though the resolution was not signed by a majority of the commissioners. The Chair then stated it was his (the chair's) opinion that the resolution changing meeting dates has to be signed by a majority of the governing body before the motion takes effect. The body is in limbo

because there is not a valid resolution for establishing proper meeting date and time.

Discussion followed. Commissioner McGinty moved that Island County Fire Protection District #3 Board of Fire Commissioners regular monthly meeting be held on the second Tuesday of each month. Motion passed on a 2-1 vote with Commissioner Gabelein dissenting. The Chair then directed the district secretary to prepare a resolution indicating that the regular meeting will be the second Tuesday of the month.

3. The Chair then announced that over the next three to five months there may be special meetings. The reason for these special meetings is that the Board will have a tremendous amount of business to discuss and the thought it wouldn't be able to do this in a monthly meeting. When certain items come forth they will probably call a special meeting and during these meetings act on those certain items.

C. Raley vacation pay. Commissioner McGinty presented what he thought was due to vacation pay due Ms. Raley based on her prior service. Discussion followed. The Chair requested that the secretary verify these dates, stipulate to us what they are and a final analysis be brought before the Board for decision at the next meeting.

D. DNR Agreement. Commissioner McClellan moved to sign an agreement letter with DNR to remain on their list to purchase surplus governmental items. Motion carried.

E. 1991 Vacation update, insurance update, portable tanks & rack update, address change update, storage shed update, and fuel tank removal update will be covered during the administrative meeting.

F. Whidbey General Hospital Input. Commissioner Gabelein stated that the money the District received from Whidbey General Hospital be designated for the rescue squad. Discussion followed. In the opinion of the chair, following the discussion brought forth, that it will not be legal to designate this money for the rescue squad and must be returned to the general fund. If the rescue squad needs any items to perform their function then the items could be budgeted for in the 1992 budget.

G. Cellular Telephone update. Commissioner Gabelein inquired as to why we are paying an access fee. There is a state contract in which governmental agencies don't have to pay an access fee. Chief Klassen responded that we didn't order enough phones to get the no-access fee.

XII. NEW BUSINESS

A. Agendas. Commissioner Gabelein moved to have agendas for regular meetings prepared on the Wednesday prior to the regular monthly board meeting and mailed or hand delivered to all commissioners. If a commissioner wishes to have an item placed on the agenda, the onus shall be upon the commissioner to notify the district office prior to 12 noon on the Wednesday preceding the

meeting. No item may be added to the agenda on the day of the meeting except in an emergency in which a stoppage of public business may result if the commission is unable to make an immediate decision, in which case the unposted agenda item will be announced at the commencement of the commission meeting. Motion passed.

B. Provisional Appointments. Commissioner McGinty read a statement asking that the chief be allowed to make provisional appointments of acting line officers. Discussion followed. No action taken.

C. Changing of Locks. Commissioner McClellan moved that all locks on office doors and file cabinets be changed and that only authorized employees are to have access to those keys and no commissioner shall be issued keys. Discussion followed. Motion carried.

D. Friday set-a-side. Postponed to a latter meeting.

E. Equal Powers of Commissioners. Commissioner McClellan moved that no commissioner has more power than another, no commissioner shall direct the district chief to perform any function not previously agreed upon at a Board of Commissioner meeting. If the need arises between meetings of the Board of Commissioners for clarification of a policy to be carried out by the district chief, the district chief shall contact the chairman of the board for policy direction not decisions. Only what was the interpretation of the policy that he was given. The chairman of the board shall be the only commissioner to give policy direction to the chief. Motion carried.

F. Definition of Secretary. The secretary to the chief is appointed to be the district secretary.

G. Commissioners reimbursement. To be handled administratively.

H. The following were concerns that were brought forth at the December meeting; employee positions, sick leave policy, annual vacation, and holidays. Commissioner McGinty submitted written statements about these concerns for Board action. Commissioner McGinty moved to adopt the policies about employee positions, sick leave, annual vacation, and holidays be adopted. Motion carried.

I. Salaries. At the December meeting Commissioner Gabelein was concerned that we were over paying the chief and the secretary. Commissioner McGinty submitted a memorandum recommending pay scales for full time employees. Discussion followed. Commissioner McClellan suggested a special meeting be called to discuss in detail salary and budget. This was agreed upon, and the exact date for the special meeting would be set at a later time.

J. Master Planning. What that item pertains to is that the district should enter into a master planning process. That simply means that capital purchases, i. e. construction of new fire stations, purchase of fire engines that we look 15 to 20 years down the avenue which is the policy of most

municipalities now and a long range projected population increase and needs of the district at that point. Discussion followed.

K. Additional meetings. It may be necessary to have additional meetings to conduct district business. Discussion followed.

L. Election of commissioner to ICOM Committee. District 3 has the alternate and the alternate this year will take over as being the person who will go to meeting. Discussion followed. Commissioner McGinty was nominated by Commissioner McClellan to serve on the ICOM Committee. Motion passed.

XIII. ANNOUNCEMENTS

No Announcements were made.

XIV. APPROVAL OF EXPENSE VOUCHERS

The Chair announced rather than perusing each voucher individually, that we have a summation here and we will let the secretary read the individual accounts on what was paid. If anyone wants to peruse the actual bill as to what it was they may do so, and this will simplify the procedure. Discussion followed. Commissioner McClellan moved to pay the vouchers in the amount of \$30,109.82. Motion passed.

XV. EXECUTIVE SESSION

No executive session.

XVI. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 11:00 P. M.

Secretary

M. D. "Mike" Carter, Interim District
Island County Fire District No. 3