

**YAKIMA COUNTY FIRE PROTECTION DISTRICT 4
BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 26, 2007**

Chief Warren Gay welcomed the public on behalf of Commissioners Les Riel and Dan McNulty. The meeting convened at 1900 hours at East Valley Fire Station 40. Others present were Acting District Secretary, Michelle Rosen, East Valley Fire District Personnel, and audience members.

Commissioner Les Riel called the meeting to order and conducted the Pledge of Allegiance.

INTRODUCTIONS

Commissioner Riel introduced County Commissioner Rand Elliott and acting District Secretary, Michelle Rosen.

APPROVAL OF AGENDA

Commissioner McNulty suggested the deletion of the approval of the previous minutes. Commissioner Riel tabled the approval of the previous meeting's minutes until the next regular meeting. The agenda was then approved.

LIMITED PUBLIC INPUT FOR ITEMS NOT ON AGENDA

Commissioner Riel reminded the audience that comments needed to be directed to the Board of Commissioners.

Jackie Walker posed the following questions to the Board of Commissioners:

Was the current Chief hired by a unanimous vote of the Commissioners?

Was there an investigation into his qualifications and background prior to his hiring?

Was the disciplinary action against the firefighters approved by a majority vote of the commissioners?

Was an outside investigating firm brought in to act as a neutral negotiator prior to that vote?

Commissioners Riel and McNulty responded in the affirmative to all questions.

Dan Tucker read a letter prepared by Marla Tucker. Such letter was submitted as part of the meeting minutes. Commissioner Riel noted that a year end report will be released by the Chief regarding response times for 2005-2006.

Joey Lenberg submitted his resignation.

Bob Silligman spoke to the processes the Board has taken to date regarding their decisions, investigations and actions taken and encouraged the Board to look positively to the future. He made note of Item 14 on the agenda regarding the process and time-frame constraints for appointing a new commissioner. Mr. Silligman questioned what "qualifications" are needed for the interim appointee and what attributes the Board would like to see in the applicants. Commissioner McNulty stated that the only qualification required by RCW is that the person resides in the District. Commissioner Riel also stated that the applicant cannot have a felony conviction on their record. Mr. Silligman expressed his concern that there are no specific requirements regarding knowledge, experience, and performance.

Anthony Martinez read and submitted a letter to the Board of Commissioners. The aforementioned letter was made a part of the meeting minutes. Commissioner McNulty responded to comments made by Mr. Martinez.

Gerald Christian spoke on behalf of Chris Jones and questioned if written notification will be sent to him regarding his status. Commissioners McNulty and Riel stated that the meeting minutes reflect the decision and the action taken at that time. Chief Gay noted that the previous secretary had been directed to send Mr. Jones a letter and if this did not get accomplished, it will be resolved.

Crystal Goss reinforced the need to move forward from past issues.

There being no further public comment, Commissioner Riel continued with the remaining items on the agenda.

APPROVAL OF PREVIOUS MINUTES

This issue has been tabled until the next regular meeting.

RESOLUTION #2007-05 APPOINTING A DISTRICT SECRETARY OATH OF OFFICE

RCW 52.14.080 Chairman – Secretary – Duties and oath.

The fire commissioners shall elect a chairman from their number and shall appoint a secretary of the district, who may or may not be a member of the board, for such term as they shall by resolution determine. The secretary, if a member of the board, shall not receive additional compensation for serving as secretary.

The secretary of the district shall keep a record of the proceedings of the board, shall perform other duties as prescribed by the board or by law, and shall take and subscribe an official oath similar to that of the fire commissioners which oath shall be filed in the same office as that of the commissioners.

Commissioner Riel introduced Michelle Rosen, whom the Board has determined to be a qualified person to fill this position. With the reading of Resolution #2007-05, Commissioner Riel made a motion to adopt said resolution. Commissioner McNulty seconded the motion and the motion carried. Michelle Rosen was so appointed as District Secretary effective immediately.

Commissioner Riel administered the Oath of Office to Michelle.

VOUCHER APPROVAL

There being none at this time, the meeting continued.

SECRETARY'S REPORT

No report was necessary at this time.

CORRESPONDENCE

Commissioner Riel submitted a letter from David Munson expressing his interest in the vacant commissioner position.

UNFINISHED BUSINESS

Hearing none, Commissioner Riel continued the meeting.

COMMISSIONER'S REPORT

Commissioner Riel noted that this will be postponed until the next meeting.

NEW BUSINESS

A. Resignation of Commissioner Scott Kokenge

Commissioner Riel explained that Mr. Kokenge's resignation was received on March 13, 2007 and there is no formal acceptance required. A copy of his letter of resignation will be submitted into the meeting minutes.

B. Complaints that the Board has received

Until a third commissioner is appointed, Commissioner Riel tabled some of these complaints and continued with the following issues.

- Barbara Riel complained against Kyle Jacobs for comments made at the March 12 board meeting. Mr. Jacobs is no longer an employee of the fire district; therefore the board cannot take any action against Mr. Jacobs. The Board will take all reasonable measures to ensure the safety of all attendees at a Board of Commissioners meeting.
- Judy Jacobs complained against Commissioner McNulty regarding a meeting with the Chief. Commissioner Riel explained that it is not illegal for a single commissioner to meet with the fire Chief.
- Commissioner Riel continued with another note to the above mentioned complaint. The Public Meeting Act provides only that the public has the right to attend, not to participate; however Commissioner Riel noted that this Board allows the public the give their input at the regular scheduled meetings.
- In regards to Richard Bartheld's complaint received against Chief Gay: At the Special Board Meeting on March 5, Commissioner Kokenge made a motion that the Board would not hire an outside investigator to look into the complaint, and instead the board Chairman would handle the issue. The motion passed unanimously. Therefore; as Board Chairman, Commissioner Riel will conduct the investigation as the motion was so approved.

C. Discussion of process and time-frame for appointing a new commissioner

Commissioner Riel introduced County Commissioner Rand Elliott who discussed the process regarding appointing a commissioner to the vacant seat. Mr. Elliott noted that the responsibility falls to the remaining board members to make that appointment and if they are unable to do so after 90 days, RCW states that the responsibility will revert to the County Commissioners. Commissioner Riel mentioned that he and Commissioner McNulty have discussed this in executive session and have come to the conclusion that a consensus cannot be reached on an appointment. There was discussion between Commissioner Riel and McNulty regarding County Commissioner Elliott's involvement this early in the appointment process and recalled past experiences in various appointment processes. After much debate, Commissioner Riel made a motion to interview outside firms to assist the commissioners in the appointment process for the vacant third commissioner seat. Commissioner McNulty seconded the motion and the motion carried.

DEPARTMENT ACTIVITY REPORTS

Commissioner McNulty read in part from Chief Gay's monthly report to the Commissioners. Commissioner McNulty publicly commended Chief Gay's character. Commissioner McNulty made a motion to accept the department activity report as submitted. Commissioner Riel seconded the motion and the motion carried.

Mr. Silligman questioned if RCW 52.33 pertained to Fire District 4. Commissioner McNulty referred the question to Chief Gay who responded that these evaluations are and have been completed for the last several years and become public record after review of the Commission. Chief Gay assumed responsibility for the untimeliness of the annual report due to multiple resignations and investigations in the District.

RCW 52.33.040 Annual evaluations – Annual report.

(1) Every fire protection district and regional fire protection service authority shall evaluate its level of service and deployment delivery and response time objectives on an annual basis. The evaluations shall be based on data relating to level of service, deployment, and the achievement of each response time objective in each geographic area within the jurisdiction of the fire protection district and regional fire protection service authority.

(2) Beginning in 2007, every fire protection district and regional fire protection service authority shall issue an annual written report which shall be based on the annual evaluations required by subsection (1) of this section.

(a) The annual report shall define the geographic areas and circumstances in which the requirements of this standard are not being met.

(b) The annual report shall explain the predictable consequences of any deficiencies and address the steps that are necessary to achieve compliance.

Commissioner Riel asked that the next meeting agenda be submitted in the middle of next week for his approval.

ANNOUNCEMENTS

There were none at this time.

EXECUTIVE SESSION

Commissioners Riel and McNulty agreed that this was not necessary.

GENERAL DISCUSSION

Commissioners Riel and McNulty had nothing to add at this time.

GOOD OF THE ORDER

Commissioner McNulty expressed concern with regards to Ryan Evers' eye. Chief Gay noted that after examination he is doing fine.

ADJOURNMENT

Chairman Riel announced that there will be a special meeting held on Monday, April 2, 2007. There will be no open public input and no items will be discussed or acted upon that are not listed on the agenda. The next regular meeting is scheduled for Monday, April 9, 2007. There being no further business, Chairman Riel adjourned the meeting at 1955 hours.

ATTEST:

Commissioner

District Secretary

Commissioner