

YAKIMA COUNTY FIRE DISTRICT 4
BOARD OF COMMISSIONERS
SPECIAL MEETING
May 16, 2008

Commission Chairman Gendron called the meeting to order at 1:00 p.m. at East Valley Station 40. Those also present were Commissioner Les Riel, Deputy Chief Mike Riel, District Secretary Michelle Rosen, Lt. Trevor Lenseigne, Lt. Keith Schrank, Firefighter Ryan Evers and audience members. **Commissioner McNulty had an excused absents.**

Chairman Gendron called the meeting to order and conducted the Pledge of Allegiance.

Discussion of terms of Administrative Leave for Warren Gay: District Secretary Rosen attempted to call Commissioner McNulty for a conference call with the Board. Chairman Gendron stated that there was no answer from Commissioner McNulty; therefore District Secretary Rosen left a message on Commissioner McNulty's voice mail that the Board was trying to reach him for the Special Meeting. The meeting continued. Commissioner Riel expressed his concern regarding the Chief spending money on the district's credit card after he was placed on leave and his contract had been terminated. It appears that he has been in Chelan for a conference and was registered for another conference in Florida for next week that was cancelled by District Secretary Rosen. Commissioner Riel mentioned that according to the Chief's employment agreement he is allowed wages, accrued vacation and sick leave benefits, retirement and medical. Commissioner Riel stated that is all that's allowed once his contract is terminated with ninety days notice and this was confirmed by the district's attorney. Commissioner Riel mentioned that the other concern he had was whether or not Commissioner McNulty inventoried the items that the Chief had taken from his office or if staff had. Commissioner Riel stated that the Chief's office looked empty. District Secretary Rosen stated that she and Lt. Lenseigne had put together an inventory list of what was missing and what needed to be turned back into the district and stated that she had call Commissioner McNulty to inform him that there was an inventory list in his mailbox but that he had not picked it up as of yet. Deputy Chief Riel mentioned that it was apparent that the Chief and Commissioner McNulty have been back to remove items since that period of time and nothing has been turned into the district. Commissioner Riel mentioned to Chairman Gendron that the Board needed to set a deadline as to when all the items that belong to the district be turned back in and if they are not turned in by the deadline then YSO will be contacted to retrieve the items that belong to the district. He stated that this has been going on long enough. Chairman Gendron mentioned that the inventory list was in the office and lists what needs to be returned. Deputy Chief Riel mentioned that we will be identifying additional items because he noticed that some additional software and books were missing. Deputy Chief Riel mentioned that he took photos of the room prior to the last removal of items and that we would have to zoom in on those to identify the missing items. He also mentioned that our code CD's were missing and he didn't see the presence of those items anywhere. Chairman Gendron stated that he had a problem with the Chief attending the conferences without an action request being approved or signed. Chairman Gendron asked District Secretary Rosen if there was anything that came through on an action request or training request. District Secretary Rosen mentioned that it had been talked about at a meeting but there was never a request for approval. Deputy Chief Riel commented that there was no training request either. Commissioner Riel commented that none of that had been approved by the Board and asked if the district could recoup those costs that have already been accrued

and if it can be taken out of the wages that are accrued for the next 90 days. Commissioner Riel stated that this needed to be asked of the attorney. Deputy Chief Riel mentioned that the district had already been billed for the Leavenworth conference for \$375.00. District Secretary Rosen stated that the district was also billed \$77.70 on the visa for a room charge for the Leavenworth conference. Commissioner Riel mentioned that the other thing needing to be discussed was the cell phone that would be turned off this Friday morning. He mentioned that we also needed to retrieve the phone because it belongs to the district. The phone number was issued to Chief Orman when he was employed by the district and there is documentation on file that the 728-3091 phone number is the district's number. District Secretary Rosen mentioned that she spoke with Commissioner McNulty regarding the number and Commissioner McNulty stated that the Chief bought the number. Commissioner Riel stated that he didn't buy the number, that the district bought the phone and pays for the services and we have owned it since Chris Orman was here. Chairman Gendron mentioned that we will have to call our attorney and have our attorney send a letter to the Chief's attorney stating that we want all items belonging to the district returned by Wednesday at noon. Commissioner Riel stated that the district's credit card that was still in the Chief's possession needed to be cancelled. This led Commissioner Riel to another point; that the locks needed to be changed and this time when the locks are changed that there be a master key given to all three Commissioners which includes the Chief's office. Deputy Chief Riel commented that this was already being done. Deputy Chief Riel also stated that the Pacific Northwest Fire Investigators class for Chief Gay was paid March 31, 2008 for \$375.00 that was charged to the visa. Commissioner Riel asked if that was the day of the class. Deputy Chief Riel answered no, that the Chief pre-registered and paid it through the visa. Commissioner Riel commented how that got through the vouchers and that it needed to be brought to Brian Snure's attention. Deputy Chief Riel mentioned that it was in their QuickBooks report that it had been paid.

Commissioner Riel made a motion that Chief Gay's credit card be cancelled and his service and any other authority that he has that may accrued by any expense by the district. Deputy Chief Riel mentioned that he thought Commissioner McNulty was going to take care of getting the visa and gas cards back. Commissioner Riel commented that a person could still have the number written down and charge things to the card and that all the cards needed to be cancelled. Chairman Gendron seconded the motion and the motion carried.

Commissioner Riel made a motion that he would like to instruct the Chairman of the Board to contact the district's attorney to find out if the district can, should or shall be reimbursed for any expenses accrued while Chief Gay was on paid leave and if they could be deducted from his payroll that he will be receiving for the next 90 days.

EXECUTIVE SESSION: Commission Chairman Gendron announced an Executive Session at 1:15p.m. per RCW 42.30.110 (1)(G) for 15 minutes with district's legal council via conference call.

The meeting reconvened at 1:30 p.m. and no decisions were made.

GENERAL DISCUSSION: Commissioner Riel requested that any other bills that are received from the Chief since he's been on paid leave be forwarded to the attorney. Chairman Gendron mentioned to make sure Commissioner McNulty received an agenda and the minutes from this meeting. Commissioner Riel mentioned that there was some concern about the wording in the press release that was released May 12, 2008. Commissioner Riel mentioned that under termination of his contract the Chief is not receiving any severance package. The Board has to give him notification that in 90 days his contract is non-voided and is terminated. On August

12th, 2008 his contract is officially terminated and in the meantime he is on paid administrative leave. The Chief is not to have any contact with the members of this department nor is anyone from the department to have any contact with the Chief. He is not working in the capacity of this fire department in any way. Commissioner Riel mentioned that Chief Gay has until Wednesday at noon to turn in all of the district's property and if he does not, Chairman Gendron will be contacting YSO to have the items picked up. Commissioner Riel asked if Lt. Lenseigne had a list of everything that was issued to the Chief and to make sure everything was turned back in. District Secretary Rosen mentioned that unfortunately she was unable to turn the cell phone off because the Chief had put a password protection on the phone. Brian Snure called in and asked if we were still in a meeting. District Secretary told him that we were still in a meeting and then proceeded to conference call with him and the Commissioners. Brian mentioned that in the Chief's contract there is nothing stating that health insurance is provided but assuming the district has provided health insurance as a benefit of his employment term that we not cut that benefit off. Commissioner Riel mentioned that we couldn't cut his cell phone off because he had it password protected and asked if the Board should wait until Wednesday to see if he turns the phone in. Brian Snure mentioned that he will include that the cell phone needs to be returned as well and that it is the district's property. District Secretary Rosen mentioned that the phone number is the districts as well. Commissioner Riel mentioned that the number is in the sequence of numbers that we already have.

Deputy Chief Riel mentioned that for informational purposes, Chief Gay formally mentioned that when a firefighter responded to State Mobilization through Fish and Wildlife or any other group the firefighters were paid a rate of pay from that group. That way they could be working at a higher rate than \$9.00 an hour for our firefighters. This issue came up in a regular general meeting for discussion. Deputy Chief Riel mentioned that he would like to revert back to the practice of what the department was doing previously. He went on to explain that personnel would be required to fill out all paperwork with the understanding that they would not be paid on our side of the element, but rather they would be paid directly from the services that requested us to be a participant. This means that they may have to wait for their checks to come in at a later time. Commissioner Riel stated that it sometimes takes the checks anywhere from 3 to 5 months to get to the participant. Deputy Chief Riel mentioned that they would be entitled to that rate of pay and that they would be responsible to fill out all the appropriate paperwork so it could be processed for them to receive that rate of pay and if they failed to complete the paperwork they could lose their pay. Chairman Gendron stated that as long as they're all aware that they have to do the paperwork, they are going to be on deferred pay and that they have to be responsible. He noted that if the majority of them wanted to do that he had no problem with it. Deputy Chief Riel mentioned that on a scene, a strike team leader can assist them with filling out the paperwork correctly. Commissioner Riel requested that a hard copy be placed in their mailboxes.

Deputy Chief Riel mentioned that he had one more issue. He explained that Chief Gay and Battalion Chief Woodall worked on an incident management team out of Richland and were going on fires this summer. It was his understanding that Battalion Chief Woodall was no longer to red card through Hanford because of issues with agencies so he was now carded with us. He is on a management team through the tri-cities and if he responds on those calls throughout the summer that we are not sending him out on those fires. Deputy Chief Riel mentioned that his concern was liability issues and his reimbursements. If he is sent out through Hanford, he needs to take care of his paperwork through Hanford or the Tri-Cities. There's no benefit for the district when he leaves for 2 weeks in the summer and we lose his availability. Chairman Gendron stated that if he is sent out through Hanford then he is covered through their insurance and liabilities and our district wouldn't be. Deputy Chief Riel mentioned that he would

recommend that Battalion Chief Woodall go through Hanford instead of this district. Chairman Gendron reiterated if he is sent out through Hanford he needs to be covered through Hanford.

Deputy Chief Riel asked the Board if Commissioner McNulty had acknowledged them in coming down and removing items from the Chief's office. Chairman Gendron mentioned that he had not been notified. Deputy Chief Riel mentioned that we informed Commissioner McNulty about the checklist that was in his mailbox and that this removal has taken place since the checklist had been in his mailbox. Commissioner Riel mentioned that the notification that will be going through Gay's attorney and Commissioner McNulty will be copied as well as the Board. Deputy Chief Riel asked if they will be sending back an itemized list of what they took from the Chief's office. Commissioner Riel commented that Commissioner McNulty was supposed to be taking care of that. Deputy Chief Riel commented that it would be nice if they had a list of things they took out of the office.

ADJOURNMENT: There being no further business Commissioner Riel made motion to adjourn. The meeting was adjourned at 1:42p.m.

ATTEST:

Commission Chairman

District Secretary

Commissioner

Commissioner