

**YAKIMA COUNTY FIRE PROTECTION DISTRICT 4
BOARD OF COMMISSIONERS
SPECIAL MEETING
June 4, 2007**

The meeting convened at 1800 hours at East Valley Fire Station 40. Those present were Chief Warren Gay and Commissioners Dan McNulty, Les Riel, and Joseph Gendron. Others present were District Secretary, Michelle Rosen, East Valley Fire District Personnel, and audience members.

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

CHIEF'S EVALUATION

Chairman McNulty explained to the audience that this business is normally conducted in Executive Session, but Chief Gay requested it to be conducted as part of the regular meeting.

Chairman McNulty distributed the evaluations amongst the Board for review.

Chief Gay explained to Commissioner Gendron the manner in which the evaluations were distributed and collected from the staff. In summary; each staff was assigned a number and the envelope containing the evaluation corresponded with that same number. As evaluations were returned, it was noted as being returned, and the outer envelope containing the staff's number was destroyed. There is no indication as to whose evaluation it is, only that it was returned or not as the case may be.

Audience member Jackie Walker asked as to how many were issued vs. how many were returned. The Board indicated that a majority had been returned, but did not have any specific figures.

Chief Gay noted that he has not seen them or ever had them in his possession. They were originally opened by Lt. Lenseigne, who put them face down in a box, and later sealed them in an envelope that was given to then Chairman Scott Kokenge.

As the Board reviewed the evaluations, Chairman McNulty suggested that Chief Gay describe to the audience the questions on the evaluation so there was an understanding as to what the Board was reviewing.

Chief Gay distributed a blank sample of the evaluation form to the audience. He indicated that to his knowledge only five were not returned out of 60-66 issued. He explained that the evaluation questions were composed by ESCI.

An audience member asked if this specific process had been done with previous Chiefs. Chairman McNulty noted that it had not. Chief Gay responded that he felt this was an important activity to aid in his professional growth.

As the review came to a close, Chairman McNulty indicated that a self-evaluation was also completed by the Chief.

In conclusion, Chairman McNulty summarized that not everyone is happy with the Chief specifically, but they are pleased with the direction the department is headed. Vice-Chair Riel stated that a vast majority of the firefighters indicated that the Chief meets or excels in the areas surveyed. There were only five evaluations that rated the Chief at 3 or below, and there were in excess of 30 that felt he is doing his job well. Some questioned if the Chief has the ability to run the equipment.

The Board discussed the next step in their completing an evaluation on the Chief, reviewing past goals and objectives and setting new measurable goals and timelines for the year.

Chairman McNulty tabled the review of the Board's evaluation of the Chief until the next regular meeting. Chief Gay ensured distribution of the form to the Board.

PUBLIC COMPLAINTS

A. Existing complaints on file

There was extensive discussion amongst the Board regarding the Bartheld complaint and the manner in which Commissioner McNulty felt Commissioner Riel appeared to have stepped beyond the agreed investigation. Commissioner Gendron submitted a timeline he composed regarding this issue from the first complaint received through the April 2 complaint when on that date the Chair of the Board at that time (Scott Kokenge) asked for written responses from Richard Bartheld, Chief Gay, Ken Perrault, and Kyle Jacobs. Commissioner McNulty reiterated that the Board had already made a decision which makes this issue moot. There was interruption from the audience, and the Board agreed that Mr. Jacobs would be allowed to speak at the next regular meeting if he so chose.

Commissioner Gendron proceeded to the next issue from March 5 involving an incident after the meeting in the hallway with Jeremy Tucker, Marla Tucker, and Judy Jacobs where Judy witnessed an agitated Chief Gay speaking with Jeremy Tucker. Ms. Jacobs alleged that the Chief was rude to her and told her to leave. An action complaint letter was sent with no action being taken by the Board due to the lack of a complete Board. This Board concluded that a letter needed to be sent to the above mentioned individuals regarding their complaints.

Commissioner Gendron expressed his views regarding these incidences and the responsibilities of the Board: 1. Meetings are "Commissioner" meetings. He noted that they should never get out of hand where the Chief has to initiate one on one contact with another person who is upset. It is the responsibility of the Chair of the Board conducting the meeting to maintain order and not tolerate name calling and threats. Mistakes were made by both the Board and the Chief, and Commissioner Gendron submitted to this Board that a letter be sent to those involved noting that the action taken will be to not let it happen again and the issue should be addressed in the Chief's evaluation. Chairman McNulty was in agreement as was Vice-Chair Riel. Chairman McNulty was charged with composing the letter.

Commissioner Gendron continued with a complaint against Chief Gay and Jordan Munson dated March 9 from Derrick Jacobs. Mr. Jacobs alleged that unprofessional comments were made at a drill night on January 30 and that he felt harassed by rumors alleged to be started by Jordan. Commissioner Gendron questioned that since Derrick has resigned, what action needed to be taken if any. Chairman McNulty felt a letter should be written to Derrick, but that this issue is an internal administrative problem below the commissioners. Per Commissioner Gendron's request, Chief Gay gave some background to the Board regarding this incident: Chief Gay noted that Deputy Chief Dave Wilson was teaching four classes in pump operations at Station 40. Chief Gay noticed that the above mentioned individuals were at a table with their back to the wall, slumped down, text messaging each other and behaving in a manner unbecoming of a professional firefighter. Chief Gay removed them from the drill into the day room where he indicated to them that their behavior was a poor reflection on the department and rude to the instructor. They were ordered to return to the meeting and to separate themselves. When Derrick returned to service, Chief Gay noted that he specifically told the staff to make him feel comfortable and help him adjust after a rough three-four months. Derrick then expressed that Munson was spreading negative rumors about him and the Chief did not seem to care. Chief Gay was adamant to the Board that he repeatedly asked his staff to make an extra effort in making Derrick feel welcome. At the time that Derrick returned on probation status, Chief Gay assigned him to Station 40 in an attempt to eliminate this issue, but Derrick indicated that he was frustrated because he was not able to get to the Station quick enough to get on the rigs. Chief Gay then reassigned him back to Station 41 and Derrick started making the calls. Commissioner Gendron asked that since Battalion Chief Riel attends most drills, did he feel as if Mr. Jacobs was being harassed or singled out. B.C. Riel affirmed that Chief Gay made it clear in multiple officer meetings that anyone who was gone during that period of time was to be welcomed back and treated with respect.

Commissioner Gendron expressed his desire to understand the seriousness of each complaint and for each of these issues to be settled fairly and to be able to put them to rest and to move on.

The Board agreed that the matter concerning Derrick Jacobs and Jordan Munson has been adequately handled and addressed by the Chief. However; since the complaint was addressed to the Board of Commissioners, the Chair of the Board will issue a letter to Mr. Jacobs informing him that the matter was discussed by the Board and referred to the Chief. The Chief was also directed by the Board to issue a letter to Mr. Jacobs.

Commissioner Gendron continued with a complaint dated April 3 from Jeremy Tucker and Ken Perrault in regard to the Chief losing his temper at drill night. This issue stems from a policy change wherein private vehicles cannot be used to respond to incidents. Commissioner Gendron noted that a complaint letter had been sent, but no action has been taken by the Board or by the Chief. Chief Gay responded to Commissioner Gendron's question if he had issued personal apologies to either person involved. Chief Gay noted that he has not issued an apology to Mr. Tucker as he had missed many drills. Chief Gay provided some background regarding the issue. In summary: Chief Gay noted that at the meeting in question, Ken Perrault appeared to be the only individual offended by the Chief. He also noted that Mr. Perrault had previously been absent for 6 ½ months with no contact from him. After the POV issue had been put to rest, Mr. Perrault insisted on resurrecting the issue at the first April drill and tried to agitate the group. At the following meeting where Jeremy Tucker was not present, Chief Gay asked the group if anyone was offended by his comments during the drill night incident. Mr. Perrault indicated that he had been. In response, the Chief apologized to Mr. Perrault in the meeting. Commissioner Gendron addressed Mr. Perrault who was in the audience and confirmed that Chief Gay had made an attempt to apologize. The Board concurred that a letter will be sent to Mr. Tucker from the Board indicating that his complaint was addressed by the Board and referred to the Chief.

Commissioner Gendron continued with the March 26 complaint filed by Tina Liniger at the Commissioner's meeting. He indicated that she received a response from an attorney and her question has been answered.

The complaint filed by Barbara Riel on March 12 has also been settled by means of a letter received from the attorney regarding the action taken.

Commissioner Gendron concluded that all complaints on file have been discussed and settled. The attorney Bartheld complaint in conjunction with attorney Snerr was tabled.

Chairman McNulty dismissed the Board into executive session for an estimated 30 minutes. At the request of the Chief, District Secretary Rosen was present along with Battalion Chief Riel and Joe Riel. Vice-Chair Riel excused himself from the executive session and requested to be excused from the General Discussion portion of the meeting as well. His request was granted.

EXECUTIVE SESSIONS – RCW 42.30.110 (g) Personnel Issues

A. B/C Riel Contract Renewal

Chairman McNulty called the meeting back to order and reported that there was no action taken during the executive session.

GENERAL DISCUSSION – NO PUBLIC INPUT

District Secretary Rosen noted that an exit interview with the Auditor will be held at 9:00 a.m. tomorrow.

Chief Gay reminded the audience of the Special Workshop Meeting to be held with the Board and the retirees of the district on June 13. Michelle noted that invitations were sent last Thursday.

ADJOURNMENT

There being no additional comment or discussion, Commissioner Gendron motioned for the adjournment of the meeting. Chairman McNulty seconded the motion and adjourned the meeting at 2010 hours.

ATTEST:

Chair of the Board

District Secretary

Vice-Chair of the Board

Commissioner