

**YAKIMA COUNTY FIRE PROTECTION DISTRICT 4  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
June 11, 2007**

The meeting convened at 1900 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.

**APPROVAL OF AGENDA**

Vice Chair Riel noted that Item 5, Approval of Previous Minutes, tabled until next regular meeting should be listed as "None". He explained that in order to table an item, a formal motion by the Board and a second to the motion needs to be made.

Chairman McNulty added an explanation of the scheduled executive session. There being no other changes, the meeting continued with the next item.

**LIMITED OPEN PUBLIC INPUT FOR ITEMS NOT ON AGENDA**

Chairman McNulty called Mike McDowell to the podium. Mr. McDowell asked the Board for permission to discuss his suspension and demotion before the next regularly scheduled meeting. Chairman McNulty expressed his concern over Mr. McDowell's complaint being addressed to the Board when it is an administrative issue and should be handled in-house. Vice-Chair Riel read in part from the letter that was sent to Mr. McDowell regarding the process he needed to follow in order to appeal the Chief's decision. In summary, if he chose to do so, he needed to notify the District Secretary prior to the posting of the agenda for the regularly scheduled meeting. This did not occur, so the issue needed to be deferred to the next regular meeting. Commissioner Gendron expressed his concern over the proper chain of command not being adhered to by all parties involved. Chief Gay indicated that the proper channels had been followed and he would prefer not to expedite the matter as requested by Mr. McDowell. Vice-Chair Riel clarified with Mr. McDowell regarding his preference to have his appeal heard during the open public portion of the next regular meeting.

Kathy McNulty submitted a copy of an email correspondence she received to the Board and the District for review regarding alleged derogatory comments made by Mr. Riel at a conference held on June 2 in Lake Chelan that was attended by WFCA, Commissioners, Fire Chiefs, and Secretaries throughout the State. Mr. Riel denied making any such comments.

Bob Silligman expressed his displeasure over the inordinate number of special meetings held recently and views them as unnecessary expenditures for the District and its taxpayers. He advised the Board that with proper planning, scheduling, and control over resurrecting dead issues, bi-monthly regular meetings would be sufficient. He also indicated his concern and the public perception regarding the different starting time of the last special meeting. Commissioner Gendron noted his appreciation of Mr. Silligman's comments. He indicated, however, that with 26 outstanding issues that need to be resolved by the Board and because of the inability to, by law, contact other commissioners to discuss these items individually, special meetings will be necessary for any resolution of these issues.

**APPROVAL OF PREVIOUS MINUTES**  
**Tabled until next regular meeting**

## **EDIT LIST APPROVAL**

### **A. Batch #236993, \$20,324.95**

District Secretary Rosen noted a change on the amount of the aforementioned edit list. After she was contacted by the County late Friday afternoon, Mike's attorney bill needed to be removed from the edit list as this was a balance brought forward and needed to be invoiced. The new amount of the edit list slated for approval is \$17,572.99. She clarified with the Board that once approved, only the Chair of the Board needs to sign off on the edit list.

Commissioner Riel questioned items 4-18 on the edit list payable to Kenworth Northwest where he noted 10-15 different invoices. Chief Gay explained that this was the annual required DOT testing. District Secretary Rosen explained that all the invoices had to be entered separately as they all had different invoice numbers.

There being no other questions or discussion, Commissioner Riel motioned for approval of edit list batch 236993. Commissioner Gendron seconded the motion and the motion carried.

## **SECRETARY'S REPORT**

District Secretary Rosen submitted the Treasurer's report showing beginning and ending balances for the month of May. She reported to the Board that she will be working with Suzie from the Treasurer's Office to receive some instruction regarding investing. Commissioner Riel confirmed that this can be done every two weeks. Michelle indicated that an investment had been made on May 3.

## **CORRESPONDENCE**

Vice Chair Riel read in part information he received from WFCA regarding the volunteer incentive protection act and their support of S1466 and HR943. Chief Gay explained to the audience that this bill would make it against the law to tax in any way any stipends paid to volunteers.

## **UNFINISHED BUSINESS**

### **A. Fire Chief's annual review**

Vice Chair Riel suggested that this item be discussed in Executive Session first and then discussed in the public portion of the meeting. The Board was in agreement.

## **NEW BUSINESS**

Vice-Chair Riel indicated that the Board received a letter regarding Tina Liniger's unemployment claim. Chief Gay noted that the correspondence stated that the District had filed an appeal too late; however, no forms had ever been received by the District. Chief Gay informed the Board that he is taking direction from the high claims adjuster from the District's insurance carrier, and he plans to challenge the claim. Rita Gay addressed the Board stating that if the District didn't choose to challenge the claim it would be parallel to admitting to the harassment charge. If a lawsuit ensued, this could have a negative affect.

There being no additional new business to report at this time, Chairman McNulty continued with the next item on the agenda.

## **COMMISSIONER'S REPORT**

Commissioner Riel informed the Board that the WFCA education committee will be meeting this Saturday. If there are any items that the Board would like to suggest for seminar topics at this fall's conference, please see him before Friday.

Chairman McNulty submitted the exit interview with the auditor that was held on June 5. He noted that the public is welcome to a copy if they wish. He reported that District Secretary Michelle has fixed a loophole with the credit card by having the Board sign for Lost Receipts.

## DEPARTMENT ACTIVITY REPORT

Chief Gay had previously asked if this item could be moved to the second meeting of the month.

## ANNOUNCEMENTS

Commissioner Gendron publicly thanked and applauded the department staff and those involved in the District's pancake feed. He felt it was a huge success. He also recognized Keith Schrank and thanked him for conducting the bicycle class that was held at the school in Moxee on Saturday.

Bob Silligman thanked Chief Gay for manning the popcorn booth at the Terrace Heights Improvement Association's Family Night and extended his appreciation to the department for their involvement.

Commissioner Riel confirmed that the special meeting/workshop with the retirees of the department will be called to order at 11:00 a.m. on Wednesday, June 12.

Chairman McNulty reported that fellow fire commissioner, Frank Wesselius had passed away.

Chairman McNulty dismissed the Board into executive session for an estimated 30 minutes.

## EXECUTIVE SESSION – RCW 42.30.110 (F, G)

### RCW 42.30.110 Executive sessions.

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW [42.30.140\(4\)](#), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

Chairman McNulty called the meeting back to order and reported that no decisions had been made. Commissioner Gendron made a motion that a letter pertaining to the February 11 meeting between Ken Perrault, Kyle Jacobs, and attorney Richard Bartheld be placed in the Chief's file. In addition, a letter will be sent to Mr. Perrault, Mr. Jacobs, and Mr. Bartheld to be signed by all three commissioners noting that the above mentioned letter had been issued. Commissioner Riel seconded the motion and the motion carried.

Chairman McNulty reported that the Board has completed the Chief's evaluation and will have it ready to present at the next meeting.

## GENERAL DISCUSSION – Limited between Board and Staff – NO PUBLIC INPUT

B.C. Riel reported to the Board that the District had received a check in the amount of \$5,300 and another check is pending in the amount of \$3,300 for participating in the Washington State Reimbursement Program. This program allows the District to recover training monies up to \$3 per hour and a maximum of \$200 for the training and development of the firefighters.

B.C. Riel also asked that his contract renewal remain as unfinished business on the meeting agendas. Chairman McNulty confirmed with the Chief that B.C. Riel's contract is being worked on.

Audience member Jackie Walker questioned if the letter previously referred to was confidential. Commissioner Gendron indicated that since it was submitted to his personnel file it is considered confidential; he wanted to report the action taken by the Board in the interest of open communication.

**ADJOURNMENT**

There being no additional business to conduct at this time, Commissioner Riel made a motion to adjourn the meeting. Commissioner Gendron seconded the motion and the meeting was so adjourned at 2034 hours.

ATTEST:

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Chair of the Board

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District Secretary

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Vice-Chair of the Board

\_\_\_\_\_  
Commissioner