

**YAKIMA COUNTY FIRE PROTECTION DISTRICT 4
BOARD OF COMMISSIONERS
REGULAR MEETING
August 22, 2011**

The meeting convened at 7:00 p.m. at East Valley Fire Station 40. Those present were Commissioners Joe Gendron, Dan McNulty, and Les Riel. Others present were Chief George Spencer, District Secretary Michelle Rosen and Deputy Chief Mike Riel.

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

APPROVAL OF AGENDA

There being no changes, the agenda was approved and the meeting continued.

LIMITED OPEN PUBLIC INPUT FOR ITEMS NOT ON AGENDA – Public comment for items that are on the agenda are allowed as the item comes up for discussion during the meeting. Please stand and be recognized by the Chair and limit your comments to three minutes.

Chairman Gendron noted that no one had signed up to speak.

APPROVAL OF PREVIOUS MINUTES

- a. **August 8, 2011 Regular Meeting – approve or deny**
- b. **August 12, 2011 Special Meeting – approve or deny**
- c. **August 15, 2011 Special Meeting – approve or deny**

Commissioner Riel noted that the minutes from the August 12 special meeting should reflect that he attended the meeting via conference call. Commissioner Riel made a motion to approve the corrected minutes from the August 8, August 12, and August 15 meetings. Commissioner McNulty seconded the motion. The Board was in favor and the minutes were approved.

EDIT LIST APPROVAL

- a. **Batch #301777, \$19,355.27 – approve or deny**

Commissioner McNulty made a motion to approve edit list 301777 in the amount of \$19,355.27. Commissioner Riel seconded the motion and the aforementioned edit list was approved.

SECRETARY'S REPORT

District Secretary Rosen confirmed that the commissioners wished to select option 1 for the conference. Commissioner Riel noted that he would be arriving Tuesday evening.

District Secretary Rosen requested approval to pay the sleeper shift crew from August 15-16 the rate that the Board had approved and subsequently rescinded; noting that they started the shift on the evening that the Board had made a motion to change the rate. The Board was in agreement and approval was granted to pay the sleeper shift crew the revised rate during that time frame.

CORRESPONDENCE

District Secretary Rosen indicated that there no correspondence had been received.

UNFINISHED BUSINESS

There being no unfinished business, Chairman Gendron continued the meeting.

NEW BUSINESS

a. CE-3315 Settlement Agreement and Warranty Deed

Chairman Gendron explained that the agreement before the Board was for the property in front of the station for the widening of Beaudry Road. Commissioner Riel requested that a quote for the irrigation, asphalt/curb, etc. be obtained to justify that the amount offered of \$15,871 was adequate. Chief Spencer indicated that he would obtain the requested information. Commissioner Riel made a motion to accept the public service agreement for the property in question on Beaudry Road pending confirmation of amounts to be acquired by Chief Spencer. Commissioner McNulty seconded the motion. The Board was in favor and the public service agreement was conditionally approved.

b. Discuss employee hours

Commissioner Riel initiated discussion regarding the policy concerning work hours of the Chief and District Secretary; noting that policy stated the hours shall be from 8am – 5pm with one hour for meals and indicated that he felt the station should be covered until 5:00pm Monday-Friday. Chairman Gendron stated that he did not have any concerns with the district secretary's current hours of 8am – 4pm with no break and/or lunch period, reporting that foregoing the lunch period was actually allowed by L&I upon agreement between the employee and employer. Chief Spencer also noted that since he started with the district he has also been in agreement with the current hours of 8am – 4pm (with the lunch period from 4 - 5pm), adding that there have never been any issues with station coverage and/or customer service from 4 - 5pm. District Secretary Rosen added that due to the Auditor's office closing at 3:30pm and the Treasurer's office closing at 4:00pm, she was unable to conduct any business with the county after that time. Chairman Gendron commented that this was an operational matter with the Chief who had the discretion to change as he saw fit. Commissioner McNulty also indicated that he did not have any issues with the current hours of 8am – 4pm, so long as the Chief was covering the district until 5:00pm. There was additional discussion that included audience member Kyle Jacobs expressing his concern over these hours and the hours of staff whose workday began at 7:00am.

Commissioner Riel suggested that the district secretary hours be revised to 8am – 4:30pm with a 30 minute lunch period and an accounting of the additional 30 minutes until 5:00pm as comp time used.

Chairman Gendron made a motion for a policy change to reflect that the district secretary work hours shall be from 8:00am – 4:00pm foregoing breaks and lunch. Commissioner McNulty seconded the motion. Commissioner Riel called for discussion to clarify the motion. Commissioner Gendron and McNulty were in favor of the motion and Commissioner Riel opposed. The motion passed 2-1 for changing policy regarding district secretary work hours from 8am – 4pm foregoing breaks and lunch. It was confirmed with Chief Spencer that the district doors would remain open and phones would be answered until 5:00pm.

COMMISSIONER'S REPORT

There being no matters to report, Chairman Gendron continued the meeting.

ANNOUNCEMENTS

There being no announcements, Chairman Gendron continued the meeting.

EXECUTIVE SESSION RCW 42.30.110(g)(f)

a. To review the performance of a public employee

b. To receive and evaluate complaints or charges brought against a public officer or employee.

At 7:26 p.m. Chairman Gendron dismissed the Board into Executive Session per RCW 42.30.110(g)(f) to review the performance of a public employee and to receive and evaluate complaints or charges brought against a public officer or employee for 30 minutes.

At 7:56 p.m. District Secretary Rosen announced that the executive session would be extended for an additional 20 minutes.

At 8:16 p.m. District Secretary Rosen announced that the executive session would be extended for an additional 10 minutes.

At 8:26 p.m. District Secretary Rosen announced that the executive session would be extended for an additional 10 minutes.

At 8:36 p.m. Chairman Gendron called the meeting back to order.

GENERAL DISCUSSION

Commissioner Riel made a motion to discipline Chief Spencer with a written reprimand for unprofessional conduct related to a dispute with a neighbor while the Chief was in uniform. Commissioner Riel added that the Board was committed to operating a professional fire department that respected all members of the community even in difficult situations. He also added that the Board would continue to work with Chief Spencer to prevent any future occurrences of this type and continued to support Chief Spencer as the Fire Chief of Yakima County Fire Protection District No. 4. Commissioner McNulty seconded the motion. The Board was all in favor of the motion.

Commissioner McNulty made a motion to suspend Chief Spencer for two days without pay due to the dispute with his neighbor. Commissioner McNulty added that due to the severity of the incident, while on suspension, Chief Spencer shall write a plan on how to improve his leadership skills and present the plan to the Board. Commissioner Riel seconded the motion. Commissioners McNulty and Riel were in favor of the motion. Chairman Gendron opposed. The motion passed 2-1 for suspending Chief Spencer for two days without pay and requiring him to write and present a plan of leadership improvement to the Board.

Chairman Gendron assigned Deputy Chief Riel to the role of acting Chief beginning Tuesday, August 23 for a period of two days.

Commissioner Riel requested a special meeting on August 29 at 5:00pm to present Chief Spencer with his performance evaluation, goals and objectives.

Chairman Gendron noted that on the advice of the district's attorney, Mr. Hilliard would receive a response to his complaint including the disciplinary actions taken by the Board.

Commissioner Riel added that the disciplinary measures taken by the Board would remain in Chief Spencer's personnel file for 12 months per policy.

SIGNING OF DISTRICT DOCUMENTS

District Secretary Rosen presented the documents to the Board for their signature.

ADJOURNMENT

There being no other business, Commissioner Riel made a motion to adjourn the meeting. Commissioner McNulty seconded the motion and the meeting was so adjourned at 8:48 p.m.

ATTEST:

Chair of the Board

District Secretary

Vice-Chair of the Board

Commissioner