

**YAKIMA COUNTY FIRE PROTECTION DISTRICT 4  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
November 17, 2008**

The meeting convened at 3:00 p.m. at East Valley Fire Station 40. Those present were Commissioners Joe Gendron, Dan McNulty and Les Riel. Others present were Deputy Chief Riel, District Secretary Michelle Rosen, East Valley Fire District Personnel, and audience members.

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

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

Commissioner McNulty stated that he would like to add under executive session RCW 42.30.140 (g) personnel matters and asked if staff would have to be paid overtime after 4:00p.m. He felt that staff didn't need to be at the special meeting after 4:00p.m. Commissioner Gendron stated that staff would not be paid overtime since the meeting was scheduled for 3:00p.m.

Commissioner Gendron announced to the public that this was a special meeting for specific items and that no public input would be allowed. Commissioner Gendron also announced that the meeting had been called due to the fact that there had been 7 letters presented to the Board and noted that they were from Joseph Gendron and Jane Doe Gendron, Les Riel and Jane Doe Riel, Michael Riel and Jane Doe Riel, Michelle Rosen and John Doe Rosen, Trevor Lenseigne and Jane Doe Lenseigne, Keith Schrank and Jane Doe Schrank and Ryan Evers and Jane Doe Evers.

Commissioner Gendron asked if there were any questions. Commissioner McNulty asked if we were going to have legal council on the phone. Commissioner Gendron stated no and explained that what the Board was doing was following the Board's own legal defense policy and RCW 4.96.041 from the State of Washington which requires the Board to conduct a meeting with the letters presented and forward them to the District's claims agent Brian Snure who had been previously named by this Board. He continued by stating that Mr. Snure would then review the letters and then contact the insurance carrier and the representatives to report that the letters had been received.

Commissioner McNulty commented that his question to the attorney was that two Commissioners were named and could he legally cover the two Commissioners. Commissioner Gendron commented that he would need to ask the Attorney that in an executive session and all the Board was doing at this meeting was either accepting or denying the aforementioned letters to be forwarded to the claims agent.

Commissioner McNulty asked if there was any litigation between him and the other two commissioners talking about it. Commissioner Gendron stated that the Board was following their own policy which was adopted December 26, 2006 which was prior to his being a member of the Board.

Commissioner McNulty commented that the policy in question was set up in case of an EMS call that went bad or a structure fire that went bad and that the Board was told that they needed to have something in place to be able to cover its employees. Commissioner McNulty stated that he felt this was a personality issue and that this whole issue was a personality issue and didn't feel that it falls in the line. Commissioner Gendron stated to Commissioner McNulty that he was following the policy that was adopted by the Board in 2006 and that he was following it under the advisement of the district's attorney.

Commissioner McNulty asked if he was going to be available at 3:00p.m. Commissioner Gendron commented that he was available in an executive session. Commissioner Riel commented that the item needed to be added to the agenda under executive session. Commissioner McNulty commented that he had a lot of questions for the attorney and again the district was asking the taxpayers to put money out to solve a problem which has been a personality issue all along and if seven more names are added it's going to increase costs. Commissioner Gendron commented that this is to be requested to be represented by the insurance carrier, and that the individuals submitting letters are named in the policies as employees representing this district. Commissioner Riel stated it's going to cost the district the same if they represent one or seven employees. Commissioner McNulty

questioned how he knew that and that he wanted to ask the lawyer. Commissioner Riel stated that it is not Brian Snure representing the district, but rather it is the firm appointed by the insurance company out of Seattle that's handling the defense of the district and its employees. Commissioner McNulty commented that he wasn't getting any answers to his questions.

Commissioner Gendron asked if there was any other discussion. Commissioner Riel made a motion that the Yakima County Fire District 4 Commissioners accept the letters requesting legal defense and then forward the letters to the district's claims representative for review. Commissioner Gendron seconded the motion. Commissioner McNulty questioned the fact he didn't talk to the attorney and was not in favor of the motion. Motion carried two to one.

#### **EXECUTIVE SESSION**

**RCW 42.30.140 (g), RCW 42.30140 (1) (I)**

**Personnel Issues and Conference call with Brian Snure**

At 3:10 p.m., Chairman Gendron dismissed the Board into executive session for 30 minutes.

At 3:40 p.m., District Secretary Rosen reported that it would be extended for another 20 minutes.

At 4:00 p.m., District Secretary Rosen reported that it would be extended for another 10 minutes.

At 4:10 p.m. Chairman Gendron called the meeting back to order and reported that no decisions had been made.

#### **ADJOURNMENT**

There being no other business, Commissioner Gendron entertained a motion to adjourn the meeting. Commissioner Riel seconded motion and the meeting was so adjourned at 4:10 p.m.

ATTEST:

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Chair of the Board

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District Secretary

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Vice-Chair of the Board

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Commissioner