

**YAKIMA COUNTY FIRE PROTECTION DISTRICT 4
BOARD OF COMMISSIONERS
REGULAR MEETING
April 27, 2009**

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 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.

APPROVAL OF AGENDA

Commissioner Riel requested that an executive session under RCW 42.30.110 (g) be moved up on the agenda prior to Unfinished Business. There being no other changes, the agenda was approved.

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 recognized audience member Jacqui Walker. Mrs. Walker distributed informational documents to the Board published by Municipal Research.

APPROVAL OF PREVIOUS MINUTES

- a. **April 13, 2009 Regular Meeting – approve or deny**
- b. **April 17, 2009 Special Meeting – approve or deny**

Commissioner Riel made a motion to approve the minutes of both the Regular Meeting and Special Meeting held on April 13 and 17 respectively. Commissioner McNulty seconded the motion. The minutes were so approved.

EDIT LIST APPROVAL

- a. **Batch #267406, \$9,596.29 – approve or deny**

Commissioner McNulty made a motion to approve Batch Edit List #267406 in the amount of \$9,596.29. Chairman Gendron seconded the motion. The edit list was so approved.

SECRETARY'S REPORT

District Secretary Rosen reminded the Board that she would be traveling on Sunday, May 3 in order to attend the pre-approved Administrative Support conference in Silverdale and would return to work on Thursday, May 7.

CORRESPONDENCE

Chairman Gendron read into record a letter from Mike Perry and Teresa Mitchell commending District Secretary Rosen on her professionalism and outstanding customer service efforts.

EXECUTIVE SESSION

RCW 42.30.110(g) to evaluate an applicant for employment

Per the request of Commissioner Riel, Chairman Gendron dismissed the Board into executive session under the aforementioned RCW at 7:05 p.m. for 5 minutes.

Chairman Gendron reconvened the meeting at 7:10 p.m. and reported that no decisions had been made.

UNFINISHED BUSINESS

a. New Chief's position

Commissioner Riel summarized the process the Board has employed up to this point in the search for a new Chief. He noted that the interviewing panel, which consisted of two fire Chiefs, two citizens of the district, and the three commissioners, had interviewed four candidates and noted that one candidate stood out amongst the others. With that said, Commissioner Riel made a motion to negotiate an offer of employment to George Spencer from Oxford, MI. In addition, if the Board was not successful in reaching an employment agreement with Mr. Spencer, the district would restart the search process for a Chief, as agreed, with Waters Consulting Group, Inc. Negotiations of the employment agreement would be conducted in a meeting open to the public as per RCW 42.30.140. Commissioner McNulty seconded the motion. The Board was in agreement and the motion passed.

Chairman Gendron noted that the Board was unanimous in their decision and added that the interviewing panel concurred with the decision. Chairman Gendron highlighted Mr. Spencer's career by noting that he has been in a combination department his entire career by starting as a volunteer and working his way up the ranks, and has been a Chief for the past 10 years. Chairman Gendron noted that one candidate had never worked in a combination department, which he personally felt was unacceptable. He continued by adding that another candidate was retired, and the fourth candidate's main focus was on EMS.

Audience member Jacqui Walker asked if the Board had a timeframe established. Chairman Gendron responded that Jerry Oldani (Waters Consulting) indicated that a typical timeframe would be 30-45 days after starting negotiations, but could be up to 60 days due to relocation matters, children who are in school, transferring pension funds, etc. Mrs. Walker clarified that she was inquiring as to a timeframe for Mr. Spencer accepting an offer. Chairman Gendron replied that he would be communicating with Mr. Oldani the following morning and that he would be contacting Mr. Spencer to discuss the offer. Chairman Gendron added that the Board was foreseeing an in-person negotiation with Mr. Spencer in an open public meeting.

Audience member Ryan Evers questioned that if experience in a combination department was a necessity, why was there a candidate in the top four who did not have that experience? Commissioner McNulty responded that decision had been made by Mr. Oldani and added that an individual who did not have experience as a chief was also included. Commissioner Riel interjected that Chairman Gendron's comments would have to suffice as to not violate the executive session rule. He noted that Waters Consulting felt the other individuals could possibly be a good fit for the department until the subcommittee met and determined that they would not. He added that the Board did not have a second choice and they felt that Mr. Spencer's budget experience was in line with the commissioner's goals in addition to his personality skills and his passion for the fire service. Chairman Gendron added that the background check conducted on Mr. Spencer was much more substantial than any other individual previously brought into the district.

Audience member Mrs. Walker inquired as to how the 7 member panel voted. Chairman Gendron replied that there was an overwhelming majority consensus above the others and clarified that no "vote" had been taken. Commissioner Riel noted that there had been outstanding accusation against Mr. Spencer regarding advancing pay of \$186.56 to a firefighter, but the Board investigated further and it was concluded that the accusation was unfounded and explained that Mr. Spencer had never been charged and no policies or the law had been violated.

Audience member Kyle Jacobs inquired as to how the attendees for the meet and greet were determined. Commissioner Riel responded that it was suggested by Waters Consulting to contact community groups and the city council and those groups would select their most active members to attend. Chairman Gendron reiterated from previous meetings that both Terrace Heights Improvement Association and East Valley Community Enhancement Association were extended 12 invitations each, in addition to Moxee City council members. He added that the commissioners eliminated themselves from the meet and greet and felt that the same should apply to career staff and paid on call members in order to avoid any pre-conceived opinions that could arise from a social setting prior to the interview process.

NEW BUSINESS

Commissioner McNulty initiated discussion regarding Lieutenant Schrank's request to attend swift water Rescue training. Deputy Chief Riel felt it would be advantageous to have another staff member with those skills and capability on the department. Commissioner McNulty noted that one staff member was already involved in technical rescue and felt that was sufficient. D.C. Riel again expressed the advantages of having staff available in both aspects of technical rescue and swift water rescue and added that the Board has an active agreement with Yakima, Union Gap and Naches to provide contributing members to the technical rescue team. Commissioner McNulty made a motion to decline Lieutenant Schrank's request for training. Chairman Gendron called for a vote. Commissioners McNulty and Riel were in favor of the motion. Chairman Gendron was opposed. The vote was 2-1 and the motion carried; thus declining the training request.

Audience member Evers requested additional discussion. Chairman Gendron denied his request stating that a motion had already been passed on the matter. Commissioner Riel was of the opinion that 25% of the crew was already involved in technical rescue and felt it would leave the department shorthanded. Firefighter Evers stated that 2 to 3 of their meetings were technical rescue drills. Deputy Chief Riel explained that the engine company had been to technical rescue exercises at Station 95 only when a crew could be on standby.

COMMISSIONER'S REPORT

Commissioner Riel noted that he recently attended the state board meeting in Yakima and reported that 2009 conference pre-registration fees were set at \$245. He added that the 2012 conference would be held in Yakima.

DEPARTMENT ACTIVITY REPORTS

Commissioner McNulty expressed that he was offended by B.C. Woodall's comments about not being invited to the meet and greet on April 9. Chairman Gendron added that B.C. Woodall had ample opportunities to attend various meetings to make suggestions to the Board regarding the search for a Chief and never attended those meetings. District Secretary Rosen also noted that B.C. Woodall has also submitted a public records request for copies of the candidate's plane tickets. The Board reiterated their reasons for not involving the district staff in the meet and greet. D.C. Riel directed the Board's attention to the response he provided to B.C. Woodall and noted that he wanted to keep the Board aware of these instances.

Firefighter Evers questioned if it was appropriate for Commissioner McNulty to have had a meeting with career staff. Commissioner Riel responded that it is not inappropriate for any individual commissioner to have a meeting with staff or an individual to gather information, and explained that one commissioner alone has no authority to act on behalf of the Board.

Audience member Mrs. Walker added that the meetings at which she was allowed to question the hiring process and raise objections were not attended by any other individuals except a reporter from the Yakima Herald and agreed with the Board that those meetings were the time for individuals to raise questions.

Audience member Mr. Jacobs questioned if those meetings were open to the public. The Board replied that the meeting Mrs. Walker referenced was a special meeting. Mr. Jacobs felt that notice of special meetings should be posted in various locations throughout the community rather than just at the stations. Commissioner Riel replied that the special meeting in question had been scheduled during the regular meeting on March 23.

ANNOUNCEMENTS

There being none, the meeting continued.

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

Commissioner Riel confirmed that Chairman Gendron was going to contact Mr. Oldani to initiate conversation with Mr. Spencer regarding the offer of employment. The Board was in agreement that negotiations should be conducted in person during an open meeting.

There was discussion amongst the Board and D.C. Riel regarding spraying the lots. It was determined that D.C. Riel would report back to the Board with additional details. The issue was tabled until the next regular meeting.

Commissioner McNulty questioned a technical rescue call for Yakima on April 23 to which Engine 40 responded and inquired as to why the whole engine responded when only one staff person on the department is technical rescue. D.C. Riel stated that the engine responded as support crew for the activity and the station was backfilled. Commissioner McNulty felt that Lt. Lenseigne should be responding alone to technical rescue calls in the command car. After additional discussion, the Board concurred that until a new Chief is in place, if technical rescue is called out, Lt. Lenseigne will respond alone.

SIGNING OF DISTRICT DOCUMENTS

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

ADJOURNMENT

There being no other business, Commissioner Riel entertained a motion to adjourn the meeting. Commissioner McNulty seconded the motion and the meeting was so adjourned at 7:50 p.m.

ATTEST:

Chair of the Board

District Secretary

Vice-Chair of the Board

Commissioner