

**YAKIMA COUNTY FIRE PROTECTION DISTRICT 4  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
May 27, 2008**

The meeting convened at 1900 hours at East Valley Fire Station 40. Those present were Commissioners Joe Gendron, Les Riel and Dan McNulty. Others present were District Secretary Michelle Rosen, Lieutenant Trevor Lenseigne, 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 McNulty requested that a letter from Stan Hankins be added to *Correspondence*.

Chairman Gendron requested that discussion of SOPs be added to *Unfinished Business*.

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

**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 Bob Washburn. Mr. Washburn noted that he did not attend the May 16 meeting but had heard that D.C. Riel had mentioned that District staff was not to have any contact with former Chief Gay and that former Chief Gay was not to have any contact with District staff and questioned the reasoning behind this statement. Chairman Gendron stated that this was under the advisement of the District's attorney, Mr. Snure.

Chairman Gendron recognized Melody Goss. Ms. Goss read into record a prepared statement by former Chief Gay's wife. The statement claimed that discussion during the May 16 special meeting was defamatory against former Chief Gay by making allegations and insinuating that he was dishonest for continuing to use the district's credit card and attending multiple conferences while on administrative leave. In addition, the statement also charged the District Secretary of being inept and claimed that District Secretary Rosen should have cancelled the conference registrations that were in question. The statement also noted that former Chief Gay only returned to the District once with Commissioner McNulty to remove only items that were his and was advised to take "odd-ball" code books as there is not a certified code enforcer on staff and that the code books that were taken could not be used by the District. In the statement, Mr. Gay's wife requested that an itemized list of missing items be submitted that includes names of books, purchase dates, authors, etc. She noted that the bookcases still in the office are personal items belonging to former Chief Gay. In closing, the statement requested a list of district items that he allegedly has, including numbers and dates of issue that include his initials or signature -- they will return those items, **not** the items on the list in Commissioner McNulty's possession. The statement also made claims that such a list would not be possible due to the poor recordkeeping of the Lieutenant and reminded the Board that there is pending litigation against the district and various individuals personally. (At this point, District Secretary noted the end of the three minute time limit. Chairman Gendron allowed Ms. Goss to finish reading the last sentence of the prepared statement which encouraged the Board to "keep sweetening the pot of gold.")

Chairman Gendron recognized Jackie Walker. Ms. Walker submitted that the reason for discussing charges during an executive session was to protect an individual until the charges were proven, but that during the Special Meeting on May 16, the former chief was charged with the suspicion of taking district property and the Deputy Chief went so far as to take pictures of the office and threaten to contact the Sheriff's office if items were not returned. She questioned the difference between these charges being brought out in a Special Meeting versus being discussed in an

executive session. Chairman Gendron stated that these were not charges in his opinion, but rather the intent of the meeting was to retrieve and return the district's visa card, Shell, and Costco cards and set a time frame for their return. Ms. Walker noted that it did not come across in that manner. She also questioned under what authority the Board had to restrict district staff from having contact with Mr. Gay and vice versa. Chairman Gendron reiterated that this was under the advisement of the District's attorney. Ms. Walker noted that she believed there is a law in the criminal code for Washington State which forbids harassment, and that this action appears to be an implied threat of retribution if any staff from the district had contact with Mr. Gay.

Chairman Gendron recognized Rose Marie. She questioned why Deputy Chief Riel was not being referred to as Acting Chief. Chairman Gendron explained that his position and title is Deputy Chief and that he serves in an acting chief capacity at any time the chief is gone.

## **APPROVAL OF PREVIOUS MINUTES**

### **A. May 12, 2008 Regular Meeting – approve or deny**

Commissioner McNulty noted that on page 2 of 7, *Chief Sponsford* should be corrected to *Sponcler*. He also noted that the last sentence of the discussion regarding Action Request 2008-08 on page 4 of 7 should read "Chairman *Gendron* noted . . .";

Commissioner McNulty made a motion to accept the minutes of May 12, 2008 as submitted with the above mentioned corrections. Commissioner Riel seconded the motion. Chairman Gendron noted that with the motion and the second, the minutes were so approved.

### **B. May 16, 2008 Special Meeting – approve or deny**

Commissioner McNulty submitted the following issues: Under the heading of *Discussion of Terms of Administrative Leave for Warren Gay* - - Commissioner McNulty stated that he was available at 4:00 on that day, not 1:00, but that the meeting was held at 1:00 despite his not being available. He stated that he did not request that District Secretary Rosen conference call him, thus, he requested that the minutes reflect that he had an excused absence. Commissioner Riel pointed out that the minutes already stated an excused absence for Commissioner McNulty in the first paragraph. Commissioner McNulty questioned why the meeting couldn't be held at 4:00 as he felt that the entire Board needed to be in attendance. Chairman Gendron explained that Commissioner Riel was not available at 4:00, and that he was available at any time.

Commissioner McNulty referred to the following statement: "*Commissioner Riel mentioned that the other concern he had was whether or not Commissioner McNulty inventoried the items that the Chief had taken from his office or if staff had.*" He stated that Mr. Gay was not allowed to be around the staff so he was not here during business hours. Commissioner Riel reiterated his previous question from the May 16 meeting whether or not Commissioner McNulty inventoried any of the items that Mr. Gay removed from the office. Commissioner McNulty stated that his job was to stand by and not to inventory items taken. He expressed concern that his own integrity and honesty was being questioned and chastised the Board for accusing another Board member of something when they were not present to defend themselves.

Commissioner McNulty referred to the following statement: "*Deputy Chief Riel mentioned that it was apparent that the Chief and Commissioner McNulty have been back to remove items since that period of time and nothing has been turned into the district.*" Commissioner McNulty stated that he was only at the District once on May 9, 2008 and questioned this accusation made by Deputy Chief Riel. Chairman Gendron noted that since Deputy Chief Riel was not present at the current meeting, it would have to be discussed at a later time. Commissioner McNulty then questioned Deputy Chief Riel's right in taking a picture of the office in question. Again, since Deputy Chief Riel was not present at the current meeting, Chairman Gendron stated that he assumed he felt he needed to. Commissioner McNulty commented that he was stepping out of the issue; that it was getting to be bigger than what the Board could handle. He questioned if Lt. Lenseigne had a logistics item stating when Mr. Gay was issued the gear with his signature and date. Lieutenant Lenseigne responded that he has record of when items were purchased and when they were issued -- both District owned uniforms, the District coat, and bunker gear, and stated that this information will be in Commissioner McNulty's mailbox the following morning. Commissioner McNulty expressed his shame and disappointment in the inventory list that was originally provided to him -- it contained the Minutes of Regular Meeting, May 27, 2008

wrong address and did not have Mr. Gay's name on it. Commissioner McNulty then turned over Mr. Gay's keys to the command car, the office, the file cabinet, and the district credit cards. He questioned if the District had anything in black and white for any member of the District for what and when they were issued gear. Lieutenant Lenseigne stated that all the information was on ERS and the list was generic for all personnel. Commissioner McNulty stated that Mr. Gay was not generic and since the District fired this individual, the District should have better record of what he has in his possession. He felt that if the District doesn't have specific proof of the items issued to Mr. Gay, the issue should be referred back to the attorneys and they could figure it out.

Commissioner McNulty continued by reiterating that the agreement was for him to stand by, and now he feels that he is being held responsible. He agreed that the gear should be turned in, but when he was given a generic list, how could he ensure that those items were returned. In addition, he felt he was being chastised for not even picking the list up, stating that it was not in his mailbox until May 15 – that District Secretary Rosen notified him of the list when she telephoned him regarding the meeting on the 16<sup>th</sup>. He restated the need to have a more detailed inventory with dates of issue. Chairman Gendron agreed that the list needed to be more in depth. Lieutenant Lenseigne stated that he will provide them with receipts and issue dates. Commissioner McNulty again voiced his disagreement over the Special Meeting.

Commissioner Riel made a motion to accept the Special Meeting minutes of May 16. Chairman Gendron seconded the motion and called for a vote. All were in favor, thus approving the Special Meeting minutes of May 16, 2008.

## **EDIT LIST APPROVAL**

### **Batch #252422, \$35,505.80 – approve or deny**

Commissioner Riel made a motion to accept edit batch list #252422 in the amount of \$35,505.80. Commissioner McNulty seconded the motion. Chairman Gendron called for a vote. All were in favor, thus approving edit batch list #252422 in the amount of \$35,505.80.

## **SECRETARY'S REPORT**

District Secretary Rosen noted that the Board was in possession of April 1-30 expenditures and budget versus actual. Per Deputy Chief Riel's request, she presented the Board with information regarding reservations for two Excel classes that former Chief Gay had initiated.

## **CORRESPONDENCE**

Per Commissioner McNulty's request earlier in the meeting, District Secretary Rosen read into record correspondence dated May 21, 2008 from Stan Hankins. In summary, Mr. Hankins expressed his disappointment regarding the dismissal of Mr. Warren Gay, and stated that due to the issues in the District at the present time, he was resigning his newly elected position of president of the Retired East Valley Firefighters Association. He clarified statements made by Darryl Sybouts during the May 12 Regular Meeting, noting that he and Adrian Jacobs were forced into retirement; that their contracts were not renewed. He expressed his opinion that some commissioners and firefighters do not want retired personnel involved with the District. He also stated that Pat Sponcler did not resign to return to Hanford, rather he was fired. Mr. Hankins' letter continued by stating that the Board of Commissioners should regulate the tax dollars and set certain policies and the Chief of the District should be in charge of and oversee the daily operations of the district and personnel; the Commissioners should not be micromanaging. In closing, Mr. Hankins' letter stated that he felt KIMA was and still is fair in their reporting.

## **UNFINISHED BUSINESS**

### **A. Motor Vehicle Purchase Requisition – approve or deny**

Chairman Gendron confirmed with Lt. Lenseigne that this item was for the two command cars. Lieutenant Lenseigne stated that they were purchased through the state contract. Commissioner McNulty questioned if this was the total cost or if there will be additional charges to add sirens, etc. Lieutenant Lenseigne responded that the district was already in possession of the radios and the MDTs, that there will be a cost for installing those items and obtaining the light bar and for the lettering of the apparatus. Lieutenant Lenseigne stated that the total cost should come in a bit under

the previously approved Decision Action Request 2008-07 for \$45,000. An audience member questioned if the cost was \$45,000 for each unit. Commissioner McNulty explained that the Board had approved \$45,000 per unit, and explained that the apparatus committee inflates the projected cost in order to go to state bid and not have to return to the Board and request additional funds. Lieutenant Lenseigne continued by explaining that the 20 year replacement schedule inflates each cost by at least 3 percent per year for all apparatus in order to remain consistent with the continual inflation of the economy. He added that through the state bid process, the district was able to purchase each unit at approximately \$31,000 which does not include lettering or radio and light bar installation.

Commissioner Riel stated that there was no action needed on this item as the Decision Action Request was approved in the May 12, 2008 Regular Meeting.

#### **B. Discussion of SOP Meeting**

Chairman Gendron previously requested that this item be added to the agenda. He asked the Board if they were agreeable to meeting one to two hours before a regular meeting to discuss this issue in order to avoid having an additional meeting. Commissioners McNulty and Riel were in agreement. Chairman Gendron instructed District Secretary Rosen to schedule this at 4:30 p.m. prior to the next regularly scheduled meeting in June. Commissioner Riel requested that an email confirmation be sent as well.

Ms. Walker called for a point of information from the Board and questioned if the Board was going to go through all the SOPs in a couple of hours. Chairman Gendron responded that the Board was only going to start working through them and the process would be spread out over a series of meetings. Commissioner Riel added that there are two different sets of SOPs to polish – one being the Commissioner's SOPs and the other being the General Administrative Policy Manual and making sure they do not contradict each other.

#### **NEW BUSINESS**

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

#### **COMMISSIONER'S REPORT**

Commissioner Riel reported that the County Commissioners have taken over the process of appointing an EMS director; that the interviews and recommendation that was conducted by the EMS Operations Board was reported to the Commissioners, but that the final appointment will be determined by them. He noted that only two individuals had applied for the position.

Commissioner McNulty stated that there was an issue with Mr. Gay's social security number being used and asked Rita for the details. She stated that she thought District Secretary Rosen used it to try and change the number and address on the cell phone. Commissioner McNulty confirmed with Rita that Mr. Gay will be returning the cell phone on May 28. He again stated his feelings that no Commissioner should be held responsible for Mr. Gay returning those items, that it should be the responsibility of the attorneys.

Commissioner McNulty requested that the Board discuss the Iron Horse development. He indicated that Station 42 has never been remodeled and needs to be brought up to date with the surrounding Terrace Heights area before Yakima takes over. He expressed his concern that Station 42 cannot handle the Iron Horse development. Commissioner Riel stated that \$10,000 had been set aside in the budget last year for that station and the Chief was supposed to have reported to the Board with an itemized list of improvements. He added that this money was again earmarked in this year's budget for upgrades to that station. Commissioner McNulty felt that Deputy Chief Riel needed to be reminded of that since he previously stated that there were no funds for that project. There was discussion between the Board and Lt. Lenseigne regarding Engine 42 battery training and/or maintenance issues with that unit. Chairman Gendron responded that upon Deputy Chief Riel's return, he will be directed to find the funds needed to make upgrades to that station. Commissioner McNulty suggested that he is not opposed to looking into the need for another truck there and staffing the facility with two day shift personnel because of the development in the area. Commissioner Riel asked Lt. Lenseigne what the average response time from Station 41 to the school on 41<sup>st</sup> Street with full time crew during the week. Lieutenant Lenseigne estimated that between 7 a.m. and 4 p.m., Monday through Friday with full staff, the response time was approximately three minutes.

Chairman Gendron noted that this item will be added to the agenda for discussion at the next meeting. Commissioner Riel suggested the need for a written, itemized plan and to possibly visit the station with a contractor to determine the various needs of the facility.

**DEPARTMENT ACTIVITY REPORT – Lt. Lenseigne**

Lieutenant Lenseigne directed the Board’s attention to the various operational and month-end reports, month-to-date calls and statistics, as well as the calendar of training activities for the department, all as submitted by Deputy Chief Riel.

Commissioner Riel made a motion to accept the Department Activity Report. Commissioner McNulty seconded the motion. Chairman Gendron asked Lt. Lenseigne if the bin storage at Olympic Fruit will be mostly plastic. Lieutenant Lenseigne reported that Olympic Fruit personnel had just been into the office that morning to discuss their development plans for property west of their facility and that they will be stacking the bins away from the facility as per county code. Commissioner Riel added that the county now has an ordinance limiting the number of bins in a stack with a specific number of feet between the rows.

An audience member asked if the district had a code enforcement officer. Commissioner Riel and Lt. Lenseigne stated that these code issues are, and always have been, handled by the county.

**ANNOUNCEMENTS**

District Secretary Rosen reported that neither she nor Commissioner McNulty will be attending the Chelan conference on May 31, 2008.

**EXECUTIVE SESSION**

Chairman Gendron noted that there were no issues to take to executive session.

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

Chairman Gendron asked if Lt. Lenseigne had put together a repair and need list regarding the support pick-up as was previously discussed during the May 12, 2008 Regular Meeting. Lieutenant Lenseigne reported that he had taken this issue back to the apparatus committee and they were investigating 2007 prices and that the unit will be looked over later this week with regard to repairs and associated costs versus a state bid. He added that if the Board was interested in purchasing a 2007, it would require a 13 day run newspaper advertisement, a three bid minimum, along with the bid opening and awarding process.

There being no additional items for General Discussion, Chairman Gendron continued the meeting.

**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 7:42 p.m.

ATTEST:

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Chair of the Board

\_\_\_\_\_  
District Secretary

\_\_\_\_\_  
Vice-Chair of the Board

\_\_\_\_\_  
Commissioner