

Jefferson County Fire Protection District No. 3
Board of Commissioners
SPECIAL MEETING
March 20, 2003
A G E N D A

- I. Call to Order Chair Morse 9:00 a.m.
- II. Flag Salute
- III. Approval of the Agenda
- IV. Public Comment
- V. State Purpose of the Special Meeting is to (1) Adopt the March 11, 2003, Regular Meeting Minutes; (2) determine the necessity of additional steps regarding IAFF Local 3811's request to stop harassment; (3) review the Chief's Employment Agreement; (4) review the Chief's Job Description; (5) review the Office Manager/District Secretary's Job Description; (6) Conduct an Executive Session for the purpose of reviewing the performance of public employees, if needed; and (7) Review, Edit and/or Adopt Policy Series 2000 and 3000, if time allows.
- VI. Call for Approval of March 11, 2003 Regular Meeting Minutes
- VII. Determine the Necessity of Additional Steps Regarding IAFF Local 3811's Request to Stop Harassment
- VIII. Review the Chief's Employment Agreement
- IX. Review the Chief's Job Description
- X. Review the Office Manager/District Secretary's Job Description
- XI. Review, Edit and/or Adopt Policy Series 2000
- XII. Review, Edit and/or Adopt Policy Series 3000
- XIII. EXECUTIVE SESSION: May be called, as needed, for the purpose of reviewing the performance of public employees
- XIV. Good of the Order; Questions and Answers
- XV. Assignments
- XVI. Call for Adjournment

JEFFERSON COUNTY FIRE PROTECTION DISTRICT NO. 3
a.k.a. Port Ludlow Fire and Rescue
BOARD of COMMISSIONERS
Special Meeting Minutes
March 20, 2003

CALL to ORDER:

Chairman Commissioner Howard Morse called the Special Meeting of March 20, 2003, of the Board of Commissioners of Jefferson County Fire Protection District No. 3, a.k.a., Port Ludlow Fire and Rescue, to order at 9:00 a.m. at Station 31 located at 7650 Oak Bay Road, Port Ludlow, Washington.

Commissioners present were Commissioner Howard Morse, Commissioner Gene Carmody, Commissioner David Wheeler, and Commissioner Robert Pontius. Also present were Chief Wayne Kler and District Secretary Arlene Obtinario. NOTE: Commissioner Pontius entered the meeting at 9:01 a.m.

Commissioner Tim Bangle was not present because of a previously scheduled personal commitment when the Special Meeting date was set.

Chair Morse announced that the Special Meeting topic referring to the Union's request to stop harassment was added to the Agenda by request from Commissioner Pontius in order to review Commissioner Bangle's side of the situation since Commissioner Pontius expressed concern that Commissioner Bangle had not had the time or opportunity to express his views. Chair Morse went on to state that, because of Commissioner Pontius' request for more review, he, as the Chairman of the Board, had asked for a letter from Commissioner Bangle, from Chief Kler, and from Lt. McGuffey. IAFF Local 3811 Vice President Wicus McGuffey requested the right to comment after hearing Commissioner Bangle's statement from his letter. Chair Morse acknowledged permission.

FLAG SALUTE Chair Morse called on Commissioner Wheeler to lead the assembly in the Pledge of Allegiance to the Flag of the United States of America.

APPROVE the AGENDA Chair Morse called for any changes to the Agenda and there were no changes offered.

PUBLIC COMMENT: Chair Morse called for public comment and received no response.

PURPOSE of the SPECIAL MEETING:

Chair Morse stated the purpose of the Special Meeting is to (1) adopt the March 11, 2003, Regular Meeting Minutes; (2) determine the necessity of additional steps regarding IAFF Local 3811's request to stop harassment; (3) review the Chief's Employment Agreement; (4) review the Chief's Job Description; (5) review the Office Manager/District Secretary's Job Description; (6) conduct an Executive Session for the purpose of reviewing the performance of public employees, if needed; and (7) Review, Edit and/or Adopt Policy Series 2000 and 3000, if time allows.

Chair Morse called for Agenda topic **Call for Approval of March 11, 2003 Regular Meeting Minutes. MOTION:** Commissioner Wheeler made a Motion to approve the Minutes as

presented. Commissioner Carmody seconded the Motion. Chair Morse called for discussion. Commissioner Pontius offered clarification under the JEFF COM report section; stated the entities to be Jefferson and Clallam Transit, not Kitsap as written, and that the user agencies would receive adjusted CFS's proportionately. Question was called. Chair Morse called for a vote on the Motion to include the corrected Transit. The Motion carried.

Chair Morse called for Agenda topic **Determine the Necessity of Additional Steps Regarding IAFF Local 3811's Request to Stop Harassment** or even a hostile work environment. Chair Morse stated he had received a letter from Commissioner Bangle and read the first paragraph into the record (Note: by this action and reference, the letter becomes an attachment to these Minutes and part of the public record.) Commissioner Carmody asked if a formal review committee had been formed; Chair Morse replied "No"; and Commissioner Carmody said the first step would be to form a committee and then gather all the statements. Chair Morse stated that he requested the Fire Chief and Lt. McGuffey, who made the remark about stopping harassment, for letters. Chair Morse stated that he would recognize a written statement or no statement at all.

Chief Kier stated that he has 3 points of responsibility for all that happened: (1) what his staff was doing (2) if action was improper, and (3) his response to Commissioner Bangle. Chief Kier explained to the Board that recycling may be a good idea, but the Board needs to understand that operating with 50% of the needed staff results in all kinds of multi-tasking such as lawn care, weed whacking, hydrants, recycling, etc. and having a fire commissioner call continually on "snapshots" needs to stop. Chief Kier stated that the recycle material was the cardboard from a shipment of medical supplies; the ambulance is not sterile; the ambulance is de-conned after each patient and cleaned daily; he's operating at 50% of the needed manpower; and gasoline prices nearing \$2 per gallon, results in multi-tasking and trying to do it all efficiently. Chief Kier went on to state that he has no problem with handling a complaint. Chief Kier stated that he has a problem with "no respect" and Commissioner Bangle's "method of approach". Chief Kier stated that he had to take an extensive and intensive test to get this job; that he as the fire chief is allowed and expected to make life and death decisions during emergencies, but that he as the fire chief is not trusted to manage the simple, daily operations of his department. Chief Kier stated that in 5 years, he has worked for 12 fire commissioners and had no problems except with one. He stated that past Commissioners Raudebaugh and Morrison were tough, but they still treated him, as the fire chief, with respect. Chief Kier stated that in 5 years, he has received only 4 formal complaints. Chief Kier presented a letter to Chairman Morse explaining how he feels. Chair Morse stated acceptance of Chief Kier's letter. (Note: by reference and acceptance within the public meeting, the letter becomes an attachment and a part of these Minutes.)

Commissioner Wheeler commented that an ambulance carries bio-hazard all the time, but putting everything in the garbage receptacle could eliminate any perception of improper use of an ambulance; Commissioner Carmody expressed concern that the Board is making proper corrections that address Lt. McGuffey's request in the March 11th Regular Board Meeting to stop harassment; Commissioner Pontius stated a need to go back to the SOG's; and Chair Morse called on Lt. McGuffey for his response. Lt. McGuffey explained that he had asked the Board to have the harassment stopped; did not understand such an occurrence so soon after the Board adopted the 1000 series of the policy manual; but was okay with the Board's action at the last

meeting. Lt. McGuffey stated that if the Board makes an official request for a statement, then the Local would respond officially; otherwise, the Union would not submit a written statement.

Chair Morse called for additional public comment: Mr. Charles Stowell addressed the Board and offered his support of the fire fighters and the Chief and Mr. David Gurnee' addressed the Board and commented that after the Board came out of Executive Session at the March 11th Regular Meeting, the audience was happy with the outcome, so was confused as to why the issue was raised again.

Chair Morse stated that Commissioner Pontius specifically asked that Commissioner Bangle be heard; that he, as the Chairman, has the responsibility to allow input from all parties; that a Commissioner cannot really speak as a taxpayer because he has the responsibility of being a public official; that the District's legal counsel has been informed of the situation and has advised that all procedures to date are in accordance with applicable rules and regulations; and that only if a formal legal complaint is filed does this issue end up in a court of law.

Lt. Soete, IAFF Local 3811 President, stated that he has received no grievance from within the Local and asks the Board to follow a formal procedure. Commissioner Pontius said that on Tuesday, all in attendance had agreed to the Board's resolution, but then on Thursday, an email was circulated in Port Ludlow that appeared to ostracize Commissioner Bangle, and he felt that Commissioner Bangle should be heard.

EXECUTIVE SESSION Chair Morse called for an Executive Session at 9:50 a.m. for ten minutes for the purpose of reviewing the performance of a public employee. Commissioner Pontius announced a 5-minute extension of the Executive Session.

Regular Meeting Chair Morse called the Regular Meeting back to Order at 10:05 a.m.

Chair Morse stated the Board still supports their March 11th decision; Chair Morse re-read his statement from that meeting; "(1) Chief Kier is the operational commander and under his direction, can place personnel and apparatus where he deems necessary. (2) Once a person assumes the position of public official that person must be very careful what is said and to whom it is said. And, fire fighters also must be careful what is said and to whom it is said. (3) All fire commissioners are to go through the Board of Commissioners; the Commission will act as a unit; no commissioner can act on his own." Chair Morse continued by stating that an individual commissioner may have discussions with the Chief, but if there is a problem, then the individual commissioner must work through the Board and that the Board has decided to stick with the decision to conduct no formal investigation.

Chair Morse asked if anyone wants to continue on this issue. Chair Morse received no response to his question. Chair Morse stated "This issue is dead." Commissioner Carmody thanked everyone for taking an interest in their fire department and expressed his gratification to all who took time to attend. Mrs. Seeley said she supports all the fire fighters; that Chief Kier has high integrity, and she is very proud of the department.

Chair Morse called for a recess of the Open Public Meeting at 10:11 a.m. Chair Morse called the Special Meeting back to order at 10:15 a.m.

Chair Morse called for review of the new DRAFTS for the Chief Financial Officer and District Secretary positions which replace 2430OM, Office Manager/District Secretary. Commissioner Carmody stated that Arlene currently holds both the CFO and District Secretary positions, but the review committee recommends the adoption of 2 separate position descriptions.

Chair Morse called for review of proposed Policy Number 2430DS, District Secretary. **MOTION:** Commissioner Wheeler moved to adopt 2430DS as follows: strike the words "working hours shall be a minimum of 40 hours per week" and to approve edits that added RCW 52 under 1. Reference.; added HIPAA to 3.1, B.ii.; strike the words 'examples of' and 'illustrative only' at 3.1, C; add in the words 'must be insurable' at 3.1, E,iv. Commissioner Pontius seconded the Motion. Question was called. Chair Morse called for a vote on the Motion. The Motion carried unanimously.

Chair Morse called for review of proposed Policy Number 2430CFO, Chief Financial Officer. **MOTION:** Commissioner Wheeler moved to adopt 2430 CFO as follows: replace the words "working hours shall be a minimum of 40 hours per week" with the words "This is a full-time career position" and to approve edits that added RCW 52 under 1. Reference.; added HIPAA to 3.1, B.ii.; strike the words 'examples of' and 'illustrative only' at 3.1, C; replace C.i. names 'Local 3811, Port Ludlow Fire Fighters Association' with the words "career and volunteer personnel"; replace the word 'member' with "advisor to the" labor negotiation team; add in the words 'must be insurable' at 3.1, E,iv. Commissioner Carmody seconded the Motion. Question was called. Chair Morse called for a vote on the Motion. The Motion carried unanimously.

Chair Morse called for a recess at 11:12 a.m. Chair Morse called the Special Meeting back to order at 11:19 a.m.

Commissioner Carmody informed the Board that the part-time Administrative Assistant Policy Number 2430AA had been re-written in the new format.

MOTION: Commissioner Wheeler moved to add HIPAA to ALL job descriptions with language stating that personnel be trained to meet the regulations. Commissioner Pontius seconded the Motion. Question was called. Chair Morse called for a vote on the Motion. The Motion carried unanimously.

MOTION: Commissioner Carmody moved to adopt 2430AA and to approve edits that added RCW 52 under 1. Reference.; added HIPAA to 3.1, B.ii.; strike the words 'examples of' and 'illustrative only' at 3.1, C; add in the words 'must be insurable' at 3.1, E,iv. Commissioner Pontius seconded the Motion. Question was called. Chair Morse called for a vote on the Motion. The Motion carried unanimously.

MOTION: Commissioner Wheeler moved to delete Policy Number 2430OM Office Manager. Commissioner Pontius seconded the Motion. Question was called. Chair Morse called for a vote on the Motion. The Motion carried unanimously.

Chair Morse called for review of Policy Number 2430FC Fire Chief position description and stated that the re-written sections are forthcoming. Chair Morse stated the next workshop will be set at the April 8th Regular Board Meeting. Commissioner Carmody asked Chief Kier if the

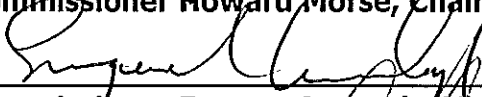
Chief's Employment Agreement review could be scheduled at the April 8th meeting as well and Chief Kier agreed.

ADJOURNMENT:

Chair Morse called for adjournment at 12:12 p.m.

JEFFERSON COUNTY FIRE PROTECTION DISTRICT NO. 3

Signed: BY: 
Commissioner Howard Morse, Chairman

BY: 
Commissioner Eugene Carmody, Vice-Chairman

BY: 
Commissioner David Wheeler

BY: 
Commissioner Robert Pontius

BY: [NOT PRESENT]
Commissioner Timothy Bangle

ATTEST: By:  Arlene F. Obtinario, District Secretary