

## CERTIFICATE

I, the undersigned, Secretary of the Board of Commissioners of Kittitas County Fire District No. 2, Kittitas County, Washington, (the "District"), and keeper of the records of the Board of Commissioners (the "Board"), DO HEREBY CERTIFY:

1. That the attached meeting minutes (herein called the "Minutes"), of the Board for February 9, 2012, is a true and correct copy, and was duly approved at a special meeting held on the 24<sup>th</sup> day of February 2012.
2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Board voted in the proper manner for the approval of said Minutes; that all other requirements and proceedings incident to the proper approval of said Minutes have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 24<sup>th</sup> day of February 2012.

  
Secretary, Board of Fire Commissioners

**KITTITAS COUNTY FIRE DISTRICT #2  
Ellensburg, Washington**

**Minutes of:** Commissioners' Board Meeting, Regular Session  
Badger Pocket Annexation, Public Hearing  
**Meeting date:** February 9, 2012  
**Meeting time:** 1900 hours  
**Meeting place:** 102 N. Pearl Street, Station 29

**COMMISSIONERS IN ATTENDANCE:** Pat Clerf, Neal Houser, Glenn Huffman, and Neil O'Neill. John Smith had an excused absence. A quorum is established.

**OTHERS IN ATTENDANCE:** Fire Chief John Sinclair, Deputy Chief Rich Elliott, Financial Services Manager Amber Simon, Administrative Assistant Manda Mellergaard and twelve members of the audience. Human Resources Manager/Recording Secretary Shannon Hill had a previously arranged excused absence.

Board Chair Clerf called the meeting to order at 1900 hours and led the Pledge of Allegiance.

**2. COMMISSIONER HOUSER POSITION STATUS**

Chief Sinclair presented an overview of the situation in which Commissioner Houser is a member of the District according to the County Auditor's office records but not according to the Assessor's office records. This leads to the question if Commissioner Houser can remain as a Commissioner when his property is not officially on the District's tax rolls. Chief Sinclair also presented a letter from attorney Joseph Quinn, a Supreme Court Case out of Benton County, and other information related to the subject. County Auditor Jerry Pettit presented the situation, Mr. Quinn's letter, and the Benton County case to County Prosecutor Greg Zempel. Mr. Zempel's opinion was that the Board of Fire Commissioners can decide to (1) go by the Benton County Supreme Court Case and keep Commissioner Houser in place or (2) vacate the position and decide how to fill the vacancy. He further stated that if the Board assumes that the Badger Pocket annexation will be approved and completed within 90 days, then Commissioner Houser could be reappointed through the end of next year and re-run for the last four years of the term. The Board may also decide to vacate the position and open it for others to run for.

Mr. Pettit then reviewed a map of the district with the Board members. This map was obtained by the Auditor's office in the 1990's. According to this map, Commissioner Houser's property is in the district and he has been voting on district issues since the 90's and treated as though he is a member of the district in all aspects except paying taxes. Mr. Pettit showed the board members other areas in the county that have had annexation issues. There were no questions from the Board for Mr. Pettit to answer.

Commissioner Houser stated that he has been under the assumption that he was in the district and had been for several years since the original petition was signed in 2005. He reviewed his conversation with Deputy Chief Elliott after the last meeting and clarified that he was acting under the best of intentions with the information he had at the time he ran for election. Chief Sinclair emphasized that there was no bad faith and all parties were working off best information they had at the time. At the 2005 annexation meeting the District determined to treat the properties as though they were in the District and respond to emergencies. He pointed to the Benton County case and asserted that the courts will not step

in the way of the voter's wishes. Commissioner Clerf stated that things were done in good faith and the votes were obtained beyond any shadow of a doubt. Mr. Clerf's concerns were related to what the state auditor's might question during audits. Mr. Pettit responded that since there were no decisions made in January with a split vote so that even without Commissioner Houser's vote, all issues would have passed by majority vote. He stated that the discussion with the Prosecutor's office stated the precedent setting decision of the Benton County case leaves room for the auditor's to accept the board's decision.

Commissioner Clerf also stated his concerns about making a decision while Commissioner Smith was absent. It was determined that the issue should not be tabled for a future meeting.

Commissioners Clerf stated his support for leaving Commissioner Houser in his current position while assuming the Badger Pocket annexation would be approved by both the Fire District's Board of Commissioners and the Kittitas County Board of County Commissioners. Commissioner O'Neill supported his recommendation and asked Commissioner Houser's comfort level with that situation. Commissioner Houser stated that he would like to continue serving as long as it does not put the District in a bad spot. Commissioner Huffman stated he was struggling with the decision because he understood where the other Commissioners were coming from, but the fourth paragraph in Attorney Quinn's letter kept grabbing his attention. In this paragraph, the attorney recommends that the position be vacated and Commissioner Huffman, while acknowledging that other options had been presented, was hesitant to go against legal advice. His preference was to accept Attorney Quinn's recommendation that the position be vacated until the annexation is completed.

**Motion** was made by Commissioner Huffman to vacate Commissioner Position 5 due to the election error. Before moving forward, Commissioner O'Neill asked Chief Sinclair if Attorney Quinn was aware of the Benton County court case and Chief Sinclair confirmed that he had. Commissioner O'Neill seconded the motion. There was no further discussion. Commissioners Huffman, O'Neill and Clerf voted to vacate Commissioner Position 5 due to the election error. Commissioner Houser abstained. Motion carried.

County Auditor Jerry Pettit suggested that Commissioner Houser should submit a letter of resignation for the official records.

### **3. APPROVAL OF AGENDA**

Commissioner Clerf stated that it was necessary to add an additional item in New Business. Item 9.7: Membership to National Association of Elected Fire Officials

**Motion** was by Commissioner Huffman to approve the agenda as amended. Commissioner O'Neill seconded the motion. There was no further discussion. The board voted 3-0 to approve the agenda as amended.

### **4. PUBLIC HEARING: BADGER POCKET ANNEXATION**

Commissioner Clerf opened the public hearing at 1936 hours. District Secretary Simon presented the staff report. Citizen Urban Eberhart (Biltmore Dr.) gave some history on the annexation attempt in the past and expressed his support as a land owner and a responder as a volunteer firefighter. He stated that 100% of the landowners were in favor of the 2005 annexation attempt. Landowner Neal Houser (2065 Lawrence Rd.) also stated his support as a volunteer responder and a landowner. There was no further discussion. The public hearing closed at 1942 hours.

## 5. CONSENT AGENDA

Items listed under the Consent Agenda were distributed to Fire Commissioners in advance for study and were enacted by one motion with separate discussion to the extent any items were removed from the Consent Agenda at the request of a Fire Commissioner.

### 5.1 Minutes

- January 12, 2012 Regular Meeting

### 5.2 Acknowledge Correspondence

- A card to the Commissioners and staff from the Møllergaard family thanking them for the flowers sent in memory of Marge Møllergaard.
- January 19, 2012: An e-mail from Chief Sinclair thanking Firefighters Jason Carter and Dan Johnson for their efforts with the technical rescue team.
- January 27, 2012: A letter from the Kittitas County Chamber of Commerce outlining the benefits of the Department's 2012 membership.
- February 3, 2012: A thank you card to Deputy Chief Elliott for training completed at CWU.

### 5.3 Authorize to pay vouchers

Starting Voucher #	Ending Voucher #	Amount	Description
120129	120138	\$94,718.50	Payroll - EMS Fund 011
120139	120149	\$274,396.35	Payroll - General Fund 010
120150	120206	\$65,315.47	Expenses - General Fund 010
120207	120230	\$15,808.99	Expenses - EMS Fund 011
120231	120243	\$8,527.83	Expenses - Equipment Fund 041
		\$458,767.14	Total

**Motion** was made by Commissioner Huffman to approve the consent agenda items as listed. Commissioner O'Neill seconded the motion. There was no further discussion. The Board voted 3-0 to approve the consent agenda items as presented.

**6. PUBLIC COMMENT:** None

## 7. ADMINISTRATIVE

### 7.1 **Finance/District Secretary Report**

Financial Services Manager Simon introduced the financial documents in a new format and invited the Board of Commissioners, Fire District employees and the public to provide feedback after they had had time to review the documents. The information was also included in the old format. The 2011 financial information has been reconciled and the submission of the financial report to the state will occur after Ms. Simon attends a class on the subject in mid-March. January 2012 reports were received late and not available in time for the meeting. Review of the January and the February financial performance will occur at the March board meeting.

### 7.2 **Deputy Chief Report**

Deputy Chief Rich Elliott reported on the following activities:

#### **EMS:**

- The medic unit has been delivered to Braun for the remount – it should return in approximately 50 days and be in service before April 1<sup>st</sup>. In the interim, we are running with 4 medic units.

**Operations:**

- Annual report – will discuss and answer questions. We will need to set a public hearing for March to set 2012 benchmarks.

**Prevention:**

- We have mostly loaded our hydrant information and are starting on existing pre-incident information that will be available for responders via iPads. Manda and Kyle (intern) are working primarily on this.

**Training:**

- Wildland FF1 training has started. We have targeted all officers to complete this training with the goal of having FF1 certification which comes with Type 5 IC – this is aimed at increasing effectiveness and responder safety.

**Miscellaneous:**

- Employee evaluations continue to go well. We are phasing in the program but the effort by supervisors has been strong which results in quality evaluations.

Additional discussion occurred about communicable diseases such as shingles, whooping cough, measles, and TB. Deputy Chief Elliott shared that Jason Carter spent the day at the academy gave Mr. Carter the opportunity to provide the board with a review on the recruit activities and discussions.

**7.3 Chief Report**

Fire Chief John Sinclair reported on the following:

- **Annual Fire Service Appreciation Dinner:** A great time was had by all. Chief Sinclair wanted to publicly thank Jason Carter and Rich Smith for their efforts to raise funds for a triple amputee Marine from Moses Lake. Approximately \$400 was raised for him at the dinner. Altogether they raised \$1000. The money has been sent off. Jason Carter is going to Southern California in 10 days so he will hand deliver some gifts. The soldier's personal belongings were left in Afghanistan so he needs t-shirts, sweatshirts, and shorts. Money also helps family with renting a house so family can be with Nick during his rehab. Chief Sinclair asked if he could personally purchase a KVFR sweatshirt and t-shirt to be presented to the soldier. The Board approved the request. A Badger Pocket volunteer company t-shirt will also be donated by the volunteers.

**Executive Session:** An executive session lasting about 30 minutes will be needed to discuss contract issues.

**Mt. View Property:** Staff was notified by the Department of Ecology that \$53,000 of EPA funds have been set aside for extra assessment on the property. Then the department was notified that EPA Funds will be available only if the DOE funds are completely used. The engineers feel that the DOE would like additional tests and analysis of contaminate. Engineers are sure they will need the additional funds.

The first quarter billing to the Department of Ecology was submitted in January. The payment will be for \$4,747.25 and is for:

Traho Architecture Services	\$2,365.00
KVFR Staff Time	\$2,382.25

**Fire Chief Goals:** Chief Sinclair provided a list of his goals and asked for the Board's input on them so that they can be finalized at the next meeting.

**Meetings in AZ and VA:** Over the last month Chief Sinclair has taken some vacation time and attended the NAEMSP meeting in Arizona and also a meeting in Virginia for the International Association of Fire Chiefs. Those meetings have largely been devoted to figuring out roles in the Affordable Care Act (ObamaCare) and the challenges and opportunities that are presented. At both meetings he was able to have one-on-one discussions with senior HHS officials. Their goal is to change the way healthcare is paid within the overall system. Those officials both agree with the need for change. Change will happen. Whether the change helps or hurts is largely up to their advocacy.

**IT and I-Net:** Staff is working with the City of Ellensburg Information Technology (IT) Department and also with the I-Net users group to solve our IT issues. At the March meeting there will have a contract for the Board to consider. Commissioner Huffman is the KVFR representative on the I-Net committee through his participation on the KITTCOM board.

**County Fire Suppression Water Standards:** Deputy Chief Elliott and Chief Sinclair have worked with the CWHBA (Central Washington Homebuilders Assoc.), the KCFCA (Kittitas Co Fire Commissioners Assoc.) and the KCFMO (Kittitas County Fire Marshall's Office) to reach a compromise on the standards. They are being taken to the County Commissioners and it is hoped that this issue is behind us.

**Roof Leak Station 2-9:** The roof is now KVFR's responsibility. It has a small leak that staff is working to get fixed. It is hoped that it will be done for approximately \$600.

**Schedule:** Chief Sinclair provided the Board with his calendar for the next two months.

#### **7.4 Commissioner Report**

Commissioner Huffman attended today's KITTCOM meeting. They will be scheduling an I-Net policy level meeting in the near future. The committee also ratified the labor agreement for the dispatchers.

### **8. Unfinished Business**

**8.1 Resolution 12-07: March Meeting Date: *Motion*** by Commissioner Huffman to adopt resolution 12-07 as presented. Commissioner O'Neill seconded the motion. There was no further discussion. The Board voted 3-0 to adopt the resolution.

### **9. New Business**

**9.1 Resolution 12-06: Badger Pocket Annexation: *Motion*** by Commissioner O'Neill to adopt Resolution 12-06 as presented. Commissioner Huffman seconded the motion. There was no further discussion. The Board voted 3-0 to adopt the resolution.

**9.2 Establish Public Hearing: 2012 Performance Response Benchmarks:** Commissioner Clerf asked Deputy Chief Elliott if he would be prepared in time for the March 13, 2012 meeting or if he needed more time. Deputy Chief Elliott responded that the March date would work fine. ***Motion*** was made by Commissioner O'Neill to establish March 13,

2012 at 7:00 p.m. as the date and time for a public hearing on the 2012 Performance Response Benchmarks. Commissioner Huffman seconded the motion. The Board voted 3-0 to establish March 13, 2012, at 7:00 p.m. as the date and time for a public hearing on the 2012 Performance Response Benchmarks.

**9.3 Certification of 2011 Volunteer Fire Fighter Pension Participation:** *Motion* was made by Commissioner O'Neill to certify and authorize the Board Chair and the Chief to sign the Volunteer Fire Fighter Pension Participation certification forms. Commissioner Huffman seconded the motion. The Board voted 3-0 to certify and authorize the Board Chair and the Chief to sign the Volunteer Fire Fighter Pension Participation certification forms.

Discussion occurred regarding volunteer performance benchmarks.

**9.4 Manastash Fire Suppression Contract:** Financial Services Manager/District Secretary Simon presented a staff report regarding a Manastash Road resident's request to enter into a fire suppression contract on property owned by the Frank Siderius trust. Mr. Miller, representative of the owner, informed the Board of existing structures on the property as well as the structures that will be built in the future. He stated that there would be access through the gates and that the roads would be kept clear in the winter. Discussion occurred about the interaction with other response agencies in the area. *Motion* was made by Commissioner Huffman to approve the contract as presented. Commissioner O'Neill seconded the motion. The Board voted 3-0 to approve the contract as presented.

**9.5 City of Ellensburg Information Technology Services:** Chief Sinclair presented the City of Ellensburg's proposal to provide information technology (IT) services to KVFR. The contract will be presented at the next meeting. The proposal includes training and education, e-mail management, server management, and assistance in public disclosure records requests. Financial Services Manager/District Secretary Simon informed the Board that the cost shown on page 2 of the proposal is subject to revision before the final contract; however, the cost is not expected to change significantly.

**9.6 EMS / Ambulance Standby Request:** Deputy Chief Elliott reviewed the request from the Washington High School Rodeo Association. He stated that we have provided this non-compensated service for the past four years and it is a good idea because of the extent of the injuries possible. *Motion* made by Commissioner O'Neill to provide EMS/Ambulance Standby Services as requested. Commissioner Huffman seconded the motion. The Board voted 3-0 to provide EMS/Ambulance Standby Services as requestd.

**9.7 National Association of Elected Fire Officials Membership:** Commissioner Huffman would like to join this association on behalf of the Kittitas County Fire District No. 2 Board for Commissioners. The benefits of joining the association were discussed and the \$100 cost is minimal. *Motion* was made by Commissioner O'Neill to approve Commissioner Huffman's membership in the National Association of Elected Fire Officials. Commissioner Clerf seconded the motion. The Board voted 2-0 to approve Commissioner Huffman's membership in the National Association of Elected Fire Officials. Commissioner Huffman abstained from the vote. The vote will be reaffirmed at the March 13, 2012 meeting.


Before moving into Executive Session and dismissing the members of the audience, Deputy Chief Elliott requested that feedback be provided to him over the next month on the Annual Report that was presented during the discussion of New Business item 9.2 Performance Benchmarks.


Commissioner Clerf called for a 5 minute break at 2040 hours with Executive Session to begin at 2045 hours.

**10. Executive Session – RCW 42-30-140(4)(a)**

The Board of Fire Commissioners went into executive session at 2046 hours to last no longer than thirty (30) minutes. At 2116 hours, Deputy Chief Elliott announced that the session would be extended for fifteen (15) minutes. The Board resumed the regular meeting at 2131 hours.

**Motion** was made by Commissioner Huffman to adjourn the meeting. Commissioner O'Neill seconded the motion. The Board voted 3-0 to adjourn the meeting. The meeting was adjourned at 2132 hours.

  
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Board Chair

  
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District Secretary