

**Whatcom County Fire District #21  
Station 61 – Blaine  
9408 Odell Street, Blaine WA 98230  
7:00 pm  
October 20, 2016  
Regular Board of Fire Commissioners Meeting**

**CALL TO ORDER**

Chairman Bosman called the regular Whatcom County Fire District #21 Board of Fire Commissioners meeting for October 20, 2016 to order at 7:03 p.m. at Station 61 – 9408 Odell Street, Blaine, WA 98230.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Attendees: Chairman Rich Bosman; Vice-Chairman Larry McPhail, Commissioners Dean Berkeley, John Crawford and Bruce Ansell; Fire Chief William Pernet; Division Chief Henry Hollander; Training Captain Joe Noonchester; Attorney Rich Davis.

**PUBLIC COMMENT**

- Robert Glorioso – 4897 Dory Ct, Birch Bay: Robert stated that he has some experience in leadership and understands that from time to time we must answer to those who have elected us to our position. Robert noted that in order to evaluate our leaders we do so by looking at the end result and what they have to show for their body of work. Although he does not know each commissioner personally, Robert stated that it is apparent to him that all the commissioners care about delivering our fire protection in a responsible, respectful and fair way to its citizens with the exception of Commissioner Berkeley. Robert requested that Commissioner Berkeley reflect on his actions and motives. If his mission is to deliver a responsible and respectful fire service to our district than Robert requested that Commissioner Berkeley stop with his antics and undermining the other members of the Board. If his intentions are otherwise, Robert requested that Commissioner Berkeley do the honorable thing and step down as a fire commissioner to allow someone who truly cares about delivering a fire protection to our district, take his place.
  
- Leslee Smith – 4012 Sweet Rd, Blaine: Leslee explained that she is speaking as a citizen as well as an employee. Leslee noted that commissioners are a group elected to maintain standards and uphold the values, standards and the mission of the fire department. There are laws in place for boards of fire departments and policies and procedures for each elected official to follow. Leslee noted that there are personal values, standards and ethics that come into play including respect, trust, honesty and integrity. The employees of North Whatcom Fire and Rescue are also held to those standards. Employees are applauded, recognized, reprimanded, disciplined and have consequences for their actions. They can be

suspended and/or terminated if they do not follow a certain set of rules readily found in employee handbooks, policies and union contracts. Everyone has to operate as a team. Sometimes teams have problems including morale, or not getting along. Sometimes team members need to be shifted around to get the right combination and sometimes it is concluded that certain individuals just do not belong.

After attending many commissioner meetings consistently since 1997, Leslee noted that in her view there is an ongoing problem with a member who is consistently not a team player. Leslee discussed that change is moving forward and making the best decisions for the good of the whole. Change means respecting others including their opinions, jobs and ideas. Change does not mean having your own agenda, wasting peoples' time and energy on fighting and losing valuable ground when time is always of the essence in the fire service.

Leslee stated that as a taxpayer she expects a board member to represent her community's needs, her neighbor's needs and her own needs rather than focusing on sharing her tax dollar resources with another country or city that has their own tax payer resources. Our own community members need to be our first priority. As an employee, Leslee desires a board member who is looking out for North Whatcom Fire and Rescue.

Leslee requested that Commissioner Berkeley consider stepping down from his position as a fire commissioner or in the least be sanctioned by the Board. Leslee offered her support to the Chairman Bosman, Vice-Chairman McPhail, and Commissioners Crawford and Ansell.

Leslee offered to provide the Board with documentation of incidents in the community involving Commissioner Berkeley.

- Talliah Henning – Giles Rd, Blaine: Although Talliah was in the audience she requested that Leslee Smith read her public comment. Talliah commented on an unpleasant encounter she had with Commissioner Berkeley in the parking lot outside the Blaine Primary School on March 10, 2016.

### **BRENNICK PROPOSAL**

- Mr. Brennick, father of the owner of Northwood Market, located at 1501 East Badger Rd., proposed either utilizing, leasing or purchasing a portion of the grassy area of Northwood Station 72 to provide more desirable and safe parking for their customers. The area they would like to utilize will not impact the operations of the district. Division Chief Hollander agreed to check with the County Planning Department to make sure there are no zoning or encroachment issues that may prohibit a lot line adjustment if needed. Mr. Brennick invited everyone to the Northwood Market open house scheduled for Saturday, October 22. The Commissioners will consider all options before making a decision.

## **APPROVAL OF CONSENT AGENDA**

1. Meeting Minutes
  - a) September 15, 2016 – Regular Meeting
2. Staff Reports - Chiefs / Operations / Training / Technical Support
3. Financial Report / Revenue - September \$147,739.24
4. Voucher / Payroll / Benefits
  - a) NWFR Employees Direct Deposit Payroll # 796-856: \$272,491.16
  - b) Volunteer Direct Deposit Payroll #857-879: \$3,680.85
  - c) Non-Direct Payroll #25-26: \$825.95
  - d) Benefits Vouchers #106-118: \$214,851.46
  - e) Monthly Expenditure Vouchers #1723-1947: \$66,859.43
  - f) Monthly Expenditure Voucher #1950: \$3,431.85
  - g) Capital Projects Vouchers #1048-1049: \$2,291.91

2. Chief Pernet pointed out that a portion of the year to date 2015 statistics on the chief's report were incorrect and will be adjusted on next month's report. The District #4 year to date total incidents is 503; The NWFR & District #4 combined response activity is 328; the total NWFR and District #4 year to date response activity is 3,021.

**MOTION:** Commissioner Crawford moved to approve the Consent Agenda as amended. The motion was seconded by Commissioner Berkeley and approved 5-0.

## **NW FIRE COMMISSIONER MONTHLY REPORTS**

- **Blaine City Council:** Division Chief Hollander nor Commissioner Ansell were able to attend this meeting however, a chief's report was left for the Council to view.
- **Cross Border Group:** Wednesday, October 5: Commissioner Berkeley reported that the group agreed that keeping cross border mutual aid agreements simple and at the local level seem to work well. Currently both Pt. Roberts and Sumas have similar agreements. The group continues to be a work in progress.

## **IAFF LOCAL 106 MONTHLY REPORT**

- Nothing to report

## **EXECUTIVE SESSION**

The executive session will be combined held at the end of the meeting.

## **UNFINISHED BUSINESS**

- **Custer Station 64 Real Estate Contract Update:** Chief Pernet announced that the Custer Station 64 information will be discussed during the executive session.

- **Assistant Chief Process:** Chief Pernet and the consultant are in the process of reviewing the nine applicants and selecting qualified candidates to move forward in the process. Those moving forward will be participating in an assessment center scheduled for November 14 and 15.
- **City of Blaine Hazard Mitigation Plan:** Chief Hollander reported that he had recently talked with Chief Haslip to discuss the City of Blaine Hazard Mitigation Plan. This document was originally drafted by the Department of Emergency Management (DEM). Chief Hollander requested that the topic be tabled until he and Commissioner Ansell have met with Chief Haslip and a representative from the DEM to review the plan and the District's responsibilities.
- **Public Records Requests:** Chief Pernet reviewed information regarding a recent performance study completed by the Washington State Auditor's Office regarding public records requests and their associated costs. A recent rather large public records request has been completed although the information has yet to be reviewed by the requestor. The total cost of staff time to gather all the requested information is approximately \$2,000-\$3,000. Chief Pernet noted that public records requests are part of government transparency and citizens are encouraged to request public records when needed.
- **Smalls Claim Court:** Chief Pernet will be representing the District in a small claims court action on Thursday, November 3 at 0900 on the fourth floor of the County Courthouse. Anyone may attend the proceedings.

## **POLICIES & PROCEDURE**

- **0700.0003.00 Rope and Rope Equipment:** Chief Pernet provided information regarding the rope and rope equipment policy. Captain Davidson was tasked with researching and drafting a policy that follows the NFPA standards and suits the district's needs.

**MOTION:** Vice-Chairman McPhail moved to approve Policy 0700.0003.00 Rope and Rope Equipment. The motion was seconded by Commissioner Crawford and approved 5-0.

## **NEW BUSINESS**

- **Budget Planning Session Date Attendance:** All Commissioners are expected to attend the Budget Planning Session rescheduled for Saturday, November 5, 2016. The meeting will be held at Odell Station 61 at 9:00 a.m. The District 4 Fire Commissioners are also expected to attend the meeting. This will be an open meeting.
- **November Board Meeting Attendance Query:** Chairman Bosman requested to be excused from the November 17, 2016 Board meeting. All other Commissioners are expected to attend the meeting.

- **Potential Budget Planning Session Date Attendance:** A tentative NWFR Fire Commissioner meeting has been scheduled for, Saturday, December 3, 2016. All Commissioners will be able to attend the meeting.

## CORRESPONDENCE

- From Chief Pernet re: Public records request
- Northern Light article re: First Responders page
- From “Buck” Beatty re: Thank you for services. Copies of the correspondence have been placed in the appropriate files.
- Bellingham Herald article re: Blaine High School explosion
- Northern Light article re: Blaine High School explosion
- Northern Light article re: Semiahmoo development proposal
- Northern Light article re: EMS levy. Commissioner Ansell thanked all those who have been working on the levy process and getting out information so community members can make an informed decision.
- Northern Light article re: Whatcom County EMS levy
- Bellingham Herald article re: Fire Commissioner residency
- Lynden Tribune article re: Fire Commissioner residency
- Northern Light article re: Fire Commissioner legal dispute
- White Rock Sun article re: Fire Commissioner residency
- From Deena Garzsa, Audit Manager re: Fire Commissioner Compensation. *“As your minutes clearly state who is authorized to attend what meeting and the fact that it was approved by all Commissioners per their signatures, the documentation is adequate to support which meetings they can receive compensation for. That combined with your policy that establishes that any disputes shall be resolved by the Chair, or the Board if requested by the affected Commissioner, covers all your bases from an auditing standpoint.”* Documenting unauthorized dates and meetings on Fire Commissioner timesheets as a personnel record is prohibited.  
Attorney Rich Davis stated that only those dates and times that a commissioner is requesting to receive a stipend should be documented on the monthly voucher (*legal document*) and submitted to the district. Other dates and times can be documented on a personal ledger.  
Commissioner Ansell suggested that Commissioner Berkeley strongly consider resigning from his position. Commissioner Berkeley declined.
- From Debbie Adelstein, Auditor re: Fire Commissioner voter registration
- The Responder: District newsletter, October issue

## ANNOUNCEMENTS

- Chairman Bosman noted that any emails sent out as a board member inviting community members to attend district meetings, reporting events to the media, providing personal opinions, or petitioning for agenda items to be put on the agenda, cannot be sent via a district account unless it has been preapproved by the Board. Emails sent out as a district fire commissioner give the impression that the Board is aware and has approved specific information. The proper way to request

items to ask the Chairman to include the item on the agenda prior to the meeting. If the Chairman does not put the item on the agenda the commissioner can appeal to the other commissioners during a meeting via a motion.

- Commissioner Ansell reiterated that sending emails that include all Board members is a violation of the Open Publics Meeting Act.
- Commissioner Crawford suggested that due to Commissioner Berkeley's beliefs, he can continue to leave the room during the Pledge of Allegiance. Commissioner Berkeley agreed provided he was given time to vacate the room.
- Chairman Bosman commented on Commissioner Berkeley's email stating his opinion on the EMS Levy. Chief Pernet reminded Commissioner Berkeley that that the entire Board signed a resolution supporting the levy in June 2016.
- Commissioner Ansell requested that Commissioner Berkeley resign his position as a NWFR Fire Commissioner. Commissioner Berkeley declined.
- Chairman Bosman announced that Chief Pernet recently graduated with his Masters of Business Administration (MBA) Degree. Congratulations Chief!

## **PUBLIC COMMENT**

- Chuck Shipp – 4550 Birch Bay Lynden Rd, Blaine: Chuck stated that he is proud to be part of this organization which has overcome much during the past few years. Chuck noted that one of things members asked for was a Board that would be willing to be objective and move the organization forward. Chuck acknowledged that Chief Pernet is also working hard at moving the organization forward. He feels that movement is continuously being stifled by Commissioner Berkeley. Chuck commented on Commissioner Berkeley's behavior amongst the community and between board members and how it has affected everybody both in and outside the organization. Chuck further urged the Board to investigate some of Commissioner Berkeley's actions. Chuck stated that the key to strong leadership is being a man of your word and remembering the words you say.

Chuck recited the twenty-five basic ethical rules as posted in the Washington State Fire Commissioners booklet available on the Washington Station Fire Commissioners Association website: <http://www.wfca.wa.gov/>.

- Leslee Smith – 4012 Sweet Rd, Blaine: Leslee provided documentation both written and on video regarding an incident that occurred between Commissioner Berkeley and a gas attendant employee on March 29, 2015. Leslee also commented on a separate incident that happened at the fishing pier in Blaine prior to Commissioner Berkeley's term.
- Kurt Jensen – 3460 Aldergrove Rd, Ferndale: Kurt commented on Commissioner Berkeley's behavior and lack of knowledge during the meeting. In addition, Kurt encouraged Commissioner Berkeley to educate himself on Roberts Rules of Order.
- Robert Glorioso – 4897 Dory Ct, Blaine: Robert noted that most of the Board members are fantastic individuals who care about delivering a fire service to our

community. The Board as a whole makes decisions and provides direction on what they will and will not support. Fire Commissioners need to adhere to the process and abide by the Board decisions. If Board decisions are not followed by the Commissioners, Robert suggested that there should be some sort of procedure even as far as removal from office that can be followed for violations. Robert requested that Commissioner Berkeley look inward and examine his reasons for being a fire commissioner. If Commissioner Berkeley's reasons are for other than delivering a fire service to the community, Robert respectfully asked the the step down as fire commissioner.

#### **AGENDA ITEMS FOR THE NEXT MEETING**

- Brennick Proposal
- Custer Station 64
- Assistant Chief Process
- City of Blaine Hazard Mitigation Plan
- Small Claims Complaint

#### **EXECUTIVE SESSION**

Chairman Bosman recessed the meeting for an Executive Session per RCW 42.30.110 (c) *“To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price.”* and per RCW 42.30.110(g) *“to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee.”* at 8:39 p.m. for at least thirty minutes. Chief Pernet, Chief Hollander, District 4 Fire Commissioner Andrews and Attorney Rich Davis remained for the executive session.

#### **MEETING RECONVENED**

Chairman Bosman called the regular meeting back into open session at 9:34 p.m. No actions were taken as a result of the executive session.

#### **SIGNING OF DOCUMENTS**

#### **ADJOURNMENT**

**MOTION:** There being no further business Commissioner Ansell moved to adjourn the meeting at 9:43 p.m. The motion was seconded by Commissioner Berkeley and approved 5-0.

Respectfully Submitted by:

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Jennie Sand, Recording Secretary

**ATTEST:**

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Rich Bosman, Chairman

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Larry McPhail, Vice-Chairman

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Dean Berkeley, Commissioner

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John Crawford, Commissioner

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Bruce Ansell, Commissioner

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Chief Pernet, Board Secretary