

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY & PROCEDURES

Number: 0100.0004.00

Date: 7/19/18

Area: Administration

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Subject: Delegation of Fire Chief Authority

Approved:

1.0 Purpose

- A. As Chief Executive Officer and administrative head of the Fire District, the Fire Chief is responsible for carrying out the policies and directives of the Board of Fire Commissioners and to ensure the delivery of quality public safety services to citizens served by the District. In order to carry out these responsibilities effectively and efficiently, the Fire Chief must be fully capable of performing certain tasks and taking certain actions within the context of his/her employment agreement, job description, and applicable local, state and federal laws on behalf of the Fire District.
- B. This policy sets forth specific delegations of power and duties from the Board of Fire Commissioners (the "Commission") to the Fire Chief for the administration and Fire District operations. This policy shall not be interpreted to limit the duties or responsibilities of the Fire Chief as those duties are determined from time-to-time by the Commission. In case of absence, the Fire Chief may designate one or more senior Fire District staff to act in the place of the Fire Chief with regard to the powers and duties herein. Subject to the limits within this delegation, the responsibility for all administration and Fire District operations of the Fire District rests with the Fire Chief.
- C. To implement delegations of authority to Fire District personnel, the Fire Chief shall promulgate as necessary policy and procedural manuals, monetary and budgetary directives and other such documents as personnel job descriptions, affirmative action plans, safety manuals, etc. which shall provide a clear span of authority and responsibility to the designees of the Fire Chief.
- D. Any Commission directives or initiatives shall be made through the Fire Chief and shall be made only by the Commission acting as a body of the whole.
- E. The phrase "administration and Fire District operations", as used herein, means the regular day-to-day business of the Fire District, including but not limited to, operating, maintaining, and administering all of its properties and facilities, equipment and apparatus, contractual agreements with third parties; implementation of construction work, alterations, repairs, maintenance, and improvements of the Fire District's properties, facilities and equipment (including the necessary planning incidental thereto); the conduct of financial accounting and legal matters as they relate to the Fire District's operation; the administration of all other operations which include personnel administration (i.e., hiring, firing, salary and benefits, training, grievance procedures, task and project assignments, employee training and incentive programs, etc.); the execution and administration of contracts; publish legal notices; and, all other pertinent functions.
- F. The Fire Chief shall inform the Commission regarding significant information and incidents by methods agreeable to the Commission. The Fire Chief shall report to the Commission those actions as within this delegation. The Fire Chief is the managing official of the Fire District, appointed by the Commission,

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and holds office as its representative. Nothing herein should be construed in any way as abrogating the duties and the responsibilities of the Commission.

2.0 Delegation of Authority

2.1 POLICY REGARDING CONTRACTS FOR PERFORMANCE OF PUBLIC WORKS.

- A. Awarding of Public Works Contracts: The Fire Chief shall have the responsibility for following all required statutory procedures in connection with all public work contracts. The Fire Chief is authorized to carry out all procedures required by applicable statutes preliminary to the acts required to be performed by the Commission at an open meeting. The Fire Chief may, without prior Commission approval, execute on behalf of the Fire District public work contracts for \$20,000.00 or such lesser amount as authorized by RCW 52.14.110 so long as the expenditure is within the limits of overall budgetary authority. In addition, the Fire Chief may, without prior Commission approval, execute on behalf of the Fire District, public work contracts for public work identified in a specific budgetary line item and where the contract price and all other charges do not exceed the amount authorized in that specific budgetary line item by ten percent (10%), but in no case in excess of \$20,000.00.
- B. Emergency Public Work Contracts: When any emergency shall require the immediate execution of a public work contract, the Fire Chief, pursuant to the procedures of RCW 39.04.280 (and as amended), is authorized to make a finding of the existence of such emergency and execute any public work contract necessary to respond to the existing emergency, provided that the Fire Chief shall, at the first Commission meeting following the Fire Chief's finding of the existence of an emergency, request Commission ratification of the finding of an emergency and any contract awarded or executed pursuant to this authority. From the inception of any such emergency, the Fire Chief shall continuously advise the Commission of the status of the emergency situation and the progress of any such public work contracts executed to remedy the emergency. Emergency public work contracts executed pursuant to the authority herein shall contain a clause which states that the contract is subject to ratification by the Commission and that if ratification does not follow, the contract shall terminate, and the Contractor shall be compensated for his work and materials used to the time of termination.
- C. Change Orders: In the instances where public work contracts have been awarded and under which the work is in progress, and individual changes in plans and/or specifications are necessitated in order to properly accomplish the work, the Fire Chief is authorized, without prior Commission approval, to execute individual change orders to the contract if the following conditions are met:
1. The estimated cost of the aggregate changes in plans and/or specifications and all other charges will not exceed the specific budgetary line item, or, in cases requiring Commission approval for public works contracts, the authorized amount.

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2. The aggregate of all change orders does not exceed 3% of the contract price, not including Washington State Sales Tax (WSST). For example, if the contract amount, exclusive of WSST is \$1,000,000, the change order maximum would be \$30,000, in the aggregate, without first obtaining Board approval.
3. The contract allows the issuance of change orders.
4. The maximum single change order for which the Fire Chief shall have approval authority without consulting the Board of Fire Commissioners, shall be \$50,000.

2.2 POLICY GOVERNING CONTRACTS FOR ACQUISITION OF MATERIALS, EQUIPMENT, SUPPLIES AND SERVICES.

- A. Items Acquired for Normal Maintenance and Operation in the Open Market: The Fire Chief shall have the responsibility for following all required statutory procedures in connection with all contracts for the acquisition of materials, equipment, supplies and services. When materials, equipment, supplies, and services are acquired on the open market and used or are necessary in normal maintenance and operations of the Fire District, no prior approval by the Commission shall be required so long as the total dollar amount does not exceed \$10,000 for any single purchase; in such instances, the purchase shall be approved as a part of normal monthly expenses.
- B. Budgeted Acquisitions: The Fire Chief may, without prior Commission approval, execute on behalf of the Fire District, contracts for materials, equipment, supplies or services identified in a specific budgetary line item and where the contract price does not exceed the amount authorized in that specific budgetary line item by fifteen percent (15%) if the budgeted line item is \$50,000 or lower; provided, however, that such contract has been awarded pursuant to any competitive process required by law and the contract has been reviewed by the District's legal counsel in advance of execution.
- C. Emergency Contracts for Acquisition of Materials, Equipment, Supplies, and Services: When an emergency shall require the immediate acquisition of materials, equipment, supplies and services, the Fire Chief is authorized to make a finding of the existence of such emergency and execute any contract for acquisition of materials, equipment, supplies and services necessary to respond to the existing emergency, provided that the Fire Chief shall, at the first Commission meeting following the Fire Chief's finding of the existence of an emergency, request Fire District Commission ratification of the finding of an emergency and any contract awarded or executed pursuant to this authority. From the inception of any such emergency, the Fire Chief shall continuously advise the Commission of the status of the emergency situation and the progress of any such public work contracts executed to remedy the emergency. Emergency acquisition contracts executed pursuant to the authority herein shall contain a clause which

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states that the contract is subject to ratification by the Commission and that if ratification does not follow, the contract shall terminate, and the Contractor shall be compensated for his work and materials used to the time of termination.

2.3 POLICY GOVERNING TRAVEL OF EMPLOYEES AND OTHER AUTHORIZED REPRESENTATIVES OF THE DISTRICT.

- A. Fire Chief's Authority: The Fire Chief is authorized to approve travel by employees and/or other authorized representatives of the Fire District in order to effectuate necessary Fire District operations, in conformity to a travel policy adopted by the Commission, provided that the travel expenses are within the annual budget approved by the Commission, and provided that the Commission shall be advised prior to all international travel (excluding Canada).

2.4 POLICY GOVERNING STAFF AND EMPLOYEE ADMINISTRATION.

- A. Personnel: The Fire Chief shall have the authority to manage all personnel matters for Fire District employees and staff which includes hiring, firing, training, grievance procedures, labor relations, and employee benefits. The Fire Chief shall carry out these responsibilities according to guidelines and policies to be established by the Fire Chief and within overall budgetary constraints.
- B. Organizational Structure: The Fire Chief shall create and manage the organizational structure for service delivery of the Fire District.

2.5 LITIGATION.

- A. Management and Supervision of Litigation: The Fire Chief and the Fire District's Legal Counsel (appointed by the Commission) shall be responsible for the procedures necessary for management and supervision of all litigation in which the Fire District has an interest, direct or indirect. For purposes of this section, "litigation" shall mean the assertion or potential assertion of any position, right or responsibility by or against the Fire District, including actions which have been filed in any court or any quasi-judicial or administrative forum.
- B. Engagement of Experts: The Fire Chief may engage or cause to be engaged through Legal Counsel, such experts as may be necessary for the orderly support of claims or litigation in which the Fire District has a direct or indirect interest. Such engagement shall be upon authorization given by Legal Counsel after having satisfied himself that such expenditure is necessary to the adequate preparation and representation of the Fire District's position in such litigation or claim and shall, wherever practicable, include evaluation of the litigation or claim and an estimate of the probable cost of such experts.

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- C. Consultation with Commission: In all instances of litigation, the Fire Chief will in conjunction with the Fire District's Legal Counsel consult with the Commission regarding strategy and the potential economic impact of litigation.

2.6 STRATEGIC PLANS.

- A. The Fire Chief shall develop and implement strategic plans for the District's orderly operation, growth and development and present the same to the Commission for approval.
- B. The Fire Chief shall prepare and present to the Board of Commissioners for approval comprehensive plans including capital improvement plans for the present and future development of the District.
- C. The Fire Chief shall meet with elected officials and representatives of other governmental agencies as necessary to carry out the goals and directives of the Commission. The Fire Chief shall further ensure District representation on various boards and commissions; and participation as appropriate in governmental, civic, educational, medical, service and business agencies, organizations and enterprises, both public and private.

2.7 CLAIM SETTLEMENT AND UNCOLLECTIBLE TRANSPORT FEES.

- A. The Fire Chief has the authority, without Commission approval, to adjust and settle a claim arising from District operations, not to exceed .05% of annual District operating revenues so long as (i) the claim does not arise, either directly or indirectly, out of the Fire Chief's actions or does not personally name a Commissioner and (ii) such settlement is based on the recommendation of Legal Counsel that the settlement of the claim proposed is in the best interest of the District taking into account all relative factors including, but not limited to, the cost of litigation and the effect of the particular settlement on the District's overall risk management strategy. All such claims, when settled, shall be reported to the Commission.
- B. The Fire Chief has the authority to write off transport fees that are deemed to be uncollectible in the reasonable opinion of the Fire Chief or which are not to be collected pursuant to District policy.

2.8 PERSONNEL POLICIES

- A. The Fire Chief has the authority, without Commission approval, to adopt any personnel policies which do not have a financial impact on the District.

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3.0 REPORTING REQUIREMENTS.

- 3.1 The Fire Chief shall report to, and advise, the Board of Commissioners on all significant matters affecting the District.
- 3.2 The Fire Chief shall regularly report on performance measures adopted by the Board of Commissioners.

Approved: _____

Chairman, Board of Fire Commissioners
North Whatcom Fire & Rescue

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