

**Whatcom County Fire District #21
Station 61 – Blaine
9408 Odell Street, Blaine WA 98230
1:00 p.m.
August 19, 2021
Regular Fire Commissioners Meeting**

CALL TO ORDER

Chairman Ansell called the regular Whatcom County Fire District #21 of Fire Commissioners meeting for August 19, 2021, to order at 1:02 p.m. at Station 61 – 9408 Odell Street, Blaine, WA 98230 and via Zoom Meeting.

PLEDGE OF ALLEGIANCE

ROLL CALL

Attendees: Chairman Bruce Ansell; Commissioners John Crawford, Scott Fischer, and Kimberly McMurray; Fire Chief Jason Van der Veen. Division Chief Shaun Ward and Attorney Richard Davis attended via Zoom.

Vice-Chairman Rich Bosman was previously excused from this meeting.

Other: Local 106NW Representative Scott Brown.

PUBLIC COMMENT

- None

APPROVAL OF CONSENT AGENDA

1. Meeting Minutes
 - a) July 15, 2021
2. Staff Reports – Chiefs / Operations / Training / Technical Support
3. Financial Report
 - a) Total Revenues – July \$133,492.34
 - b) Total Expenditures – August \$829,191.03
4. Voucher / Payroll / Benefits
 - a) NWFR Employees Direct Deposit Payroll: \$355,283.19
 - b) Payroll Taxes Voucher: \$77,721.52
 - c) Benefits Voucher: \$219,465.87
 - d) Monthly Expenditure Voucher: \$100,729.99
 - e) Capital Projects Facilities: \$10,150.00
 - f) Capital Projects Apparatus: \$34,085.50
 - g) Capital Project Apparatus (2): \$31,754.96

MOTION: Commissioner McMurray moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Fischer and approved 4-0.

NWFR FIRE COMMISSIONER MONTHLY REPORTS

Commissioner Crawford continues his participation on the sub-committee for the 9-11 Advisory Board. Members of the group intend to take part in various communication center site visits in the near future.

Chairman Ansell and Chief Van der Veen recently met with District 4 Chairman Lann to discuss the levy lid lift election results for both districts, the contract for services agreement, and the intent to continue with a Regional Fire Authority (RFA) process in the future.

LEGAL ISSUES

Proclamation 21-14 COVID-19 Vaccine Requirement: Attorney Richard Davis provided information regarding Governor Inslee's and the Secretary of Health's recent vaccine and mask mandate issued on August 18, 2021. It states that all health care workers must be fully vaccinated by October 18, 2021, or they will not be allowed to continue to provide EMT services. School districts in Washington have also been included in both mandates.

The only exception to the mask mandate is for medical reasons or possibly if a person is alone in their office. It is expected that if the Board meets in public in September, everyone will be required to wear a mask regardless of whether they are fully vaccinated.

The only exceptions to the vaccine requirement are for medical disabilities or religious beliefs. It is expected that there will be discussions regarding providing reasonable accommodations that will not prove to be a hardship to the district. Options may include donning a mask at all times, frequent Covid-19 testing, social distancing, administrative leave, or reassignment.

EMTs must provide proof of vaccination by either supplying the district with a copy of their vaccination card, documentation from their health care provider, or state immunization records no later than October 18, 2021.

Attorney Richard Davis further noted that if the mandates are not followed, the district could be charged with a gross misdemeanor and potential penalties from L & I.

It was recommended that the district adopt a policy or resolution addressing Proclamation 21-14.

It is expected that the Local will bargain the effects of Proclamation 21-14. Chief Van der Veen has a draft policy and resolution template that will be sent out and discussed during the September meeting.

Several other fire districts have sent letters to the governor objecting to the proclamation. Chairman Ansell is in favor of sending a letter on behalf of the Board. The issue continues to be fluid and more discussion is expected on all levels. Attorney Richard Davis does not expect to see any changes to the proclamation regardless of whether letters are forwarded.

2022 Contract for Services with District 4: Chairman Ansell and Chief Van der Veen recently met with District 4 Chairman Lann to discuss the 2022 contract for services regardless of the November levy outcomes for either district. District 4 had previously notified the district that they wished to terminate this contract on December 31, 2021.

Chairman Ansell noted that the current twenty-five percent payment formula specified in the contract does not accurately reflect the cost for services rendered. It was noted that the cost for all services provided to District 4 will need to be made more explicit in the contract. Chairman Ansell, Chief Van der Veen, and finance will be completing an analysis of the actual costs of staffing and operating the Britton Loop Station before adjusting the cost portion of the contract.

Since this is intended to be a one-year (January 1, 2022 – December 31, 2022) bridge contract, with the hopes of forming an RFA, Attorney Richard Davis noted that it would be prudent to utilize much of the existing contract language, focusing specifically on the payment portion.

It is expected that a transitional agreement would also be put in place addressing the RFA plan if passed.

The Board, along with Attorney Richard Davis, will have further discussion during the executive session.

Bill HB 1310 - Concerning Permissible Force by Law Enforcement and Correctional Officers: Attorney Richard Davis provided information on HB 1310. The bill puts responders in potentially challenging positions since law enforcement response is decreasing on specific types of responses and could pose liability issues for the district. If law enforcement does not respond or leaves a scene, the district or officer in charge will need to decide if/when to leave the scene especially if it proves dangerous to responders.

Law firm Chmelik, Sitkin, and Davis have recently completed a memorandum analyzing those concerns and, along with other Washington state attorneys, plan to develop

protocols and policies to provide some guidance in the near future and lessen some of the potential liability concerns.

Attorney Richard Davis expects some revisions to HB 1310 since it was completed without recognizing the effects on emergency responders.

IAFF LOCAL 106NW MONTHLY REPORT

Local 106NW Representative Scott Brown apologized for the Local's part in the unsuccessful levy lid ballot measure.

Scott Brown noted that the Local is better prepared to assist with the upcoming November levy lid lift ballot measure.

A letter has been sent to Chief Van der Veen with the Local's intent to bargain the impacts (*increased call volume and changes in law*) of the reduction in law enforcement response. In the interim, Chief Van der Veen has been providing some guidance regarding those types of calls when law enforcement does not respond.

UNFINISHED BUSINESS

Levy Lid Lift Post Election Report: Chief Van der Veen noted that after reviewing the lesson learned during the August election, the communications committee continues to move forward with the following concepts for the November election:

- Formulate a realistic message.
- Add specific financial information that is both digestible and informative.
- Better educate the community about where we are and where we need to go.
- Talk with influential community members on the east side of the district.
- Better utilize social media and the website.
- Chairman Ansell and Chief Van der Veen will meet with volunteers.

Chief Van der Veen noted that with the August election, the district now has hard data regarding the areas or precincts where the levy lid lift was favorable and where it failed, which will be utilized for the November election. Chief Van der Veen continues to remain optimistic.

Chairman Ansell requested a copy of the map showing where and how the votes were dispersed.

Facilities Update: Chief Van der Veen announced that the district has received three bids for the bay doors paint project. The bid has been awarded and will be completed in the near future.

The district has received three bids (Lynden Sheet Metal, West Mechanical, and Marrs Heating and Air Conditioning) for upgrading the much-needed HVAC system at Birch Bay Station 63. Chief Van der Veen asked for approval to utilize capital facility funds (up

to \$65,000) to upgrade the system including the electrical component. Chief Van der Veen further stated that there are adequate funds in the account.

MOTION: Chairman Ansell authorized Chief Van der Veen to move forward with one of the bids and spend no more than \$65,000 from the capital facilities fund to upgrade the HVAC system including the electrical component, at Birch Bay Station 63. The motion was seconded by Commissioner Crawford and approved 4-0.

Semiahmoo Station 62 Work Party: Chairman Ansell recently coordinated a volunteer work party to spruce up Semiahmoo Station 62 and complete minor routine maintenance. The project was a success with both on-duty crews and volunteers, including firefighters, commissioners, administration, and family members stepping up to participate. Chairman Ansell noted that the station looks refurbished and he appreciates the time provided that was needed to complete the project. Several community members stopped by the station to express their appreciation. It was noted that Commissioner Crawford went out a second time to complete additional pressure washing. Letters of appreciation were sent to everyone involved.

Law Enforcement Response Update:

Chief Van der Veen noted that the district is seeing a twenty percent increase in call volume due to the recent law enforcement changes. Chief Van der Veen expects that B-76 will continue to prescreen those calls to minimize the crews' potential for a severe outcome.

Chief Van der Veen continues to ask for meetings with the Blaine Police Chief and Whatcom County Sheriff to discuss their guidelines for responding to specific calls.

Commissioner Crawford noted the Whatcom County Fire Chiefs Advisory Board expects the projected increase in calls county-wide could be up to 16,000 in 2022.

The City of Bellingham is working on a critical response team to be made up of EMTs and a social worker that will utilize a suburban to respond to those types of Bellingham Fire Department (BFD) calls ahead of an aid unit. There has been no further discussion regarding having the same kind of unit county-wide.

The Whatcom County Chiefs' Association received an explanatory statement via email from the under Sheriff regarding call criteria and how decisions are being made however, it appears that each shift follows their own set of standards and how it is implemented.

Chief Van der Veen noted that a statewide policy would be preferable, and it will most likely take a legal team to figure it out. This bill seems to be causing a lot of frustration and culture change throughout the fire service.

Chief Van der Veen continues to emphasize crew safety.

Attorney Richard Davis noted that there was a recent conference for insurance companies who insure cities to discuss liabilities as a result of law enforcement response changes. There have been no such conferences offered to fire districts to minimize the likelihood of liability at this time.

Attorney Richard Davis provided updated information regarding the public duty doctrine.

Chairman Ansell suggested sending a letter to the Whatcom County EMS requesting that funds be utilized to provide one or more critical response units in the county. Commissioner Crawford stated that the Whatcom County Fire Commission is currently working on a similar letter.

Assistant Chief Process: Chief Van der Veen stated that the interim division chief position will continue until the end of the year.

NEW BUSINESS

Resolution 2021-05 Surplus Bunker Gear: Chief Van der Veen noted that the two surplus sets of bunker gear will outfit the two former firefighters who recently became Bellingham medics. The former member's gear has been prorated and will be sold to Bellingham once the resolution is approved.

MOTION: Commissioner Fischer moved to approve Resolution 2021-05 Surplus Bunker Gear. The motion was seconded by Commissioner Crawford and approved 4-0.

POLICY AND PROCEDURES

None

CORRESPONDENCE

- From Chairman Ansell: Station 62 assistance appreciation
- Komo News article re: Levy lid lift
- The Responder: District newsletter, August issue

ANNOUNCEMENTS

September Meeting Attendance Query: All Commissioners present, with the exception of Commissioner Crawford, are expected to attend the September 16, 2021, meeting.

Upcoming Retirements

Chief Van der Veen noted that mechanic John Lovatt and Lieutenant Keith Zylstra are expected to retire on October 1, 2021. They will be recognized for their years of service in a smaller setting in the near future.

Chairman Ansell wished both members well.

The mechanic's position will be on hold, dependent on the levy lid lift ballot measure results on the November election.

AGENDA ITEMS FOR THE NEXT MEETING

- Contract for Services with District 4
- Proclamation 21-14 COVID-19 Vaccine Requirement
- Law Enforcement response
- Levy Lid Lift update
- Facilities update
- City of Blaine Fire Marshal Interlocal Agreement (*tabled*)
- Assistant Chief Process (*tabled*)

EXECUTIVE SESSION

Chairman Ansell recessed the meeting for an Executive Session per RCW 42.30.110(i) *“to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.”* at 1:53 p.m. for at least ten minutes until 2:07 p.m. Chief Van der Veen and Attorney Richard Davis remained for the executive session. No action is expected.

MEETING RECONVENED

Chairman Ansell called the regular meeting back into open session at 2:08 p.m. No action was taken.

SIGNING OF DOCUMENTS

ADJOURNMENT

MOTION: There being no further business, Commissioner Crawford moved to adjourn the meeting at 2:08 p.m. The motion was seconded by Commissioner Fischer and approved 4-0.

Respectfully Submitted by:

Jennie Sand, Board Secretary

ATTEST:

Bruce Ansell, Chairman

John Crawford, Commissioner

Scott Fischer, Commissioner

Kimberly McMurray, Commissioner

Jason Van der Veen, Fire Chief