



NORTH WHATCOM REGIONAL FIRE AUTHORITY COMMITTEE



SPECIAL MEETING #9

via Zoom Meeting
10:00 a.m.
March 23, 2021

CALL TO ORDER

Chairman Bruce Ansell called the Regional Fire Authority (RFA) Committee Meeting for March 23, 2021, to order at 10:02 a.m. via Zoom Meeting.

ATTENDEES

Committee Members

Chairman Bruce Ansell, Vice-Chairman Scott Fisher (D21), Commissioner Harry Andrews (D4), Commissioner Rich Bosman (alternate D21) Commissioner Mark Lann (D4).

Guests

Fire Chief Jason Van der Veen (D21), Consultant Karen Reed, Logan, Attorneys Richard Davis (D21), and Joseph Quinn (D4), Division Chief Shaun Ward (D21), Board Secretary Jennie Sand (D21), Local 106 NW Representatives Kenneth Cunningham and Scott Brown and District Administrator/Board Secretary Kris Parks (D4).

Chairman Ansell and Chief Van der Veen queried the presence of Commissioner Hanson. Kris Parks stated that he would not be attending as he had an emergency work commitment.

1. WELCOME AND INTRODUCTIONS

Consultant Karen Reed welcomed the group, new District 4 Interim Fire Commissioner Mark Lann, and Attorneys Richard Davis (D21) and Joseph Quinn (D4).

2. REVIEW OF AGENDA

All committee members have reviewed the agenda. There was no discussion, additions, or deletions.

3. APPROVAL OF MEETING MINUTES

All committee members have reviewed the minutes.

MOTION: Vice-Chairman Fischer moved to approve the March 9, 2021 minutes. The motion was seconded by Commissioner Andrews and approved 5-0.

4. UPDATES

District 4 Interim Fire Commissioner: Commissioner Lann introduced himself to the group. He stated that he had recently met in person with Chief Van der Veen and by phone with Consultant Karen Reed. He is in the process of trying to assimilate a great deal of RFA data.

Website: Chief Van der Veen noted that the RFA agendas, approved notes, and other pertinent information continues to be added to the RFA tab on the NWFR and District 4 websites.

RFA information is also added to the electronic NWFR monthly newsletter.

There have been no recent community queries about the RFA.

Meeting with Labor: Chairman Ansell and Chief Van der Veen recently met with existing (Kenneth Cunningham) and new (Chris Hollander and Scott Brown) Local 106NW representatives. The representatives are very supportive of the RFA process and pledged their support and assistance if and when the campaign process moves forward for the August ballot.

Election Consultant: Chief Van der Veen and Consultant Karen Reed recently met with Election Consultant Kris Faucett from the public relations firm of Lund Faucett, located in Seattle, WA. Discussions included the RFA process along with the demographics of each District. Kris Faucett has completed successful RFA work in a variety of similar settings (Marysville and Graham RFA).

Kris Faucett intends to utilize past incidents such as the successful train derailment to send a positive message to our community regarding the RFA. All three consultants will work collaboratively to shape the message, provide outreach and education that will be disseminated throughout the Districts.

Karen Reed announced that Consultant Heather Logan had a scheduling conflict that prevented her from attending this meeting. She is expected to attend the next meeting.

5. COMPLETION OF THE RFA PLAN NEGOTIATION DISCUSSION:

Consultant Karen Reed noted that certain issues have been recently identified that will need to be resolved before the Committee can move forward in the RFA process.

Karen Reed noted that both Districts have been involved in this RFA journey since August 2020. Many issues have been resolved which is encouraging, however, it may be that an agreement cannot be reached and that the RFA project may need to be ended. It is up to the Districts whether to continue on in the process.

Both Districts have had a long-standing relationship and Karen Reed noted that whatever the decision is made with respect to the RFA, that relationship will continue at least in the

short term. She is hopeful the whatever the decision, it is made with grace, anticipating a future in which both Districts are joined in the common cause of providing good quality service in both District areas.

Based on earlier discussions, Karen Reed noted that it was her understanding that both parties have declined to ask for an executive session at this meeting. Either District or their Attorneys Richard Davis or Joseph Quinn can request an executive session to be scheduled at another date and time.

Karen Reed cautioned the group that they should avoid talking about personnel matters in an open meeting that would be more appropriately discussed in an executive session. The issue on the table relates to the job position of the District 4 employee on day one of the RFA and moving forward from that day.

Karen Reed noted that since District 4 Commissioner Hanson is not in attendance, it is not clear if any issues can be resolved during this meeting, even with a quorum of both Districts. Either District can decide to confer with their entire Board prior to proceeding with the discussion. Karen Reed announced that the District 4 Board has scheduled a special Board meeting for this afternoon.

Commissioner Lann stated that he has not yet had the opportunity to talk with either District 4 Commissioners regarding the RFA process and at the moment feels somewhat at a disadvantage.

Karen Reed inquired as to whether the District 4 Commissioners would like to proceed with the proposed agenda items or reschedule after their special Board meeting. Commissioner Andrews expressed his desire to wait until after their Board meeting to proceed. In light of Commissioner Hanson's absence, Karen Reed agreed that it makes no sense to delve into further discussions until after the District 4 Commissioners have had a chance to confer and all were able to attend an upcoming RFA meeting.

Karen Reed opened it up for the District 21 Commissioners to respond.

Chairman Ansell noted that direction from the District 21 Board includes continuing to move forward with the RFA planning process. The District 21 Board has been transparent during this entire process and believes that an RFA has significant advantages to the communities, especially in District 4. In addition, the Districts have had a ten-year working agreement.

Chairman Ansell noted that at one point there had been some concerns regarding the contract for services with District 4, as well as suggestions to terminate the contract at the end of this year if an agreement could not be reached. Since then it seemed like both Districts had buried the hatchet and there was an agreement to move forward with the RFA process. Chairman Ansell pointed out there were no "no go" issues identified early on in any discussions regarding the RFA process, and that District 21 has never wavered in their position.

Chairman Ansell informed the Committee that he had received communication from Commissioner Hanson on Monday, March 22, 2021, stating that the finance manager position was in question and that District 4 would be holding a special meeting today, Tuesday, March 23, 2021, at 2:00 p.m.

Chairman Ansell further stated that he expected Commissioner Hanson to be in attendance during this meeting so he could provide some clarification. Commissioner Andrews confirmed that he saw the correspondence from Commissioner Hanson to Chairman Ansell. Commissioner Lann does not recall receiving the letter, however, he stated that he is open to receiving additional communication to become better educated on the many issues that need resolving.

Commissioner Andrews reiterated that he is not willing to discuss District 4's concerns at this meeting until after the District 4 special meeting scheduled for later today.

Karen Reed warned that there is a limited amount of time to finish the RFA discussions and stressed the importance of resuming discussions as soon as possible to make the Friday, May 14, 2021 ballot submittal deadline. In addition, a second round of public outreach with the community regarding the RFA Plan will need to be scheduled for the latter part of April. The last public outreach will determine if any further changes need to be made to the RFA Plan.

Karen Reed noted that there are approximately two weeks to wrap up discussions to be prepared for the community outreach and have an understanding if the RFA is moving forward and if so under what proposed arrangement.

The group agreed to meet again as soon as possible with both a joint Board of Commissioners meeting alongside an RFA Planning Committee to allow for one or more executive sessions as suggested by Attorneys Richard Davis and Joseph Quinn.

Karen Reed is hopeful that when the group meets again a decision will be made upfront regarding what discussions need to happen (open meeting or executive). District 4 agreed to inform Karen Reed of what type of meeting will be necessary. Other crucial discussions will focus on addressing specific interests.

Chairman Ansell noted that in the earlier communication from Commissioner Hanson, he stated that he would follow up his statement in writing. Chairman Ansell noted he would appreciate receiving the District 4 response in writing. Both Commissioners Andrews and Lann agreed.

Attorney Joseph Quinn agreed with Karen Reed, noting that no movement can happen until after the District 4 Board meeting. Executive sessions are routinely utilized for the performance of public employees (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.*")

In addition, Attorney Joseph Quinn pointed out that RCW 52.26.100 (6)(a) discusses the rights of existing employees with regards to forming an RFA. *“Subject to (c) of this subsection, all employees of the participating fire protection jurisdictions are transferred to the jurisdiction of the regional fire protection service authority on its creation date or, in the case of a fire protection jurisdiction, on the effective date that the fire protection jurisdiction is subsequently annexed into an authority. Upon transfer, unless an agreement for different terms of transfer is reached between the collective bargaining representatives of the transferring employees and the participating fire protection jurisdictions, an employee is entitled to the employee rights, benefits, and privileges to which he or she would have been entitled as an employee of a participating fire protection jurisdiction, including rights to:*

- (i) Compensation at least equal to the level at the time of transfer;*
- (ii) Retirement, vacation, sick leave, and any other accrued benefit;*
- (iii) Promotion and service time accrual; and*
- (iv) The length or terms of probationary periods, including no requirement for an additional probationary period if one had been completed before the transfer date.”*

Attorney Joseph Quinn noted that in his opinion, this topic would also be beneficial to discuss during another meeting, when all commissioners could attend, in either a separate or joint executive session.

On a separate note, Joseph Quinn stated that he is familiar with the Lund Faucett firm, noting that they had done an excellent job with election outreach with Graham Fire on their new benefit charge.

6. DISCUSSION – Recommended RFA Starting Levy Rate: Consultant Karen Reed recommended delaying any decisions on the starting levy rate until the next meeting.

Chairman Ansell noted that during the joint work session, Commissioner Andrews had expressed concerns regarding the proposed \$1.45 levy rate. Commissioner Ansell invited Commissioner Andrews to voice his opinion and comment on his concerns.

Commissioner Andrews stated that during the joint work session it was noted that the difference between a levy rate of \$1.35 and \$1.45 on a \$400,000 home was approximately \$3.00 per month. Commissioner Andrews stated that due to the numerous wealthy community members in the District 4 area who have expensive homes, it significantly changes the aspect of the monthly payments. In addition, Commissioner Andrews noted that the District 4 public are very intelligent, very wealthy, and will not “rubber stamp”, but will analyze the levy request. Commissioner Andrews expressed his concern regarding what the levy rate request will look like to his community and questioned whether it will help or hinder the vote.

Commissioner Andrews noted that although the \$1.45 is a benefit for the RFA in the future, he continues to be concerned about District 4’s community perception. Commissioner Andrews stated that he is more comfortable with a \$1.40 levy rate.

Karen Reed reminded the group that public outreach will be vital to explain the RFA decisions and what the additional levy amount will ensure for the residents. It is crucial that both Districts consistently deliver the same message to the public.

With regards to Commissioner Andrews's concern about residents with larger homes, Chairman Ansell requested clarification regarding the difference between a benefit service charge and levy rate. Attorney Joseph Quinn noted that a benefit service charge is adjusted based on the size of a residential home. Chairman Ansell stated that it is common in the fire industry to charge more based on the size of the residence.

Karen Reed reminded the group that they had previously determined not to pursue a benefit service charge.

Commissioner Lann expressed his curiosity regarding having someone investigate various levy rate scenarios including:

- What would \$1.45 mean for an RFA?
- What would \$1.45 mean for District 4 on their own?
- What would \$1.45 mean for District 21 on their own?
- What would \$1.45 mean if both Districts continued to operate under the interlocal agreement?

Before a decision is made, Commissioner Lann noted that he needs to be aware of the impacts on different customer groups and how best to address the public's questions.

Commissioner Bosman responded, noting that his belief is that the requested information will be made available during future public outreach meetings.

Commissioner Bosman questioned why the whole RFA process may come to a stop since they are discussing an issue that has yet to be established. The group has not yet come to a point in the process to determine who will fill what position on the organizational chart.

Karen Reed noted that the RFA planning process should allow for adjustments. The organizational chart shows the positions that will be in place on the first day of the RFA, not actual names associated with those positions—this is commonplace. Karen Reed noted that the baseline and baseline plus organizational charts were already presented during the February 25, 2021, joint work session. It was designed to have the one District 4 employee placed in the training administrative assistant position. It is Karen Reed's understanding that that proposed position for the one District 4 employee on the RFA organizational plan is now unacceptable to one or all of the District 4 Commissioners and is one of the remaining issues that need to be resolved for the Plan to move forward.

7. RFA PLAN NEXT STEPS

Key Issues remaining: Consultant Karen Reed reviewed the handful of remaining topics that have yet to be solidified on the RFA Plan which are significant, however, she

believes that they can be resolved expeditiously. The biggest issue seems to be the organizational chart and the position of the one District 4 employee in the RFA.

- Organizational chart confirmation
- Transfer of asset and facilities confirmation
- Starting levy rate confirmation
- Commitment of funds to support the RFA (October-December 2021 Operations) by both Districts

8. NEXT MEETING(S)

Potential Special Joint Board Meeting (*Executive Session*) and RFA Planning Committee Meeting: Monday, March 29 at 1:30 p.m.

9. CLOSING COMMENTS

Local 106NW Representative Kenneth Cunningham expressed his frustration regarding how the one person who is unhappy with her position within the RFA, seems to have the ability to push the Plan to the breaking point, while other line members are concerned about having a job at all if the RFA does not come to fruition.

Kenneth Cunningham stated that he has spoken to Commissioner Hanson on several occasions and was reassured that line members would not be laid off nor would they lose their jobs. Even though Kenneth Cunningham is aware that he has not been privy to all the recent conversations, from a labor perspective, the information he has acquired over the past couple of days has been very disheartening.

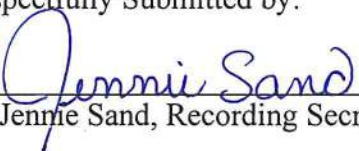
District 4 Administrator Kris Parks stated that the comments made by Kenneth Cunningham should not be made outside of an executive session. She stated that she has never personally commented to anyone either verbally or in writing regarding the matter. Kris Parks stated that Mr. Cunningham is not correct in stating that she had made any public comments regarding her position in the RFA.

Commissioner Andrews stated that cannot speak for Commissioner Hanson regarding his availability to attend the planned meeting. He intends to inform Commissioner Hanson of the meeting scheduled for Monday, March 29 at 1:30 p.m. but is not sure if he will be able to attend.

10. ADJOURN

MOTION: There being no further business Commissioner Andrews moved to adjourn the meeting at 10:44 a.m. The motion was seconded by Vice-Chairman Fisher and approved 5-0.

Respectfully Submitted by:



Jennie Sand, Recording Secretary

ATTEST:



Bruce Ansell, Chairman