

**Whatcom County Fire District #21
Station 61 – Blaine
9408 Odell Street, Blaine WA 98230
1:00 pm
February 21, 2019
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 February 21, 2019 to order at 1:04 p.m. at Station 61 – 9408 Odell Street, Blaine, WA 98230.

PLEDGE OF ALLEGIANCE

ROLL CALL

Attendees: Chairman Rich Bosman; Vice-Chairman Bruce Ansell; Commissioner Dean Berkeley and John Crawford; Interim Fire Chief Joe Noonchester; Division Chiefs Henry Hollander and Jason Van der Veen; Attorney Rich Davis.

Commissioner Larry McPhail was previously excused.

PUBLIC COMMENT

- None

RECOGNITION

- On behalf of the district, Chairman Rich Bosman recognized Steve Kruyswijk, President of Whatcom Lawns Inc., for donating services for the initial cleanup and continuous maintenance of the grounds at Wiser Lake Station 70. The value of their donation for 2018 is estimated at approximately \$8,000.00.

Chief Hollander will look into installing a plaque at Wiser Lake Station 70, acknowledging Whatcom Lawns for their efforts.

OATH OF OFFICE

- Chief Noonchester conducted the swearing in of temporary Division Chief of Operations, Jason Van der Veen. His wife Meghan participated by pinning on his badge.

APPROVAL OF CONSENT AGENDA

1. Meeting Minutes
 - a) January 17, 2019
2. Staff Reports – Chiefs / Operations / Training / Technical Support
3. Financial Report / Revenue
 - a) Total Revenue –January \$520,781.43

- b) Total Expenditures – February \$557,250.81
- 4. Voucher / Payroll / Benefits
 - a) NWFR Employees Direct Deposit Payroll: \$284,426.28
 - b) Non-Direct Payroll: \$96.50
 - c) Benefits Voucher: \$172,146.17
 - d) Monthly Expenditure Vouchers: \$100,571.86

Vice-Chairman Ansell requested clarification regarding the addition of the 2019 budget line item 522.30.10.001 Regular Salary Public Relations Officer. Chief Noonchester stated that Chief Hollander’s salary and benefits have been relocated from the facilities’ division to this line item, serving as a place holder for the future fire marshal’s salary.

To avoid confusion, Vice-Chairman Ansell requested that the line item be renamed to either fire marshal or fire prevention division chief. Chief Noonchester noted that the change can and will be made in the new accounting software.

Chief Hollander pointed out that he had included the apparatus inventory asset numbers used by maintenance in his section of the chiefs’ report, which was requested by a District 4 fire commissioner. Vice-Chairman Ansell commented on the age of some of the apparatus.

MOTION: Vice-Chairman Ansell moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Crawford and approved 4-0.

NW FIRE COMMISSIONER MONTHLY REPORTS

- **Legislative Correspondence:** Commissioner Berkeley received communication from Representative Luanne Van Werven regarding his desire to keep cursive writing in schools. Commissioner Berkeley was informed that currently there is a bill in front of the House that she is promoting making it mandatory to teach cursive in all public schools in Washington State.
- **Legislative Meeting:** Chief Noonchester recently attended a meeting with Representative Luanne Van Werven in Olympia on Monday, February 4, 2019. During the meeting, Chief Noonchester provided information regarding the fire service, how the district operates, along with budgetary concerns. Chief Noonchester stated that it was a worthwhile trip and that Luanne Van Werven was very receptive.
- **Blaine City Council:** Chief Hollander announced that new council member Jamie Arnett was sworn in on January 30, 2019.

- **Acting Blaine Police Chief:** Chief Hollander noted that the Blaine City Council appointed Ryan King as the Acting Police Chief until a new chief is hired.

IAFF LOCAL 106 MONTHLY REPORT

- Representative Kenneth Cunningham produced a letter outlining the Locals' request for the Board to consider reclassifying the fire marshal division chief to a position represented by Local 106 NW, thus providing North Whatcom Fire and Rescue members the opportunity to promote.

In the past, the position has been held by a non-represented division chief. Kenneth Cunningham further stated that the Local would like to have the position filled from within the department.

Chairman Bosman thanked the Local for the correspondence, which will be taken under advisement and responded to as appropriate.

LEGAL ISSUES

- **Paid Family and Medical Leave (PFML) Law:** Attorney Rich Davis reviewed the current leave laws including the Family Leave Act (FLA), Family Medical Leave Act (FMLA), Paid Sick Leave Act and the Domestic Violence Leave Act.

Rich Davis also explained the new changes to Washington State Law.

- PFML law is a mandatory insurance program administered by the Employment Security Department (ESD).
- Portable benefit (applies to hours worked by employee for all employers).
- Provides partial wage replacement for certain family and medical reasons.
- Employee's benefits are for up to twelve weeks for:
 - New child including birth, adoption and foster placement
 - Serious illness or injury employee or caring for serious injury or illness of relative
 - Preparation for pre and post deployment
 - However, if multiple events in a year, the employee may be eligible for sixteen weeks total up to eighteen weeks if serious health condition during pregnancy resulting in incapacitation.

Rich Davis reviewed the implementation timeline for the PFML.

- January 1, 2019 – collect premium
- April 30, 2019 – First reporting deadline
- January 1, 2020 – Benefits available

Rich Davis reviewed how the law interplays with other leave laws, accrued leave policies, as well as employee issues and the benefit application process.

In addition, Rich Davis noted that the law does apply to the current bargaining group and district employees have been paying premiums beginning January 1,

2019. Fire Commissioners are also paying premiums, deducted from their stipends however, they are unable to take advantage of the benefit. The fire commissioner clause remains under review at this time.

UNFINISHED BUSINESS

- **Fire Chief Recruitment Process:** Chairman Bosman stated that while the district will continue to pursue a fire chief recruitment process, the commissioners will wait to see how the upcoming regional fire authority discussions progress with District 7, scheduled for some time after August, 2019.

Vice-Chairman Ansell noted that it would be counterproductive to move forward at this time with hiring a new chief prior to future RFA discussions. In addition, Vice-Chairman Ansell recommended that as long as the district continues to operate smoothly, a fire chief hiring process could be put on hold. Both Commissioners Berkeley and Crawford concurred with Vice-Chairman Ansell's recommendation. Chairman Bosman further noted that RFA discussions could be a multi-year endeavor.

Vice-Chairman Ansell noted that appointing a division chief of operations will take away some of the burden of the fire chief with regards to operating the district. It has yet to be determined how the district will manage the responsibilities of the other division chief position when Chief Hollander retires.

The Board requested that the fire chief recruitment process be revisited during the joint meeting with District 4 in April.

Mitigation Revenues: Earlier, the Board had requested that attorney Rich Davis to review the current mitigation contracts to determine when and how mitigation funds could be allocated. Chief Noonchester noted that after reviewing the current mitigation contracts, attorney Rich Davis has agreed with the fire chief that it is appropriate and fits the criteria to reallocate \$39,881.63 to be used for partial payment of Ladder 63. It is expected that Ladder 63 will be paid in full by the end of 2019.

Chief Noonchester noted that by allocating these funds the district will have utilized any mitigation funds that were approaching their five year time limit. The mitigation fund will continue to evolve as funds are collected. Chief Noonchester agreed to forward a copy of the mitigation working spreadsheet to the Board.

MOTION: Vice-Chairman Ansell moved to approve allocating \$39,881.63 to the LTGO fund to be utilized for partial payment of Ladder 63. The motion was seconded by Commissioner Berkeley and approved 4-0.

NEW BUSINESS

- **2018 Budget Amendment 2019-01:** Chief Noonchester provided information regarding the 2018 budget amendment.
 - General Expense Fund increased from \$7,693,374.83 to \$7,927,799.86
 - Capital Projects Fund increased from \$20,500.00 to \$58,379.36
 - Upgrade mobile data terminal (MDTs) – grant proposal denied
 - Upgrade self-contained breathing apparatus (SCBA) compressor
 - Capital Projects Facilities Fund increased from \$28,000.00 to \$56,727.22
 - New roof at Semiahmoo Station 62

MOTION: Commissioner Crawford moved to approve the 2018 Budget Amendment 2019-01. The motion was seconded by Vice-Chairman Ansell and approved 4-0.

- **Payroll Software Issues:** Chief Noonchester reviewed recent payroll issues identified when the 2018 W2 forms were dispersed. The district purchased a new payroll software program (BIAS) in 2018 that many surrounding fire districts are also utilizing. BIAS communicates with the both the district's scheduling and dispatch software.

Recently it was discovered that there was an issue in the way some of the deferred comp and other formulas were inputted, making the W2 forms incorrect. The district utilized a local outside certified public account firm to assist with resolving and correcting the issues and new W2 forms were sent out. BIAS corrected their formulas errors however, the correction did come at a cost to the district (\$881.00.00 plus additional staff time).

Vice-Chairman Ansell noted that according to the business manager, she had attempted to contact a BIAS representative on multiple occasions to check if there were any issues prior to releasing the W2 forms.

Items set up in BIAS incorrectly include:

- Union dues were incorrectly set up as pretax in 2018.
- Payroll for both Medicare and FWT were incorrectly set up as pretax in January 2019.
- Deferred comp was incorrectly setup as post tax for 2018 and January 2019
- Dependent healthcare was incorrectly setup as pretax for both Medicare and FWT for 2018 and January 2019.

Chief Noonchester stated that he is confident that the issues have been resolved. Depending on some fact finding regarding the contents of the original BIAS contract and if / how the district directed BIAS to remove certain taxes, the Board agreed to have attorney Rich Davis draft a letter requesting some sort of

reimbursement in an effort to recoup the cost of hiring an outside company along with the staffs' time and effort.

- **Division Chief Hollander's Replacement Process:** Chief Noonchester recently met with Chief Hollander to review the transition process prior to his upcoming retirement. Over the years Chief Hollander has absorbed various duties outside the scope of his job description.

Chief Hollander has compiled a list of his duties and a meeting to include the chiefs and captains will be held to discuss some of the delegation apart from the fire marshal and prevention duties.

Although the chiefs are still in the process of filtering through the list, one of the ideas brought up included hiring a part time civilian to oversee facilities and maintain the buildings.

Vice-Chairman Ansell asked if the district had anyone in the organization either paid or volunteer who possessed the required skillset. Chief Hollander stated that in his opinion, the job may require up to twenty hours per week. Chief Hollander noted that he may be interested in overseeing facilities on a part time and trial basis. Vice-Chairman Ansell noted that in the future, the position may require more hours. More research and discussion is anticipated.

- **Regional Fire Authority (RFA) Update:** Chairman Bosman noted that he and Vice-Chairman Ansell recently met with members of District 7 to discuss moving forward with a potential Regional Fire Authority.

A response letter by the District 7 Board noted that at this time District 7 has committed all their efforts into a bond issue to be brought before their voters in August, 2019. Once complete they will be happy to resume discussions and devote their full attention towards evaluating the concept to assist in making an informed decision regarding potential regionalization.

On behalf of the Board, Chairman Bosman responded that the North Whatcom Fire and Rescue was willing to resume discussions after the August, 2019 vote.

Vice-Chairman Ansell suggested forming a small committee which may include a member of the District 4 Board, to do some unofficial preliminary background work prior to August discussions. In addition, the committee would also meet with labor and administration to discuss their wants and needs. Vice-Chairman Ansell agreed to head up the committee, gather information and educate the Board. Commissioner Berkeley noted that he would like to know more about the regional fire authority depiction as well as the process. Binders describing the process will be provided to each commissioner.

Chairman Bosman pointed out that the District 7 letter stated that in the interim, the two organizations could take advantage of some response agreements and joint training.

Chief Noonchester noted that he is acquainted with the fire chief from Puget Sound Regional Fire Authority who has offered to send up experts to discuss the subject in detail, free of charge. Other departments the committee may be able to seek information from include Kent and Snohomish District 1.

- **Port of Bellingham Mitigation Waiver Request:** Chief Hollander noted that the original mitigation fees were adopted in 2009 and recalculated in 2016. In August 2018, the City of Blaine adopted impact fees that reflect the same fee schedule.

Chief Hollander provided information regarding a recent mitigation waiver request by the Port of Bellingham. The Port is in the process of tearing down old storage lockers down by the harbor and replacing them with new storage units. The building will be more fire proof than the originals and no significant impact to the district.

The Port has also requested and been granted a waiver from the City of Blaine for traffic impact fees.

Chief Hollander noted that the district has been billing all construction projects that require SEPA, including the school, regardless of whether will project will further impact the fire service. If the district agrees to the Port of Bellingham's request, his concern is that any upcoming projects requiring SEPA and that will not further impact fire response, will also request a waiver.

The Port is willing to add additional features to their project including the addition of fire extinguishers in each unit, to ensure units are more fire proof. Due to cost, they are not committed to adding a fire sprinkler system. Since there is no significant impact, Chief Hollander recommend a fifty percent reduction in the fire impact fees for this particular and unique project.

MOTION: Chairman Bosman moved to accept the recommendation of Chief Hollander to reduce the Port of Bellingham's fire impact fees by fifty percent for this particular and unique project of replacing storage lockers. The motion was seconded by Vice-Chairman Ansell and approved 3-0. Commissioner Crawford abstained.

Chief Hollander will send a letter to the Port of Bellingham with the Boards decision.

POLICIES & PROCEDURE

- **0400.011.00 Division Chief / Fire Marshal:** Chief Noonchester noted that the original 2007 policy has been updated to include an updated job description, plus additional educational and certification requirements.

The division chief / fire marshal posting has been advertised in the Bellingham Herald as well as the Daily Dispatch (western states). The posting will close on February 28, 2019. The position is open to anyone who meets the qualifications.

Earlier, Local 106NW Representative Kenneth Cunningham presented a letter on behalf on the Local requesting that the Board consider reclassifying the posting from a division chief and open the position to district members as a promotional opportunity.

Vice-Chairman Ansell is uncertain to what if any changes may need to be considered in the policy regarding the timeline or qualifications to accommodate an internal candidate.

Chief Noonchester does not agree that the position should be a solely represented position. The district is in need of a chief officer whose role is vital to the department including extensive knowledge of mitigation and new construction issues.

Chief Noonchester noted that there is a potential to train an internal candidate (minimum twelve months) however, concerns including the risk of missing out on collecting mitigation monies is great during the training period. In addition, if the fire marshal does not attend a technical review committee (TRC) meeting, mitigation fees may not be recognized.

Chief Hollander noted that an outside candidate who already has the skill set would also need additional training however, not as extensive. Mitigation concerns aside, Chief Hollander is not against hiring from within the department. In addition, Chief Noonchester clarified that he is all for supporting the members though his reluctance lies in dropping the ball on matters such as mitigation fees.

Although the district has received an interested phone call, there have been no submitted applications at this time.

Commissioner Berkeley stated that if the district hires from within quickly, that person could shadow Chief Hollander until he retires the end of May.

The biggest deterrent for internal candidates is the minimum qualifications, specifically the fire marshal requirements.

Chief Noonchester reiterated that he does not want to lose a chief officer position. As the district grows the prevention program, the division chief / fire marshal may add positions that may include a represented position.

Vice-Chairman Ansell noted that the Board also desires a division chief / fire marshal position who would oversee the fire prevention division which may in time add fire inspectors and a more substantial public education component. Vice-Chairman Ansell further stated that the division chief / fire marshal position will not be a represented position. Members who may desire less physically demanding positions may be able to transition to those spots under the division chief / fire marshal's supervision in the future.

Chief Noonchester noted that if there are no applications the district plans to reevaluate.

Vice-Chairman Ansell noted that even if approved the division chief / fire marshal minimum qualifications can be modified or exceptions allowed, provided the district could get the person up to speed quickly.

MOTION: Commissioner Berkeley moved to accept Policy 0400.0011.00 Division Chief / Fire Marshal. The motion was seconded by Vice-Chairman Ansell and approved 4-0.

CORRESPONDENCE

- Volunteer Stipend Increase Information
- To District 7 regarding potential regionalization efforts
- To District 4 regarding potential regionalization efforts
- From District 7
- Community Toy Store re: Thank you for participation
- Northern Light article re: Birch Bay house fire
- Northern Light article re: CERT training
- Bellingham Herald article re: Hohl's Feed and Seed structure fire
- The Responder: District newsletter, February issue

ANNOUNCEMENTS

- **March Board Meeting Attendance Query:** All Commissioners present are expected to attend the March 21 meeting.

PUBLIC COMMENT

- None

AGENDA ITEMS FOR THE NEXT MEETING

- Fire Chief Recruitment Process – April

EXECUTIVE SESSION

Chairman Bosman recessed the meeting for an Executive Session, 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 2:45 p.m. until approximately 3:00 p.m. Assistant Chief Joe Noonchester, Division Chiefs Henry Hollander, Jason Van der Veen and Attorney Rich Davis remained for the executive session.

MEETING RECONVENED

Chairman Bosman called the regular meeting back into open session at 3:04 p.m. Action will not be taken as a result of the executive session.

SIGNING OF DOCUMENTS

ADJOURNMENT

MOTION: There being no further business Vice- Chairman Ansell moved to adjourn the meeting at 3:10 p.m. The motion was seconded by Commissioner Berkeley and approved 4-0.

Respectfully Submitted by:

Jennie Sand, Recording Secretary

ATTEST:

Rich Bosman, Chairman

Bruce Ansell, Vice-Chairman

Dean Berkeley, Commissioner

John Crawford, Commissioner

Chief Noonchester, Board Secretary