

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 1 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

Supersedes Previous Policies Regarding Commissioner Duties, Conduct & Responsibilities

BOARD of COMMISSIONERS

ROLE

The role of the Board of Fire Commissioners of North Whatcom Fire and Rescue District is to establish the policies and budget of the District; provide fiscal controls; provide a conduit to the citizens of the community; and to employ a Fire Chief to implement and direct the necessary functions following the strategic plans and policies of the District. The District is governed by the Board and not the Commissioners individually. Only the Board has the authority to act, the individual Commissioners have no authority to act unless delegated that power by the Board.

Role of the Individual Commissioner

Each individual Commissioner works as part of a team on the Board to reach decisions of the Board. Each Commissioner should review the packet of material prepared by staff prior to the meeting of the Board in order to be prepared for the meeting. Once the Board has reached a decision, the individual Commissioner should make an effort to support the decision of the Board even if they do not like the decision of the Board.

Guiding Principles

Through honest, open and visionary direction; we, the Board of Commissioners for North Whatcom Fire and Rescue, will lead by example. We shall hold ourselves accountable while engaging in open dialogue and transparent policy development. We embrace new ideas and accept change as needed to provide the resources for agency employees required to perform their duties safely and with excellence. We shall strive for policies that result in the highest quality of public safety services that can be reasonably provided in a timely manner to those we serve.

We will adhere to a spirit of cooperation and collaboration with our colleagues and respect each other's opinions while remaining fully accountable for our actions as officials in fulfilling a public trust.

SECTION NO. TITLE

PAGE NO.

Cancel: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 2 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

1 Authority	3
2 Board Meetings	3
3 Agenda Preparation	9
4 Board Discussion	10
5 Comments and Testimony to Board	10
6 Quorums/Motions & Voting Procedures	10
7 Board Chair and Vice Chair	13
8 Commissioner Committees	15
9 Board Relations with Staff	15
10 Board Meeting Staffing	17
11 Commissioner Attendance at Meetings	18
12 Media Representation at Board Meetings	18
13 Board Representation	18
14 Confidentiality	19
15 Commissioner Compensation	20
16 Board Travel & Expenses	21
17 Public Records	22
18 Filling Board Vacancies	24
19 Suspension and Amendment of Guidelines	27
20 Enforcement	27
21 Miscellaneous	27
Appendix A Chair of Board “Job Description”	28
Appendix B The “Perfect” Commissioner	29

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 3 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

1.0 Authority

1.1 The North Whatcom Fire and Rescue Board of Commissioners hereby establishes the following guidelines for the conduct of Board meetings, proceedings and business, pursuant to RCW 52.14.100. The Board conducts the affairs of the District, not individual Commissioners.

1.2 These guidelines shall be in effect upon adoption by the Board and until such time as they are amended or new guidelines adopted in the manner provided by these guidelines.

1.3 In addition to these guidelines, the Board of Fire Commissioners possesses the power and authority as set forth in Title 52 RCW and other applicable provisions of the Revised Code of Washington.

2.0 Board Meetings

2.1 Types of Meetings

2.1.1 Regular - The regular meetings of the Board shall normally be held on the third Thursday of each month.

2.1.2 Special - Any Board meeting other than the Regular Board meeting. Notice shall be given at least 24 hours in advance. A Special Board meeting may be scheduled by the Chair or at the request of a majority of the Commissioners.

2.1.2.1 Special meetings will be specifically for the purpose of reviewing particular issues that are given in the notice.

2.1.2.2 Public notice will be required as provided in RCW 42.30.080.

2.1.2.3 Final decisions can be made at a special meeting.

2.1.3 Emergency - a Board meeting called without the 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24-hour notice would make notice impractical or increase the likelihood of such injury or damage.

2.1.3.1 Emergency meetings may be called by the Chair or a majority of Commissioners.

2.1.3.2 The Chair will announce the reason for the emergency at the start of the meeting.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 4 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

2.1.4 Committee Meetings – a meeting of less than a quorum of Board members to discuss issues, provide input to the Fire Chief, and to keep the Board members informed on critical issues before them.

2.1.41 The committee structure allows for discussion and input only, no decision-making authority.

2.1.42 Items requiring a decision by the Board shall be brought forward at an official Board meeting for action.

2.1.43 Committee meetings may be called by Committee members, the Board Chair, or the Fire Chief, as needed.

2.1.44 Items for discussion may be referred to a committee by the Board at a Regular, Special or Emergency Meeting of the Board.

2.1.5 Executive Session - a portion of a Board meeting that is closed except to the Board, and those authorized to attend by the Board. The public is restricted from attendance.

2.1.5.1 Executive sessions may be held during regular, special or emergency Board meetings; or work sessions and will be announced by the Chair.

2.1.5.2 Executive session subjects are limited to considering only those items specified in RCW 42.30.110 (examples include, but are not limited to, matters relating to real property acquisition and sale, public bid contract performance, complaints against public officers and employees, public employment applications and public employee evaluation, elective office appointments and attorney-client discussions).

2.1.5.3 Before convening an executive session, the Chair shall announce the purpose of the meeting and the anticipated time when the session will be concluded.

2.1.5.3.1 Should the session require more time, a public announcement shall be made that the executive session is being extended for a specific amount of time.

2.1.5.3.2 Executive sessions may be extended as many times as may be necessary.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 5 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

2.2 Regular Board meetings

Regular Board meetings will normally be held the third Thursday of each month in the Commissioner Board Room at the fire station located at 9408 Odell Street, Blaine WA.

2.2.1 Regular Board meetings will begin at 1:00 p.m.

2.3 Work Sessions

2.3.1 Work Sessions – Work sessions are Board meetings held for the purpose of the study and review of issues. The Board may amend, by resolution, the regular work session meeting schedule. The Chair or the Board may call for work sessions to be held on other dates or times, and if so, then those work sessions will be considered special meetings of the Board. The preliminary agenda for any work session will be set by the Chair. The Chair should consult with the Fire Chief prior to the creation of the preliminary agenda. The Board may place topics or issues on any work session agenda. No action will be taken by the Board at any work session. The intent is to study issues during a work session, but not take action. Commissioners are not required to attend work sessions, and the failure to attend a work session shall not be considered an unexcused absence under RCW 52.14.050. Because no action will be taken by the Board at any work session, a work session may proceed even if less than a quorum of the Board is present for the work session. If the Board wants to take action on a work session issue, then the issue shall be placed on the agenda of the next regular, non-work session, meeting of the Board that occurs after the date of the work session. Work sessions shall include a period of time for public comment. Work sessions may include executive sessions. Because no final decisions will be made at work sessions, work sessions shall be an exception to the District's meeting recording policy, and work sessions will not be audio or video recorded. However, minutes shall be taken at work sessions.

2.4 During meetings, staff/consultants may provide brief information and respond to questions by Commissioners or as requested by the Fire Chief.

2.5 A public comment period will be available at each regular, emergency, or special meeting (including work sessions) for the use of those citizens wishing to address the Board.

2.5.1 Public comments must be germane to the business of the District. Public comments at special or emergency meetings should be germane to the topics of the meeting.

2.6 The Executive Assistant to the Board, or his/her designee, shall record all meetings of the Board via a video-audio recorder, or other approved recording system, to assist with

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 6 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

accuracy, pursuant to the meeting recording policy. Work sessions will not be video-audio recorded.

2.6.1 These recordings shall be maintained based on the Washington State Records Retention Schedule.

2.6.2 The “official” record of the Board meetings shall be the written minutes as documented by the Executive Assistant to the Board and approved by the Board.

2.6.3 The Executive Assistant to the Board will keep an account of all proceedings of the Board in accordance with the statutory requirements, and proceedings will be entered into a minute book constituting the official record of the Board.

2.6.4 Preliminary Board meeting minutes, as written by the Executive Assistant to the Board or his/her designee, will not be revised or corrected without a majority affirmative vote of the Board at a Board meeting. Prior to releasing the preliminary Board meeting minutes, the Executive Assistant to the Board may consult with the Chair and any other person in order to ensure that the preliminary Board meeting minutes are accurate.

2.7 Order of the Regular Board Meeting Agenda

2.7.1 Call Meeting to Order

The Chair calls the meeting to order.

2.7.2 Pledge of Allegiance

Commissioners and, at times, invited guests lead the flag salute.

2.7.3 Roll call

The Chair will announce the attendance of Commissioners and indicate any Commissioner who is not in attendance and whether or not the Commissioner has an excused absence.

A Commissioner must contact the Chair, another Commissioner, the Fire Chief, or the Executive Assistant to the Board prior to a Board meeting and request that the absence be excused in order to qualify as an excused absence.

2.7.4 Public Comment

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 7 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

2.7.4.1 Members of the Public may comment on any matter related to the business of the District. Comments are limited to three minutes. The Chair may expand or reduce the time depending on the circumstances.

2.7.4.2 Members of the Public shall sign up on a sign-in sheet in order to make a comment if the Chair decides to use a sign-in sheet. There will be two public comment sessions, one at the beginning of the meeting and one at the end.

2.7.5 Public Hearing

2.7.5.1 Legally required public hearings will have priority over other agenda items.

2.7.5.2 The Chair will state the public hearing procedures before each public hearing.

2.7.5.3 Public hearings are appropriate for the annual adoption of the budget, a change in the funding mechanism of the fire district, the setting of tax or fee rates, or major policy changes where the Board wishes to hear open debate on the issue.

2.7.5.4 Members of the Public may comment at public hearings.

2.7.6 Approval of Agenda

2.7.7 Consent Agenda

2.7.7.1 The Board takes action on a list of items, which may include:

2.7.7.1.1 Vouchers

2.7.7.1.2 Monthly Financial Reports

2.7.7.1.3 Monthly Payroll Reports

2.7.7.1.4 Policies, ILAs, Contracts, or Resolutions

2.7.7.1.5 Vacation requests from the Fire Chief and Executive Assistant to the Board

2.7.7.1.6 Travel for the Fire Chief, Executive Assistant to the Board and other Commissioners

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00

Date: 8/18/16

Area: Administration

Page: 8 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

2.7.7.1.7 Fire Chief and Staff reports

2.7.8 Fire Commissioner Reports

Fire commissioners will give reports on the meetings that they have attended during the month

2.7.9 IAFF Local 106NW Report

Local 106NW updates the Commissioners on current issues or items of Board interest. In addition, the Local may respond to Commissioners questions.

2.7.10 Unfinished Business

Unfinished Business includes previously discussed items.

2.7.11 New Business

New Business includes items not previously discussed.

2.7.12 Policy and Procedures

Fire Commissioners will review, discuss, or approve policy and procedures brought before the board.

2.7.13 Board Discussion - Commissioner Comments - Announcements

Fire Commissioners may comment on any matter. This part of the meeting is not the time to give assignments to the Chief or staff, or to start a debate on issues.

2.7.14 Correspondence

Fire Commissioners review correspondence presented.

2.7.15 Executive Session

If necessary, the Chair may call an Executive Session for items as is stated in Section 2.1.6.

2.7.16 Public comment

Second public comment period.

2.7.17 Adjournment

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 9 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

With no further business to come before the Board, the Chair adjourns the meeting.

- 2.8** The Chair shall announce the result of all votes. Roll call votes will only be taken if requested by a Commissioner or as required by law.
- 2.9** The Chair may, with the concurrence of a majority of the Board, take agenda items out of order.

2.10 **Resolutions**

In order for the Board to appropriately consider new resolutions, any resolution brought up at a Board meeting, but not included in the meeting packet, shall be put to a vote, if any, at the next meeting following the Board meeting at which it was introduced. The Board encourages individual Commissioners, the Fire Chief, and District Staff to include all resolutions in the meeting packet, so that Commissioners can be prepared for the meeting. This remains subject to the rules that apply to the creation of meeting agendas.

3. **Agenda Preparation**

- 3.1** The Chair and the Fire Chief will make a good faith effort to meet prior to all Regular Meetings to consult in the preparation of a preliminary agenda for distribution by the Executive Assistant to the Board.

3.1.1 The Chair will prepare a preliminary agenda for each Board meeting specifying the time and place of the meeting, and set forth a brief general description of each item to be considered by the Board. The Chair should consult with the Fire Chief and the Executive Assistant to the Board prior to the creation of the preliminary agenda. The preliminary agenda will be distributed by the Executive Assistant to the Board.

3.1.2 The agenda and packet shall be made available to all Board members electronically on the Tuesday before any Board meeting.

3.1.3 For Special Meetings, such as a Retreat, the Executive Assistant to the Board shall attempt to make agendas and packets available to all Board members at least three days ahead of the meeting.

3.1.4 For emergency meetings, an agenda will be distributed as soon as practical.

- 3.2** An item may be placed on a Board meeting agenda by any of the following methods:

3.2.1 A majority vote of the Board;

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 10 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

3.2.2 Board consensus;

3.2.3 By the Chair.

- 3.3** Some agenda items may be listed on the agenda for a certain time. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time.
- 3.4** The Chair and/or his/her designee will endeavor to schedule sufficient time between public hearings and other scheduled items, so the public is not kept unduly waiting and so the Board will have sufficient time to hear testimony and to deliberate on matters among themselves.
- 3.5** Legally required public hearings will have a higher priority over other agenda items.
- 3.6** Documents related to the agenda must be sent prior to the meeting in order to allow each Commissioner enough time to study the issues. So that Commissioners can be prepared, the Board discourages the addition of agenda items at the last minute.

4.0 Board Discussion

- 4.1** All Board discussion may be guided by the latest edition of ROBERT'S RULES OF ORDER, NEWLY REVISED.
- 4.2** In the event of any inconsistency between these "Guidelines" and Robert's Rules, the provisions of these "Guidelines" shall be deemed controlling.

5.0 Comments, Concerns and Testimony to the Board

- 5.1** Individuals addressing the Board during Public Comment will be requested to give their name and address for the record, and limit their remarks to three (3) minutes. All remarks will be addressed to the Board as a whole. The Chair may adjust the time for public comment as needed.
- 5.1.1 Any individual making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Board, may **be requested to leave the meeting by the Chair.**
- 5.2** The Chair has the authority to preserve order at all meetings of the Board, to recess the meeting and/or to cause the removal of any individual from any meeting for disorderly conduct and to enforce the Rules of the Board.

5.2.1 The Chair may request assistance of a peace officer to restore order at any meeting.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 11 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

5.3 Individuals with complaints, concerns, or questions regarding operational issues may be directed by the Chair to refer their matter to the Fire Chief, or his/her designee.

6.0 Quorums, Motions and Voting Procedures

6.1 Quorum of the Board

6.1.1 When there are five (5) commissioner positions on the Board, then three (3) Commissioners shall constitute a quorum. The Board cannot meet without a quorum. If a Board meeting begins with a quorum, but a quorum is lost during the meeting, then the meeting ends when the quorum is lost.

6.2 Motions

6.2.1 All Commissioners are entitled to make and second motions regardless of whether the Commissioner is serving as Chair.

6.2.2 When making motions, be clear and concise and do not include arguments for the motion within the motion.

6.2.3 All motions require a second in order for discussion/debate to ensue.

6.2.4 A motion that does not receive a second, or that receives a tie vote, is deemed to have failed.

6.2.5 After a motion is made, the Chair will indicate the names of the Commissioners making the motion and seconding the motion.

6.2.6 After a motion has been made and seconded, the Board may discuss their opinions on the issue prior to the vote.

6.3 A motion may be withdrawn by the maker of the motion at any time, provided it has not been seconded.

6.3.1 If a motion has been seconded, the motion cannot be withdrawn without concurrence of the Commissioner making the second.

6.4 A motion to table requires a second, is non-debatable and shall preclude all amendments or debates of the issue under consideration.

6.4.1 If the motion to table prevails, the matter may be "taken from the table" only by a motion to remove it from the table, therefore adding it to the agenda of a Regular or

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 12 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

Special meeting at which time discussion will continue (i.e. an issue may be tabled for added committee work, which by motion can then be brought back for discussion and action at a future meeting).

6.4.2 If an item is tabled, it cannot be reconsidered at the same meeting.

6.5 A motion to postpone to a time certain requires a second, is debatable, is amendable, and may be reconsidered at the same meeting.

6.5.1 The question being postponed must be considered at a later time at the same meeting, or to a certain time at a future Regular or Special Board meeting.

6.6 A motion to postpone indefinitely requires a second, is debatable, is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote.

6.7 A motion to call for the question shall close debate on the main motion and is non-debatable.

6.7.1 This motion fails without a two-thirds (2/3) Yes vote;

6.7.2 Debate on the main motion continues if this motion fails.

6.8 A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting verbiage.

6.8.1 Motions that cannot be amended include: Motion to adjourn, table an issue, roll call vote, point of order, reconsideration and take from the table.

6.8.2 A motion to amend an amendment is not in order.

6.8.3 Amendments to motions are voted on first, and then the main motion as amended (if the amendment received an affirmative vote) is voted on, after debate on the main motion concludes.

6.8.4 Friendly amendments.

Friendly amendments may be made to a motion at any time before a vote on a motion as long as both the maker of the motion and the Commissioner who seconded the motion agree to the friendly amendment.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 13 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

6.9 The maker of a motion, the Chair, or the Executive Assistant to the Board should repeat the motion prior to voting.

6.10 When the Board concurs or agrees to an item that does not require a formal motion, the Chair will summarize the agreement at the conclusion of the discussion.

6.11 **Voting**

6.11.1 All Commissioners are entitled to vote on all matters coming before the Board. Commissioners, however, shall be governed by the provisions of Chapter 42.23 RCW in respect to any matter in which the Commissioner may have a conflict of interest.

6.11.2 When requested by the Chair, a Commissioner, or as required by law, the Executive Assistant to the Board will take a roll call vote.

6.11.2.1 At the conclusion of any roll call vote, the Executive Assistant to the Board will inform the Chair of the results of the vote.

6.12 **Motion to Reconsider**

6.12.1 When a question/motion has been decided, any Commissioner who voted in the majority may move for reconsideration.

6.13 Under certain circumstances, approved by a majority of the Board, teleconferencing may be allowed for a Board member who is unable to be present at the Board meeting in person.

7.0 **Board of Chair and Vice Chair**

7.1 **Board Chair and Vice Chair Selection Process**

7.1.1 The Board Chair of the Board of Fire Commissioners shall be elected annually by a vote of the Commissioners at the first regular Board meeting in January.

7.2 **The Board Chair**

7.2.1 The Chair shall be the Presiding Officer at all meetings of the Board.

7.2.2 The Chair shall be the spokesperson for the Board.

7.2.3 The Chair shall prepare the preliminary agenda for all Board meetings.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 14 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

7.2.4 The Chair is the primary contact with the Fire Chief to request tasks of staff for the Board.

7.2.5 The Chair shall create and dissolve committees; and make all committee appointments. The Board should review committee appointments at the first regular Board meeting in January.

7.3 The Vice Chair of the Board

7.3.1 If the Chair is absent during any portion of a meeting, or must recuse himself/herself, the Vice Chair shall serve as Presiding Officer until the return of the Chair.

7.3.2 In situations where the Chair is unable to attend meetings due to an extended illness or approved absences lasting more than one Regular meeting (i.e. two or more Regular Meetings), then the Vice Chair shall assume the prescribed duties of the Chair until such time as the Chair returns.

7.3.3 If the Vice Chair is unable to serve as the Presiding Officer in the absence of the Chair, the Board members present at a meeting shall select a Presiding Officer Pro-Tempore for that meeting.

7.3.3.1 The Presiding Officer Pro-Tempore shall assume the duties and responsibilities of the Board Chair for the meeting in these situations.

7.3.3.2 This can be extended for a set period of time if the Board Chair and Vice Chair are on extended absences and is approved by a majority of the Board.

7.4 The Presiding Officer shall:

7.4.1 Preserve order and decorum in the Board meeting;

7.4.2 Observe and enforce all rules adopted by the Board;

7.4.3 Decide all questions on order, in accordance with these rules/guidelines, subject to appeal by any Commissioner; and

7.4.4 Recognize Commissioners in the order in which they request the floor.

7.4.5 The Presiding Officer, as a Commissioner, shall have only those rights afforded Commissioners, and shall be governed in all matters and issues by the same rules/guidelines and restrictions as other Commissioners of the Fire District.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 15 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

8.0 Commissioner Committees

The Chair creates and dissolves committees of the Board. Representative committees are committees formed to represent the District at external groups, meetings, or organizations. Ad hoc committees are committees formed to address limited, temporary issues. Committees consist of no more than two commissioners. The Chair appoints and removes the membership of the committees, including the chair of the committee. Committee membership is generally reviewed at the first meeting of each calendar year.

Committees consist of no more than two commissioners. Only commissioners are voting members of committees. The Fire Chief and the District Staff may consult and advise the committees, but do not have a vote in the committees. Committees may not take official action on behalf of the Board in authorizing the expenditure or non-expenditure of funds or by instituting new District policies. Board action may only occur at Board meetings. Committees shall not direct the Fire Chief to take administrative actions other than to respond to reasonable inquiries made by the Committee related to District operations, finances, or administration. Committees shall not enter into contracts or engage consultants. Committees shall not take or direct financial action on behalf of the Board. Committees may gather information and ask that the Fire Chief respond to reasonable requests for information for use by the committee. Committee requests for information to the Fire Chief shall be copied to the Chair, in order to keep the Chair informed of all information requests. The Chair may veto or deny the information requests, in which case the information requests shall not be fulfilled. If the Committee disagrees with the decision of the Chair, then the Committee may bring the matter to the next regular or special Board meeting for the Board to decide the matter. Committees shall not request information directly from District staff, the District attorney, or any District consultant. Responses to information requests shall be sent to all Commissioners. The function of representative committees shall be to represent the District, and the function of ad hoc committees shall be to make recommendations to the Board. Where two commissioners on a committee cannot reach a consensus recommendation to the Board on a particular issue, the committee may make multiple recommendations for action to the Board. The Fire Chief may make a recommendation to the Board separate from any recommendations of a committee. When a committee refuses to address an issue or delays in addressing an issue, the Fire Chief shall bring the issue forward to the Board for the Board's consideration. The term "information", as used in these Guidelines, includes records of all types, including public records.

9.0 Board Relationship with Staff

- 9.1** There will be mutual respect from both staff and Commissioners of their respective roles and responsibilities. Commissioners shall be polite and professional at all times. Commissioners will treat staff with respect. Commissioners shall not yell at or get angry with staff. Commissioners shall not demean, ridicule, or threaten staff. Commissioners shall not spread rumors about staff. Commissioners shall not imply that staff will be

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 16 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

disciplined or terminated. If Commissioners have problems with staff, those problems shall be raised privately with the Fire Chief or the Chair.

- 9.2** Commissioners shall act in a professional manner at all times while conducting or communicating about District business. As the leaders of the District and representatives of the People, Commissioners must set a good example for the District. Commissioners are free to express their opinions as an individual Commissioner. Unless otherwise directed by the Board, Commissioners shall not speak on behalf of the Board or the District. The Chair may speak on behalf of either the Board or the District, but should do so fairly, carefully and in a professional manner.
- 9.3** Staff will acknowledge the Board as policy makers, and the Commissioners will acknowledge staff as administering the Board's policies.
- 9.4** The Board may request information from the Fire Chief, District staff, the District attorney, or any consultant to the District. The Chair may request information from the Fire Chief, District staff, the District attorney, or any consultant to the District. Individual Commissioners may request information only from the Fire Chief, and then only if the Chair pre-approves of the request. If the Chair denies the information request of an individual commissioner and the individual commissioner disagrees with the Chair's decision, then the individual commissioner may bring the information request to the next regular or special Board meeting for the Board to decide the matter. Individual Commissioners shall not request information directly from District staff, the District attorney, or any consultant to the District. The Fire Chief shall determine the manner in which responses are made to information requests. Responses to information requests shall be sent to all Commissioners. The Board wants to ensure that information requests are organized, appropriate, address the issues about which the Board is concerned and doesn't overburden staff. One goal of this section is to protect the Fire Chief, staff, the District attorney and District consultants from burdensome information requests of individual Commissioners. Members of the Board must avoid intrusion into those areas that are the responsibility of staff. Individual Commissioners may not intervene in staff decision-making, the development of staff recommendations, scheduling of work and executing District priorities without the prior knowledge and approval of the Board as a whole. This is necessary to protect the Fire Chief, District staff, the District attorney and District Consultants from undue influence and pressure from individual Commissioners and to allow the Fire Chief, District staff, the District attorney, and District consultants to execute priorities given by the Fire Chief and the Board as a whole without fear of reprisal. If an individual Commissioner wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of the Fire Chief, District staff,

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 17 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

the District attorney, or any District consultant, then that Commissioner must prevail upon the Board to do so as a matter of Board policy. The term “information”, as used in these Guidelines, includes records of all types, including public records.

- 9.5** Commissioners shall not attempt to coerce or influence staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of licenses or permits. These are examples of administrative functions to be accomplished within adopted policy and legal requirements.
- 9.6** The Board shall not interfere with the operating rules and administrative practices of the Department.
- 9.7** Individual Commissioners shall not supervise, direct or discipline District personnel. Individual Commissioners do not have authority to manage or direct the affairs of the District. Administrative and managerial powers may only be exercised by those persons to whom such powers are delegated by action of the Board. The principal executive and administrative officer of the District is the Fire Chief, who has the responsibility for the management of the daily affairs of the District, the supervision of District personnel and the establishment of a chain of command to carry out such supervision. In the event a Commissioner shall be dissatisfied with the operation of any action of the District or its personnel, the Commissioner shall bring such dissatisfaction to the attention of the Fire Chief, the Chair, or the entire Board.
- 9.8** Mail that is addressed to the Board of Commissioners (as a whole) shall be copied and circulated by the Executive Assistant to the Board and/or his/her designee, as soon as practicable after it arrives.
- 9.9** No Commissioner shall direct the Fire Chief to initiate any action, project, or study without the consent of a majority of the Board.
- 9.10** As used in these Guidelines, the terms “staff” and “District staff” include the Executive Assistant to the Board of Commissioners.
- 9.11** The Executive Assistant to the Board of Commissioners directly reports to the Chair, and not the Board.
- 10.0** **Board Meeting Staffing**
- 10.1** The Fire Chief shall attend all meetings of the Board unless excused. The Fire Chief may make recommendations to the Board and shall have the right to take part in the discussions of the Board, but shall have no vote.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 18 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

10.1.1 When the Fire Chief has an excused absence, the assigned Acting Chief or highest ranking Chief Officer that is available shall attend the meeting.

- 10.2** The Executive Assistant to the Board, or designee, shall attend Regular, Special, and Emergency meetings of the Board, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

11.0 Commissioner Attendance at Meetings

- 11.1** Commissioners will inform the Chair, the Vice Chair, another Commissioner, the Fire Chief or the Executive Assistant to the Board if they are unable to attend any Board meeting, or if they knowingly will be late to any Board meeting.

11.1.1 The minutes will show the Commissioner as having an excused absence, if the absence is excused.

- 11.2** The Board may allow teleconferencing to substitute for actual in-person attendance at meetings.

11.2.1 Board members on teleconference shall be deemed present at the meeting.

12.0 Media Representation at Board Meetings

- 12.1** All meetings of the Board are public meetings open to all members of the public, including the media, without any conditions upon attending, RCW 42.30.040.

- 12.2** Videotaping, photographs, and/or audio recording of the open portions of such meetings are all allowed by any person, unless such activity interferes with the orderly conduct of the meeting, pursuant to RCW 42.30.050. The Chair shall oversee the orderly conduct of the meeting.

13.0 Board Representation

- 13.1** If a Commissioner appears on behalf of the District before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Commissioner needs to state the majority position of the Board, if known, on such issue.

13.1.1 Personal opinions and comments which differ from the Board majority may be expressed if the Commissioner clarifies that his/her statements do not represent the Board's position.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 19 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

13.2 The Board of Commissioners, acting in their official capacity as an elected body, shall not take an official stand or position related to the support or opposition of any candidate(s) running for political office.

13.2.1 This does not preclude individual Commissioners from exercising their individual right to support or oppose a candidate.

14.0 Confidentiality

14.1 Commissioners should keep confidential all written materials and verbal information provided to them during Executive Sessions, to ensure that the Department's position is not compromised.

14.1.1 Confidentiality also includes information provided to Commissioners outside of Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington (RCW).

14.2 If the Board, in executive session, has provided direction or consensus to staff on proposed terms and conditions for any type of issue, all contact with the other party should be done by the designated staff representative handling the issue.

14.2.1 Commissioners involved in a work group relative to the executive session topic shall obtain the permission of the Chair of the Board prior to discussing information with anyone other than other Commissioners, the Departmental legal counsel, or staff designated by the Fire Chief.

14.2.2 Any Commissioner having any discussion related to confidential or executive session issues with someone other than another Board member, or the Fire Chief and/or his/her designee, needs to make full disclosure to the Chair.

14.2.3 Commissioners may not use District information, particularly confidential information, for individual gain or to promote the interest of any individual, group, or entity. Commissioners have the duty to protect the confidentiality of privileged and private District records and information. The unauthorized disclosure of confidential records or information is a violation of this responsibility. The Board, not an individual commissioner, has the authority to disclose information or records of the District. This restriction also applies when the District is involved in any type of contract negotiations, disciplinary procedures, or other District business.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 20 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

15.0 Commissioner Compensation

15.1 RCW 52.14.010 authorizes the payment to each Commissioner for each day or portion of a day in attendance at a Board meeting, or when performing other services for the District.

15.1.1 Attending regular, special or emergency meetings of the Board of Fire Commissioners;

15.1.2 15.1.3 Serving as a designated representative of the Board, including but not limited to, such activities as: fire district committees, community development and/or betterment committees, joint labor management committee meetings, meetings on community business representing the department and serving a public purpose, etc.;

15.1.3 Attending training and/or development activities, including, but not limited to: regional, state, or national fire service conferences, board in-service education and training, etc.

15.1.3.1 This also includes time involved traveling to and from the activity (RCW 52.14.010).

15.1.4 Attending special board-related activities including, but not limited to: building dedications, staff retirements, and other such public ceremonies when the Board member is representing the District on District business serving a public purpose.

15.2 The dollar thresholds are established by the Washington State Office of Financial Management, and are adjusted for inflation every five years, beginning July 1, 2008, in accordance with RCW 52.14.010.

15.3 Any fire commissioner may waive all or any portion of his/her compensation.

15.3 A Commissioner shall prepare, sign, and submit all monthly compensation claim form(s) to the Executive Assistant to the Board (or the Payroll Manager in the absence of the Executive Assistant to the Board), which verifies the nature and amount of approved activities for which compensation is claimed during the month.

15.3.1 A Commissioner is only eligible to make one compensation claim for a given day regardless of the number of meetings or service performed that day.

15.3.2 Late claims open the District to potential audit findings, and therefore must be turned in by the last day of the month.

Cancel: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number:	0100.0003.00	Date:	8/18/16
Area:	Administration	Page:	21 of 30
Subject:	Fire Commissioner Guidelines for Conducting Meetings and Official Duties		

15.3.3 If an untimely claim is submitted, it shall be paid during the next month.

- 15.4** Any disputes related to Commissioners compensation shall be resolved by the Chair, or by the Board if so requested by the affected Commissioner.

16.0 Board Travel, Training and Meeting Expenses

16.1 Board Travel

The Board shall follow the North Whatcom Fire and Rescue District Travel Expense Policy – 0500.007.00

16.2 Claims and Approval Procedure

16.2.1 All claims for travel and subsistence expenses shall be submitted for reimbursement using the proper form provided by the Executive Assistant to the Board or Fire Chief.

16.2.2 Exceptions to the expense rules for unusual circumstances may be approved by the Board.

16.3 Commissioner Travel, Training and Meeting Expenses/Budget Preparation

16.3.1 In preparation of the District's annual operating budget, Commissioner travel and training expenses shall be anticipated and included in budget appropriations.

- 16.4** Meetings, conventions or training programs that require expenditure of funds to be reimbursed or paid on behalf of Commissioners and that are not anticipated at the time of budget adoption, must be submitted to the Board for prior approval provided the funds are available.

16.4.1 The request shall include: (a) name of organization sponsoring meeting, (b) why attendance is requested; benefits to the District, (c) Commissioner(s) to attend, (d) location, (e) attendance dates, and (f) estimated cost to the District.

- 16.5** A report, oral and/or written as appropriate, should be made to the Board at a subsequent Board meeting following said conference, seminar or training, in order that the full Board may benefit from the training experience received by the Commissioner who attended.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 22 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

16.6 Commissioner/District Credit Card

16.6.1 Commissioners may be issued their own District credit card or may request use of a departmental credit card to be used to purchase air travel, hotel rooms and meals while in attendance at seminars, conferences and conventions.

16.6.1.1 All of the aforementioned rules in Section 15 shall apply to the use of credit cards for appropriate purchases.

16.6.2 Commissioners shall submit their receipts to the Executive Assistant to the Board documenting the expenditures made on any District-issued credit card.

17.0 Public Records

17.1 Public Records

17.1.1 **Public Records** - Public records of the District include any record containing information relating to the conduct or performance of any governmental function prepared, owned, used, or retained by the District as defined in chapter 42.56 RCW (Public Records Act or PRA). Public records do not include personal records of District employees or officials that may be in the possession of the employee or official or located in their office, lockers, or living quarters.

17.1.2 **Electronic Public Records** - Electronic public records of the District include all data compilation stored and retained on the District computers containing information relating to the conduct or performance of any governmental function prepared, owned, used, or retained by the District. Electronic public records do not include personal materials entered or stored on District computers by employees and officials when using the computers for incidental personal use.

17.1.3 **Record** - As used in this policy and procedure the “record” available to the public for electronic stored records shall be a printout of the stored record.

17.1.4 **Copy** - As used in this policy and procedure a “copy” of a record shall mean a duplicate of the record in the same media, except that a “copy” of an electronic stored record shall mean a printout of the record, or in the sole discretion of the District Public Records Officer an electronic version in a commercially available format.

17.2 The Board shall have access to District records during regular business hours of the District, provided that the review or examination of the records shall not interfere with the normal operation of the District office personnel. The Board or Commissioners shall

Cancel: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 23 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

not remove original District records from the District property. The administration shall provide copies of records requested by the Board subject to the following limitations:

17.2.1 No copies of confidential records will be provided without prior approval of the Board.

17.2.2 Copies will be provided promptly, provided the copying shall not unduly interfere with normal operations of the administrative personnel.

17.2.3 District records and information obtained from District records may not be used by the Board or Commissioners for non-District business, nor disclosed to unauthorized persons.

17.2.4 Records requests are subject to other restrictions in these Guidelines, including those in sections 8 and 9.

17.3 Public record requests received by the Chair or any Commissioner should immediately be forwarded to the Public Records Officer in accordance with the District's procedures.

Public records requests can be in the form of an email, in writing, verbally, or in many other forms of communication allowable under the law. Nothing in these Guidelines prohibits an individual Commissioner from submitting a public records request to the District pursuant to the laws of the State of Washington.

17.4 **Use of District Email**

17.4.1 When using the District provided e-mail account, Commissioners who send or receive an e-mail message should be aware that a record copy of the message is automatically retained by the District.

17.4.2 District email can be accessed through assigned commissioner tablet computers.

17.4.3 The use of a personal, private or other non-District email account for District business is discouraged. To facilitate compliance with the Public Records Act (PRA) when sending or receiving an e-mail using a non-District provided email account, a carbon copy (cc) should be sent to the Commissioners District provided e-mail account. This will ensure all e-mails are captured in the Commissioner's repository mailbox and available to PRA disclosure requests, or discovery requests in legal proceedings. Should a non-District e-mail be used, users acknowledge that non-District e-mail addresses may be disclosed in the course of responding to public records requests or discovery requests in legal proceedings.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 24 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

17.4.4 E-mail exchanges (and / or communication on blogs / social media) amongst Commissioners can create an unintended quorum by “serial communication” and violate the Open Public Meetings Act or OPMA. Commissioners should avoid e-mail exchanges that ultimately involve or create a quorum. To avoid creating a quorum reply only to sender or appropriate staff. If a Commissioner wishes to send an informational e-mail to a majority of the Board make clear in the e-mail that the e-mail is informational only and that no response is desired.

18.0 Filling of Board Vacancies

18.1 Purpose

When a North Whatcom Fire and Rescue District Commissioner position becomes vacant before the expiration of the official's elected term of office, the Board shall appoint a qualified citizen into the position in accordance with this section.

18.1.1 Pursuant to state law, a vacancy shall be filled only until the next regular municipal election, to serve the remainder of the unexpired term.

18.1.2 Failure of the Board to appoint a citizen to fill the vacancy within 90 days shall be cause for Whatcom County Council to appoint a citizen into the position.

18.2 Legal References

18.2.2 RCW 42.30.110(h) - Executive Session Allowed to Consider Qualifications of a Candidate for Appointment to Elective Office

18.2.3 RCW 42.30.060 - Prohibition on Secret Ballots

18.3 Appointment Process

18.3.1 A Board position is officially declared vacant upon the occurrence of any of the causes of vacancy set forth in RCW 42.12.010, including resignation, recall, forfeiture, written intent to resign, or death of a Commissioner.

18.3.1.1 The Commissioner who is vacating his or her position cannot participate in the appointment process.

18.3.2 The Board shall direct staff to begin the Commissioner appointment process and establish an interview and appointment schedule, so that the position is filled at the earliest opportunity.

Cancel: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 25 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

18.3.2.1 This process may begin prior to the vacancy becoming effective. In this case, any advertisement must note this as an “expected vacancy”.

18.3.3 The Public Information Officer and/or Executive Assistant to the Board shall prepare and submit an advertisement of vacancy to the local media which announces the vacancy consistent with the requirements necessary to hold public office:

18.3.3.1 The applicant must be a registered voter residing in the district.

18.3.3.2 The advertisement shall contain information announcing the vacancy, and that interested candidates may pick up packets which provide pertinent information, including but not limited to, time to be served in the vacant position, election information, compensation information, Commissioner powers and duties, PDC reporting guidelines, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the Board deems appropriate.

18.4 The Board of Commissioners and/or their appointed designee shall prepare an application form with appropriate information for Board consideration of the applicants.

18.4.1 Applications will be available at locations that the Board deems appropriate.

18.4.2 Applications received by the deadline date and time will be copied and circulated, by the Executive Assistant to the Board.

18.4.2.1 Applications may also contain additional information such as endorsements, letters of reference and other pertinent materials.

18.5 The Executive Assistant to the Board shall publish the required public notice(s) for the meeting scheduled for interviewing applicants/candidates for consideration to the vacant position.

18.5.1 This meeting may be a regularly scheduled Board meeting, or a Special Board meeting.

18.6 The Executive Assistant to the Board shall notify applicants of the location, date and time of Board interviews. It may be necessary for the Executive Assistant to schedule the interviews on different dates.

18.7 Prior to the date and time of the applicant/candidate interview meeting, each Commissioner may submit interview questions to the Chair.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 26 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

18.7.1 In case of duplicate questions, the Chair shall inform the Commissioner he/she may submit an alternate question.

18.8 Interview Process

18.8.1 Each interview of an applicant/candidate shall be no more than 60 minutes in length, scheduled in advance by the Executive Assistant to the Board.

18.8.2 The applicants' order of appearance will be determined by the Chair.

18.9 Selection Process

18.9.1 Upon completion of the interviews, Commissioners may convene into Executive Session to discuss the qualifications of the applicants.

18.9.1.1 However, all nominations and votes taken by the Board shall be in open public session.

18.9.1.2 In open session, the Chair shall ask for nominations from the Commissioners to fill the vacant Board position.

18.9.1.3 After all nominations have been received; the Executive Assistant to the Board shall proceed with a roll-call vote.

18.9.2 Balloting by the Board will continue until a nominee receives a majority of votes. The Executive Assistant to the Board shall announce the results of the vote/ballot to the Chair after each ballot, as outlined in Section 6.11 of these Guidelines.

18.9.2.1 At any time during the balloting process, the Board may postpone balloting until a date certain or regular meeting if a majority vote has not been received.

18.9.2.2 Nothing in this policy shall prevent the Board from reconvening into Executive Session to further discuss applicant's qualifications.

18.9.3 The Chair shall declare the nominee receiving the majority of votes as the new Commissioner.

18.9.3.1 The new Commissioner shall be sworn into office by the Chairman to the Board at the earliest opportunity or no later than the next regularly scheduled Board meeting.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 27 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

18.9.4 If the Board does not give a majority vote for an applicant within 90 days of the declared vacancy, the Revised Code of Washington delegate's appointment powers to the Whatcom County Council.

19.0 Suspension and Amendment Guidelines

19.1 Any provision of these guidelines not governed by state law or resolution may be amended or temporarily suspended by a majority vote of the full Board (i.e. with a 5 member Board this requires 3 affirmative votes).

19.2 Proposed Commissioner Guideline amendments shall be submitted in writing to the Chair, Fire Chief or Executive Assistant to the Board and shall be copied to all Board members in case they have input to provide.

20.0 Enforcement

20.1 If a commissioner violates any part of these guidelines, the Board may sanction that commissioner.

20.2 **Sanctions include:**

- a. verbal admonishment
- b. written reprimand
- c. restriction of privileges
- d. removal from committees
- c. other actions deemed appropriate by the Board.

20.3 **Sanctions do not include:**

- a. restrictions on attending Board meetings
- b. restrictions on participating in Board meetings
- c. restrictions on voting at Board meetings.

21.0 Miscellaneous

21.1 Personal Liability Protection. The Commissioners shall be included as named insureds on all applicable District insurance policies.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 28 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

Appendix A

Chair of the Board of Commissioners

Job Description

The following items reflect the expectations of the Chair of the Board of Fire Commissioners.

- 1) The Chair shall be elected on an annual basis as per State statute (RCW 52.14.080). The Chair will normally serve one (1) year in the position; however, this time period may be extended by a majority vote of the Board.
- 2) The Chair is the primary contact with the Fire Chief of the District to request tasks of staff for the Board.
- 3) The Chair shall create the preliminary agendas for meetings.
- 4) The Chair shall preside over the meetings to ensure the opportunity for full participation by all the Commissioners.
- 5) The Chair shall coordinate with the Fire Chief and shall act as the public spokesperson for the Board of Commissioners.
- 6) The Chair shall coordinate the Commissioners' annual performance review of the Fire Chief to the Board prior to the end of each calendar year.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 29 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

Appendix B

Board of Fire Commissioner's Expectations

The "Perfect" Commissioner

The following represents the expectations of the Board of Fire Commissioners for the "perfect" Fire Commissioner.

The "perfect" Commissioner shall:

- 1) Be Honest
- 2) Be knowledgeable on laws pertaining to the Fire Department and personnel
- 3) Be flexible
 - Adaptable
 - Listens to other's viewpoints
 - Has ability to change direction
- 4) Be a representative
 - Community spirited
 - Involved in the community
- 5) Be a communicator
- 6) Be focused
 - Aware of community needs
- 7) Be able to criticize-although not in public unless necessary
 - Praise in public
 - Criticize in private
- 8) Be able to have a personal commitment to "return to the community"
- 9) Be prompt and be prepared to discuss official business whenever acting as a Fire Commissioner.

Cancels: New

Revised: 1/18/18

Reviewed:

NORTH WHATCOM FIRE AND RESCUE

FIRE DISTRICT POLICY AND PROCEDURE

Number: 0100.0003.00
Area: Administration

Date: 8/18/16
Page: 30 of 30

Subject: Fire Commissioner Guidelines for Conducting Meetings and Official Duties

Approved: _____
Chairman, Board of Fire Commissioners
North Whatcom Fire & Rescue

Date: _____

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