

ISLAND COUNTY FIRE DISTRICT #1

Camano Island Fire & Rescue (CIFR)

COMMISSIONER'S MEETING

November 27th, 2023

4:30 PM

MINUTES

Chair Evans called the **Regular Fire Commissioners Meeting** to order at 4:30 p.m.

Comm P. Williams led us in the flag salute.

Those in attendance were:

Commissioners

Jerry Evans

Kim Williams

Janice Trembl

Paul Williams

Fire Department Staff

Chief Levon Yengoyan

A/C Jason Allen

A/C Craig Helgeland

Amy Martin, Board Secretary

Public-4 member of the public; 1 member in person, 3 via Zoom.

Chair Evans proposed amending the agenda to add the following items to New Business:

A. Substitute Senate Bill 5437

B. Ambulance Bid

C. Resolution 2023-08 A Resolution to appoint/remove Chief-Heritage Bank Account Signature Authority

D. Resolution 2023-09: Resolution to Surplus Obsolete Equipment

E. SOP 1090 Nepotism and Conflicting Relationships Review

And, to remove Item II. "New Board Member Orientation: Rich Davis, attorney, CSD Law" from the agenda.

MOVED TO APPROVE the amended Agenda

1st: Commissioner Trembl 2nd: Commissioner K.. Williams

Discussion: none

APPROVED: Unanimous

I. CONSENT AGENDA –

1. Minutes of the November 13th, 2023, Regular Meeting

2.

November 27th, 2023, Vouchers	
4 EFTs	\$121,506.76
Payroll EFTs	\$250,018.58
Expense Vouchers	\$69,831.47
Capital Fund-11/29/2023	\$93,235.63
Totaling	\$534,592.44

MOVED TO APPROVE the Consent Agenda

1st: Commissioner Trembl 2nd: Commissioner K. Williams

Discussion: none

APPROVED: Unanimous

II. New Board Member Orientation: Rich Davis, attorney, CSD law-removed from agenda.

III. **Public Input -**

1. Russel Kuehn; South Camano Island: Spoke regarding his concern that Mabana station has been used as a campaign issue. People have wanted a new station since 2000. It was used as a campaign issue in 2017. In 2019 there was a feasibility study. Camano Fire can go back to the citizens to request a bond, even though funding for Mabana station was specifically spelled out by levy lid lift. Recommendation that Camano Fire Commissioners establish a committee immediately to get the South end station updated.

IV. **CHIEF'S REPORT**-In lieu of Chief's report, Chief Yengoyan gave an update on hiring status.

A. **Engine Bid Specification**

A. **MOVED TO AUTHORIZE awarding the Engine Contract to Hugues Fire Equipment for \$1.14 million**

1st: Commissioner Trembl 2nd: Commissioner P. Williams

Discussion: A/C Allen briefed the Commissioner that 3 bids had been received and recommended the bid be awarded to Hugues Fire Equipment for \$1,144,491.73.

Questions: Are we considering financing it? We are setting money aside to pay for the engine, but no decisions needs to be made until the apparatus build is complete. We can look at both options as we are soon to pay off the last bit of apparatus from previous apparatus purchases.

V. **PRESS & CORRESPONDENCE** –

- A. 3 Go Skagit Articles: 2 on election results of levy lid lift and one letter to the editor from the Chief thanking the community for their support of the levy.

VI. COMMITTEE REPORTS

- ICOM – Close to having a settled contract with retention incentive.
- Safety/Risk Management – Meeting December 14th.
- Finance- Financial statements looking good.
- SNO-ISLE- Meeting Dec 7th.
- WFCA – none.
- North Region EMS-none.

VII. UNFINISHED BUSINESS: --None

VIII. NEW BUSINESS

A. **Substitute senate bill 5437**

- Chief Yengoyan briefed that Comm Yadon resigned his post effective Sept 1st 2023. We looked at the process for appointing an interim Commissioner and discussed with our attorney; however, Comm P. Williams discovered a recent Senate Bill, “Substitute Senate Bill 5437,” that requires some additional steps in appointing an Interim Commissioner that we were not aware of. We have determined with legal advice that Paul Foster’s appointment cannot be considered a valid appointment. Because Paul Foster wasn’t a valid commissioner at our previous Board Meeting, we did not have a quorum for that portion of the meeting after Comm P. Williams departed. Thus, a Special meeting has been announced for November 28th with a Public hearing for the 2024 Budget with agenda items to approve the Budget and Resolutions and meet the County deadline of November 30th for submission.
- We are in contact with our attorney Rich Davis and will finalize the next steps for the appointment of the vacant position with the County in accordance with current laws.
- Thanks to Comm P. Williams for identifying the change in the law, so we could correct our error.

B. **Ambulance Bid**

MOVED TO AUTHORIZE an ambulance purchase from Braun North West Inc not to exceed 300K in accordance with ambulance bid

1st: Commissioner P. Williams 2nd: Commissioner K. Williams

Discussion: A/C Helgeland briefed the single ambulance bid received from Brahn Northwest.

APPROVED: Unanimous

C. Resolution 2023-08 A Resolution to appoint/remove Chief-Heritage Bank Account Signature Authority

MOVED TO APPROVE 2023-08 A Resolution to appoint/remove Chief-Heritage Bank Account Signature Authority

1st: Commissioner K. Williams 2nd: Commissioner P. Williams

Discussion: Amy Martin briefed that it was discovered when adding the new Finance Manager to the bank authorizations that A/C Helgeland was not replaced with Levon Yengoyan in error several years ago. The resolution rectifies that error.

APPROVED: Unanimous

D. Resolution 2023-09: Resolution to Surplus Obsolete Equipment

MOVED TO APPROVE Resolution 2023-09: Resolution to Surplus Obsolete Equipment

1st: Commissioner K. Williams 2nd: Commissioner P. Williams

Discussion: A/C Helgeland briefed the items being surpluses

APPROVED: Unanimous

E. SOP 1090 Nepotism and Conflicting Relationships Review

Chief Yengoyan briefed that in light of a family member being considered for full-time employment, he'd requested a review of the policy and recused himself from the discussion.

MOVED TO APPROVE candidate proceeding with the hiring process and bring proposed policy changes back to the Board

1st: Commissioner P. Williams 2nd: Commissioner K. Williams

Discussion: Comm Evans asked if the SOP was ready for review with edits and A/C Allen indicated it was still in work.

APPROVED: Unanimous

F. 2023 Q3 Service Demand and Performance Metrics Review

Amy Martin presented the metrics and answered questions regarding response analysis zone and response times.

G. Resolution 2023-10: A Resolution to Increase Ambulance Transport Fees

MOVED TO APPROVE 2023-10: A Resolution to Increase Ambulance Transport Fees

1st: Commissioner Treml 2nd: Commissioner K. Williams

Discussion: Amy Martin briefed that the Resolution was in accordance with the previous years resolution, 2022-11, that established we would update ambulance transport fees annually in November based on the Seattle-Tacoma-Bremerton (Bellevue) 12-month CPI-U which was +4.8%. Thus, all rates were increased by 4.8% to go into effect Jan 1, 2024.

APPROVED: Unanimous

H. WFCA Tulalip Conference Debrief

Comm P. Williams briefed “Highlights from 2023 WFCA Meeting” which he provided as a document to be attached to the Minutes. (see attached).

XI. EXECUTIVE SESSION - The Board recessed at 5:18 p.m. and went into Executive Session at 5:20 to discuss the performance of a public employee per [42.30.140 \(4\)\(g\)](#). It was expected to last until 5:40 p.m. At 5:40 p.m. the Board came out of Executive Session and immediately returned to Regular Session with no action taken.

Announcements:

- ✓ Next Commissioner Regular Meeting Monday, December 11th, 2023, 4:30 PM, in-person/virtual Admin Bldg.

**There being no further business, Comm K. Williams moved to adjourn the meeting at 5:42 PM.
Seconded by Comm Treml.**

Respectfully submitted,


Amy Martin
Fire Board Secretary

HIGHLIGHTS FROM 2023 WFCA MEETING

Snure Seminar

When leasing tax-exempt real property to a private party, you are required to collect and remit to the state a leasehold excise tax (currently 12.84% of the rent). **WSR 22-24-105 – Dept of Revenue. WAC 459-29A-400**

WSR 23-01-032 - Department of Health For FD that are operating CPM programs, this rule implements the expansion of the use of telemedicine by home health and hospice agencies. If we are working to connect our patients to home health care or hospice, we should review this rule.

Chapter 454, Laws of 2023 (HB1134) – Behavioral Health. Legislation incorporates “Community-based crisis teams” into the 988 crisis hotline system. The term specifically references teams that are part of a fire service agency and establishes both requirements and potential funding sources for your FDCAREs, mobile integrated health or CPM programs to provide crisis management and suicide treatment and response options with other behavioral health entities. The Act provides for the following:

1. Establishes the framework for the state to provide formal endorsements of community-based crisis teams that meet certain requirements. Endorsements are optional but if obtained, such teams will be eligible for performance payments when those teams can meet basic response time standards as outlined in the statute. Endorsement standards must be established by April 1, 2024.
2. 988 contact hubs are required to work with participating community-based crisis teams to coordinate dispatching protocols.
3. Provides liability protections.

Chapter 385, Laws of 2023 (HB1578) – Wildland Urban Interface. Fire protection districts are specially referenced in terms of having a role in the development of public safety evacuation strategies with the DNR. Also requires DNR to further assess transportation safety and FF smoke exposure issues. \$2.5 allocated.

Chapter 132, Laws of 2023 (SB1498) – Electric Utility Wildfire Mitigation. Requires DNR and Dept of Commerce to develop a utility wildfire mitigation plan format and recommended elements with input from utility providers and state fire marshal. Fire districts must be provided with the opportunity to provide input into each wildfire mitigation plan when adopted and when updated at least every three years.

Chapter 394, Laws of 2023 (SB5182) – Candidate Filing. Changes the dates for candidate filing periods (cf. Appendix A) from two weeks before Memorial Day to a period that begins the first Monday of May. The period remains 5 days. Also establishes that the candidate statement deadline must be no sooner than 11 days following the filing deadline.

Chapter 182, Laws of 2023 (SB5127) – Public Record Exemption. Clarifies and broadens the public record exemption for student files in public schools. If you have contracts with local school districts for training or apprenticeship types of programs, this exemption could impact your requirements under the PRA.

Chapter 45, Laws of 2023, (SB5421) – Employee Records. With this legislation the numbering of the entire statute so any policies or forms that we currently have that reference the employee record exemptions under RCW 42.56.250 (the most common source of exemptions) will need to be updated to reflect the new numbering scheme.

Chapter 458, Laws of 2023 (SB1533) – Employee Records. (Effective May 15, 2023). Amends RCW 42.56.250 to exempt from disclosure employee records including an “employee’s name or other personally identifying information, including but not limited to birthdate, job title, addresses of workstations and locations, work email address, work phone number, bargaining unit or other similar information” in the following situations:

1. When the employee either provides a sworn statement that the employee is a survivor of domestic violence, sexual assault, sexual abuse, stalking or harassment and the employee had a reasonable basis to believe that such actions are likely to continue to exist. The sworn statements expire after two years unless renewed.
2. When the employee provides proof of the employee’s or employee’s dependent’s participation in the address confidentiality program.

The records used to document the exemption are also exempt. The exemption does not apply to requests from the news media.

Chapter 369, Laws of 2023 (SB5437) – Commissioner Vacancies. Significant change to the procedures required to fill commissioner vacancies that creates different procedures depending on the AV of the FD. FDs and RFAs with an AV under \$5B are considered “qualifying special purpose districts” and remain governed by the following existing rule

1. After the vacancy occurs”
 - a. The governing body appoints a qualified individual to fill the vacancy using whatever process the governing body believes to be in the best interest of the FD/RFA.

FDs/RFAs with an AV over \$5B must now comply with the following procedural requirements.

2. After the vacancy occurs:
 - a. The governing body must nominate at least one candidate at an open public meeting.
 - b. The governing body must then post notice of the vacancy and the name of the nominated candidate(s) in three public places, including the District website if it has one for a minimum of 15 days.

- c. During the 15-day period, registered voters who reside in the District/RFA may submit additional nominations.
- d. After the 15 day period, the governing body shall appoint a qualified individual from the board of publicly nominated individuals.

Chapter 106, Laws of 2022 (SHB1630) (Reminder) – Open Carry Weapons. Prohibits people from openly carrying firearms in buildings used in connection with the public meeting of the governing board. The prohibition applies to our regular meeting locations even when no meeting is being held and applies to other locations during the course of a meeting. The prohibition is only for open carry and does not permit restriction of the lawful carry of firearms with a concealed weapons license. LE and members of the armed services are exempt when on duty. We are required to post signs providing notice of this restriction at your public meeting locations. Violations of the law are punishable as misdemeanors (first violation) or gross misdemeanors (subsequent violations).

Chapter 115, Laws of 2022 (Reminder) (SHB1329) – OPMA. Public comment now “required” at every regular meeting. The board can decide whether “public comment” can be orally at the meeting **or** via written testimony submitted prior to or at the meeting, provided that the written testimony must be provided to each board member at the meeting. Must, when feasible, allow remote public comments. OK to limit time and format, OK to prohibit public comment outside of a designated comment period.

Chapter 359, Laws of 2023 (HB5123) – Marijuana Use. Provides that employers may not discriminate against applicants in the initial employment hiring process for the person’s use of cannabis off the job and away from the workplace or for testing positive for nonpsychoactive cannabis metabolites. **This protection does not apply to applicants for a position with a fire department, fire protection district or RFA regardless of job duty.**

Chapter 202, Laws of 2023 (HB1187) – Union Privilege. Creates a privilege that applies to communications between union representatives and union represented employees that protects their communications when made in the course of union representation. (does not apply to any record of communication that would otherwise be subject to disclosure under chapter 42.56 RCW the Public Records Act. (this privilege would likely be waived if they are contained in a record provided to a fire district or contained in a union member’s communications using a fire department provided email address).

Volunteers. OK to pay more for shifts that are hard to fill.

Chapter 342, Laws of 2023, (HB1050) – Apprentices (Effective Date July 1, 2024). Extends apprenticeship use requirements on a public works project estimated to cost \$2M or more must require that 15% of the labor hours be performed by apprentices. After 7/1/26 this applies to projects of \$1.5M or more, after 7/1/28 \$1.0M or more. The requirement may be adjusted to address lack of apprentice availability, inability of a contractor to comply despite a good faith effort and other criteria reviewed and approved by the governing body of the FD/RFA.

Public Duty Doctrine. Recent court decisions deem that the negligent responses to emergency medical incidents are NOT covered by the public duty doctrine.

Bid Law Matrix: Can copy, note that it changes after July 1, 2024, so two copies.

Hot Button Legal Issues

Good discussion on Social Media. Viewpoint discrimination is almost always deemed unconstitutional . Government SM accounts are “limited public forums” and as such removal of offending viewpoints is constitutional when two requirements are met: 1) restriction is “viewpoint neutral” AND 2) Restriction is reasonable.

Government SM pages qualify as a “limited public forum” when reserved for the discussion of issues related to the services provided by the FD, but you must have policy restrictions in place and listed on the page.

Examples:

Policy states that agency may hide or delete content that is not “protected speech.”

Section A: Prohibits the following comments: threatening, aggressive, misleading, purposely incomplete, promote, foster or perpetuate discrimination (list)

Section B: Prohibits comments that are not germane or relevant to the functions of the Fire District.

Several other examples of policies.