

BOARD OF DIRECTORS
Orville Downer
Randy Franke
Ken Morin
Wayne Miller
Bernie Otjen

CHIEF OF DISTRICT
J. Kevin Henson



FOUR CORNERS STATION
MIDDLE GROVE STATION
PRATUM STATION
MACLEAY STATION
BROOKS STATION
CLEAR LAKE STATION
LABISH CENTER STATION
COLLEGE STATION

MARION COUNTY FIRE DISTRICT BOARD OF DIRECTORS MEETING MINUTES

Meeting Minutes
March 16, 2011
4910 Brooklake Rd NE
7:00 pm

The Board meeting was called to order at 7:00 PM by Director Randy Franke. Other board members in attendance were Bernie Otjen, Orville Downer, and Wayne Miller. Director Ken Morin is out of state and unavailable. Others present were Chief Henson, Assistant Chief Robinson, Bill Sterett, Capt. Zahn, James Mulhern, Kris Boyer, Andi Batchelor, Mick Linder, Kathy Puckett, Karen Beckmann, Shar Beckmann, Capt. Don Zielinski, Marc Wiesner, Wayne Weaver, Bob Palmer, Brad Eggen, Zach Zielinski, Bob Gerig, Sherry Mulhern, Ron Rosgen, Bill Walters, Rich Gerig, Bill Chambers, BC Wineman, Scott Seaton, Patrick Anderson, Bill Klein, Herb Swett (Keizertimes) and Anna Kraemer (recording secretary). Several other visitors were in attendance; names unknown.

Director Franke advised those in attendance that a public comment sign-up sheet was available for those who would like to address the board. The sign-up sheet will be available until after the approval of the board minutes.

Director Franke announced the opening of a public hearing on the adoption of public contracting rules update. The hearing will remain open for a minimum of 15 minutes.

Agenda: Approved as presented.

Minutes: Minutes of February 16, 2011 presented. Motion to approve by Director Downer. Seconded by Director Miller. Unanimous.

Financials: No discussion.

Proclamations, commendations, special report, visitors, and awards: None

Organizational Input

1. Volunteer Association: Capt. Dave Zahn reported on the Volunteer breakfast. Between 800-1000 people were served and a profit of roughly \$2400 was received for the Volunteer Reach Out program. Eight volunteers attended Read Across America day. A crew of our volunteers staffed an engine company so career personnel could train at the Oregon State Hospital with Salem Fire.
2. DC Bob Gerig stated that the Support Services personnel recently received notice that activity levels for its members are of concern. Personnel will be working with ATO Woodley to develop a program to track hours worked. Support Services members worked hard on the Volunteer breakfast, Christmas toy and food drive, parade, open house, etc.

The hours for these events have not previously been tracked, but that will be corrected through this new program. Director Franke stated that he enjoyed the volunteer breakfast and thanked DC Gerig and Support Services for the nice job on this event.

3. Union Report: President Boyer thanked personnel for the support received at the breakfast. He also reported that the Seattle stair climb was a success. A total of the donations raised is not yet available. President Boyer then read a statement into record stating the union's position on the investigation into Chief Henson's vehicle crash on Dec. 31st and the union's request for a third-party investigation. Director Franke's comments at the Volunteer Association meeting regarding fighting to maintain area within Clear Lake seemed combative and confrontational and asked for clarification into the "all means necessary" comment made.
 - a. Director Miller asked if the "Professional Firefighter of Marion County" as listed on the header of the letter included Volunteers, and if not, if the union considered the volunteers as professionals. President Boyer stated that the title is from IAFF and that he does consider volunteers as professionals. He added that he does not speak for the volunteers.
 - b. Director Franke responded to President Boyer stating that he intends to ensure that the district continues to be financially viable and that there are many challenges ahead in order to accomplish that. Future annexation threats in the Clear Lake area further threaten the operating funds for MCFD. He clarified that by "all means necessary" he would meet with any organization or individual in our Clear Lake district to discuss the quality of service provided currently. Data shows that MCFD currently provides good service that will not be improved simply by annexation into Keizer Fire District.

Director Franke stated that he has tried for 3 years to be collaborative with the union and met with President Boyer and other members of the union several times. The union requested a third-party investigation before at the union's request (Mooney investigation in 2009) and the union was unhappy with the result because the problems identified were long standing and not solely those of the Chief. Chief Henson was directed to deal with specific issues, and he has done so.

Director Franke added that the relationship between management and the union changed dramatically when the union changed leadership. He added that the boards did review all of the information and agreed upon a discipline that has already been administered and the matter is closed. The union would not accept the same actions taken toward them if a request to reopen an investigation or change discipline after it had been administered had been made. Director Franke stated that the union has used the words transparency, honesty, and double standards in regard to the Chief and the Board. He questioned the board's ability to have confidence in the union vote of no confidence when it is known that the union leadership has withheld information from its members.

Director Franke stated that a member of the executive board had been caught pretending to be an investigator, alluding to subpoena authority, contacting the Chief's wife and her ex-husband. In another instance, a union member was caught

having sex on duty and on premises and involving a volunteer to purchase condoms. The union has chosen to support and defend these individuals and do not believe that these are offenses for dismissal, yet the union is asking for the Chief to be fired. In regard to honesty, the Board was very clear in stating that the budget was tight and a no cost contract was needed. The potential to lose positions was great and the union did not want management to notify union members until they were to be laid off; management wanted to provide as much notice as possible.

He furthered that the three members of the bargaining team, along with Bob Palmer and Andi Batchelor, have been trying to get Chief Henson fired since 2009 and will settle for nothing less.

Bargaining team members made statements such as “members don’t need to have all the information, they only need to know what our recommendations are” while management has repeatedly offered to present all of the information to the whole of the membership. The bargaining team repeatedly stated that they were fighting for jobs yet they proceeded to ask for a wage increase knowing that it would cost more employee jobs, and stated that they understood this and even knew the names of those who would lose their jobs.

Director Franke stated that he will work collaboratively or combatively, at the choice of the union leadership.

Chief’s Report:

1. Chief Henson attended a forum at North Salem High School along with representatives from the city, Chemeketa, and others in county government. The discussion centered on the state of the economy and upcoming budget challenges. Some projections for financial recovery state that we cannot expect to see improvement until after the next 3-5 years.
2. Preliminary budget discussions with staff have begun and the budget committee process will begin in May.
3. Chief Henson thanked DC Bob Gerig for pointing out the hours of service dedicated by Support Services volunteers. The Board gave the direction of projects to be done and job description review is one of those projects. The job description for Support Services volunteers was last reviewed and adopted in 2002 by Chief Hari and the current activities of Support Services are not in compliance with that adopted job description. A meeting has been scheduled to discuss responsibilities and explore other options that may include changing the job description to reflect the current activities.
4. Director Franke reported that members of the Keizer Board and the Marion County Board meet every two months to discuss issues of concern. The annexation of the Clear Lake area was discussed frankly at the last meeting and the MCFD Board is not willing to give up the Clear Lake community of our Fire District to Keizer Fire. Losing this part of the District could result in a loss of approximately \$500,000 in tax revenue.
 - a. Director Otjen added that this would be a loss to the District income with no increase in service level to the residents of Clear Lake.

- b. Director Downer stated that the Keizer Fire Board has received letters from two homeowners associations requesting to be annexed into Keizer Fire District, however the most recent structure fire had MCFD engine 725 on scene prior to Keizer Fire in that same area.
- c. Director Franke commented on the letter from the Keizer Prairie Homeowners Association, stating that the Keizer Fire Chief was on the board of directors of that association and this did not seem coincidental. Further, Director Franke stated the Keizer Fire Chief had directed his fire prevention personnel to conduct public education at two schools within the Marion County Fire District boundaries.
- d. Director Miller stated that he is a resident of the Clear Lake neighborhood and that no one had been talking to residents in his area or inviting them to meetings as far as he knew.

Old Business:

- 1. Medic 33 data is available for the month of February. Medic 33 ran 45 calls; 32 resulted in possible revenue which is below the break-even point of 38. Data will continue to be studied on a monthly basis.

New Business:

- 1. Consideration of revised Personnel Policies and Procedure. Chief Robinson explained that the revisions to P&P were necessary to bring this document in line with the recently ratified collective bargaining agreement. In addition to CBA changes, revisions were made to pages 56 and 64 in regard to weapons policy. The words “without authorization” were removed. *Director Otjen made a motion to adopt the Personnel Policies and Procedures with the stated revisions. Seconded by Director Downer. Unanimous.*
- 2. Adoption of the budget calendar. *Director Otjen made a motion to adopt the budget calendar as presented. Seconded by Director Downer. Unanimous.*
- 3. Budget Officer appointment. *Director Downer made a motion to appoint Chief Henson as Budget Officer. Seconded by Director Otjen. Unanimous.*
- 4. Resolution 2011-01 is presented for approval. In 2006, MCFD adopted a resolution opting out of the Attorney General’s rules and adopting its own rules pursuant to ORS. Due to legislative changes to some of those rules, an update to the Public Contracting Rules is presented before the board. Director Franke asked for any public comment on the proposed adoption. Hearing none, *Director Downer made the motion to adopt Resolution 2011-01 as presented. Seconded by Director Miller. Unanimous.*
(*Public hearing period closed)
- 5. Consideration of disposal of surplus equipment. BC Wineman, Capt. McMann, and Firefighter Cory Kottek have been working on station housekeeping and have prepared a list of radio and EMS equipment that is of no operational value to the District. EMS equipment to dispose of or surplus includes 20 year old suction units and wooden backboards that do not meet industry standards. Radios for surplus are no longer functional within the new FCC narrowband spectrum; some also have only limited channel capabilities. Property for surplus would be considered for sale or donation to other agencies prior to considering disposal. *Director Otjen made a motion to declare Radio Equipment and Medical Equipment as listed in Exhibits A and B, owned by Marion County Fire District, as surplus property having a value of less than \$5000. Further that*

the listed surplus property be sold where applicable and/or donated to other agencies in need, and move that this sale of property will substantially promote the public interest in a manner that could not practicably be realized by a competitive solicitation process. Seconded by Director Downer. Unanimous.

Public Input:

1. William Dettwyler stated that he had heard the same report from the union president at the WVFRA meeting and questioned why it was repeated. He asked who would pay for the third party investigation the union is requesting. He thanked Director Franke for confronting the issue with a frank report and explaining what the public was paying for.
2. Sherry Mulhern stated that she had been attending meetings for approximately two years. She claimed that her husband had been accused of breaking into Chief Henson's house when it was not possible for him to have been there. She stated that she did not believe that the incident occurred or that a police report had been filed. She furthered that her husband had been wrongly accused of impersonating an officer and that the Board needed to understand that the families are stressed by these actions and false accusations.
 - a. Director Franke stated that this was the first time he had heard that James Mulhern had been accused of being involved in the break in. He had heard of the impersonation as an investigator, and in that case James Mulhern was required to issue a letter of apology. His opinion is that Chief Henson had bent over backwards to be overly reasonable when many of these circumstances could have ended in a dismissal. There was a police report filed regarding the break in and a copy was previously provided to the union president.
3. Mark Wiesner stated that he is still troubled by the board's previous decision to allow Chief Henson to carry a weapon at that time.
4. Bob Palmer asked for information on the apparatus at Station 3 and 7. These apparatus have not been replaced with new vehicles and he asked why that was. Chief Henson stated that the Station Captains had been consulted and that they did not wish to have a new PUC at their stations but to remain with the current pump and roll apparatus. The remaining \$5m bond funds can be utilized either toward apparatus replacement or seismic upgrades at Station 1.
 - a. Bob Palmer asked about the seismic upgrade plans at Station 1. Chief Henson started that this is still on the radar however it will cost \$1.8m to bring the station to only 70% compliance which will still not meet seismic code. Additionally, if the District is to consider an urban services agreement, the funds would probably be best spent elsewhere than Station 1.

Good of the order:

1. Director Franke asked about the progress made as a result of the SDAO loss control review and recommendations for safety. Chief Henson stated that the chairperson for the safety committee was Capt. Friesen and that he and the committee are addressing these issues. Training is being scheduled for the needed areas. Training for Support Services will be scheduled due to the equipment kept within that building. The Safety Committee has been given SOP's to review as well.

Next Meeting: April 20, 2011, 7:00 pm, 300 Cordon Rd NE, Salem

Meeting adjourn: 8:49pm

MCFD No.1 Board President

MCFD No.1 Board Secretary