

**COLTON RURAL FIRE PROTECTION DISTRICT #70
MEETING OF THE BOARD
JUNE 14, 2011**

DRAFT

*The meeting was called to order at 6:37 p.m.

Board Members Present: Rex Rice, Ivan Maluski, Danny Fine, Jim Postlewait
and Don Vicars

Others Present: Fire Chief Richard Beaudoin, Assistant Fire Chief Gary
Anderson, Eric Fine, Jeanette Fine, Joyce Veelle, Jarrad Dukes, Nikko Sanders,
Colin Bauer, Cindy Fama, Joyce Parker, Kent Carroll, Tim Behrens

*Ivan Maluski noted a change should be made on the May 23rd minutes, Page 1,
Paragraph 6, to reflect that the SDAO/OFCA's Best Practices sample fire chief
contract was used as the template not the Blitz contract. Ivan also noted
another change should be made in the same paragraph the sentence "Rice
stated that the verbiage needed to include, that in the occasion of **the** takeover"
should actually read "Rice stated that the verbiage needed to include, that in the
occasion of **a** takeover"...

Jim Postlewait made a motion to approve the meeting minutes from the May 10th
regular board meeting and the May 23rd special board meeting minutes as
amended. Don Vicars seconded the motion. The motion carried by unanimous
vote of all board members present.

*Gary Anderson presented the Financial Report noting tax income last month
was \$2,554 including interest. Under expenditures, legal expenses are over
budget by over \$4,000 and other expenses are as anticipated. The total Material
and Services category is over by \$400. Gary Anderson suggested transferring
\$3,000 to \$5,000 out of contingency and putting that into the Material and
Services category because by law a category cannot be over budget. If that
transferred amount is not spent then it will become cash carry over.

Danny Fine asked if any more funds would be expended from the bond fund.
Gary Anderson said the bond is paid off and any money remaining in the bond
fund is to be transferred into the General Fund as cash carry over.

Ivan Maluski asked if the \$4,500 for protective gear is for turnouts. Gary
Anderson confirmed that it is for turnouts.

Ivan Maluski asked if the \$3,599 in legal fees was for prior billings. Rex Rice
said legal counsel was sought for issues dealing with other attorneys and it is
preferable and even more cost efficient to have the attorneys correspond with
each other.

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James Postlewait made a motion to transfer \$5,000 from the contingency fund to the Material and Services category. Danny Fine seconded the motion. The motion carried by unanimous vote of all board members present.

Danny Fine made a motion to close the Bond Fund and to transfer any remaining funds to the General Fund. James Postlewait seconded the motion. The motion carried by unanimous vote of all board members present.

***Public Comment:** Joyce Parker asked if a budget hearing would be held tonight as published. Rex Rice said a motion to adopt the budget would be done tonight. Joyce said a separate budget hearing needs to be held to make sure that the District can levy taxes and be in a position to operate for the fiscal year 2011-2012.

Ivan Maluski said on the agenda under New Business the motion to adopt the budget resolution is noted.

Tim Behrens asked if at the Budget Hearing is the budget going to be reviewed again. Tim also questioned if anything has changed since the May budget meeting. Rex Rice said the budget will not be reviewed again and that nothing has changed on the budget. Gary Anderson said the budget and the tax rate would be adopted at tonight's meeting.

***Fire Chief's Report:** Assistant Fire Chief Gary Anderson reviewed the Monthly Activity Report. There have been a total of 119 calls year-to-date.

Rex Rice read a letter from Estacada Fire District thanking Colton Fire District for the help received from Chief Beaudoin and the volunteers on a residential fire call on May 31st.

Chief Beaudoin said the First Responder academy is finishing up. Discussion is being held on all incoming fire fighters being required to have the First Responder certification.

An OSHA courtesy audit was held with few things to be remedied.

A grant from the Homeland Security Department has been filed for mobile data terminals and software. This gives information on the calls including any hazards and where the nearest hydrant is located. It also limits the radio response so there's not a lot of radio traffic and it is connected to C-COM.

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***Fire Chief's Report, continued:** Chief Beaudoin said he could not justify the \$13,000 a year cost to maintain the 800 radios. All departments in Clackamas County might go for a bond or grant to equipment departments with the 700 radios. The full amount of the grant is \$38,500 with notification of the grant award being December 2011. Volunteer Jeannette Fine was commended for getting the grant filed.

Volunteer Dan Starr was voted as Fire Fighter of the Quarter.

Rex Rice said Assistant Fire Chief Kevin Donegan has provided a monthly training calendar that is posted in the meeting room.

***Volunteer Association President Report:** In Bryce Glovatsky's absence, Eric Fine gave the report stating the annual auction netted just under \$7,000 with good support being received by the community. Some items left over from the auction will be donated to the family who suffered the house fire in Estacada. Some of the auction funds received will be used to purchase equipment and provide more training. Don Vicars said if the volunteers donate to any organizations it would be good to notify the Board.

This Saturday the volunteers will hold a community Father's Day breakfast.

Discussion followed on the volunteer scholarship that was awarded to graduating high school student Brittany Veelle.

*The regular board meeting recessed at 7:29 p.m. to go into the Budget Hearing Meeting.

*The regular board meeting reconvened at 7:50 p.m.

Don Vicars made a motion to adopt Resolution 2011-02, Adopting the Budget for fiscal year 2011/2012, making appropriations, imposing the tax and categorizing the tax at a permanent rate of \$1,5601 per \$1,000. Jim Postlewait seconded the motion.

Discussion followed on stating the total dollar amount of the budget. Gary Anderson said the resolution adopts the tax rate and that is not going to change.

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Rex Rice stated for the public record that coming out of the budget process the total appropriations of all funds is \$379,046, the total unappropriated and reserve amounts of all funds is \$104,708 and the total adopted budget is \$483,754.

The motion to adopt Resolution 2011-02 carried by unanimous vote of all board members present.

Rex Rice indicated there was a complaint filed with the Oregon Department of Revenue regarding the budget process. Specifically, there were three complaints filed stating 1) there were people on the budget committee that were not approved, 2) that the president and secretary of the budget committee were appointed and not voted in to serve, and 3) that this could jeopardize levying the tax.

A written response was received from Sandy King with the Oregon Department of Revenue stating that the District's budget was never in jeopardy. She stated the three complaints were insignificant issues. She suggested that if the positions were not formally adopted to do so at the next regularly scheduled board meeting and to move forward with adopting the budget for 2011/2012. The reason is that both individuals serving as budget committee members served prior and won't be changing and the entire budget committee lawfully approved the 2011/2012 budget.

Rex Rice made a motion to approve Jason Carroll as a budget committee member through May 2011 and to approve Diana Fine as a budget committee member through May 2011. Jim Postlewait seconded the motion. The motion carried by unanimous vote of all board members present.

Rex Rice made a motion that Ann Miller and Dave Conner be appointed as budget committee members through May 2013 and Brian Moore as a budget committee member through May 2012. Danny Fine seconded the motion. The motion carried by unanimous vote of all board members present.

On the issue of not voting for the positions of president of the Budget Committee and secretary of the Budget Committee, Sandy King said technically those positions should be voted on in the future. Rex Rice said Jason Carroll and Ann Miller volunteered to hold the respective positions and so he appointed them as such. In the future those positions will be voted on.

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Sandy King also stated that the budget was never in any jeopardy of not being passed because of the above three complaints.

Jim Postlewait said that Sandy King specifically stated that according to Oregon Revised Statute 294.485 it does not allow for the voiding of a tax levy due to an appointed position error. The levy itself would have to be unlawful before it would not be placed on the tax roll.

***Old Business:** Rex Rice said the District's attorney has reviewed the fire chief's contract and has made a few minor revisions. Discussion followed on the \$550 a month car allowance and how that will fit within the budget. The additional insurance coverage had to be deleted because it is against federal law. The District will continue to contribute to the PERS retirement. The comp days will remain as discussed prior. A performance evaluation will be held in March of each year.

Jim Postlewait made a motion to accept the Fire Chief's Contract and to present it to Chief Beaudoin to sign. Danny Fine seconded the motion.

Ivan Maluski said a more in depth discussion was held last month about his concerns with some of the provisions in the contract. Ivan stated he is voting no on the fire chief's contract. The main reasons are that he does not think the duration of the contract (3 years) is where the District may want to be with a half time fire chief, but that can be renegotiated. Ivan said he thought the duration of the contract should be one year. Ivan said he thinks some of this is being done in reaction to fear around changes in the board, but that is his perception even if it isn't correct, and he doesn't want to support that.

Ivan said he has pushed for and handed out copies of things that are work plan oriented and more specific than the performance evaluation. He thinks where possible measurable standards should be placed in the evaluation. Ivan said some of his suggestions have been seen as micro managing in the contexts of putting out a one-year deadline for helping come up with a strategic plan. Ivan said that is not micro managing it's just managing.

Ivan said for a variety of reasons he is going to vote no on the contract and he wanted to make sure that his concerns were articulated.

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***Old Business, continued:** Rex Rice said the length of the contract is for stability in the department and a multi-year contract brings stability; it says this is our chief and this is where we're going for three years. As far as being reactionary to the new board, Rex said the contract was started before the vote ever took place.

Jim Postlewait said the contract process was started in March and he thought Ivan was reactionary to that. So, it works both ways. Jim said first Ivan didn't have time to look at it and then Ivan needed to look at the budget and Jim thought that was reactionary.

Rex Rice said it's not reactionary; it's intended to bring stability. Rex thought there might be other District's interested in hiring Chief Beaudoin. The contract gives the fire chief direction and he's got to have latitude to do his job. And if too many restrictions are put in place then the latitude is taken away.

Don Vicars said since he has been on the board with Ivan, he thinks Ivan has maintained a half empty attitude. Don said Ivan has voted on all of the issues and has seen positive things occur. Don said he doesn't know where the rational comes from to just disagree. Don said this is a great place; we are half full and we are moving forward and he encouraged Ivan to look at the big picture.

Danny Fine said one of the things about establishing a contract is gaining continuity and an assurance if this is the path we are going down and leadership is needed. Danny said he's watched the leading by example where Chief Beaudoin has started a menial task and the rest follow. Danny said the contract gives continuity of command and it gives direction of purpose.

Ivan Maluski said everyone is entitled to his or her opinions and he said he has nothing against Chief Beaudoin and this isn't about any individual event. It's about some of the provisions in the contract that should and shouldn't be in the contract. Ivan said he's raised issues with the board numerous times and that almost none of those issues have been addressed and he's tried to be very constructive. Ivan said one of the benefits of being a member of the public on a public board is you can sometimes be the voice of accountability and that's all he's ever tried to be. Ivan said he is concerned that the last action of the outgoing board is to set up the fire chief's contract.

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***Old Business, continued:** The motion carried with board members Rex Rice, Don Vicars, Danny Fine and James Postlewait voting yes on the Fire Chief's contract and Ivan Maluski voting no. The motion carried by 4 yeas to 1 nay.

***New Business:** Fire Chief's Evaluation – Rex Rice said Chief Beaudoin agreed to do the evaluation in open session. Each board member was given an evaluation form prior to the meeting to fill out individually. Originally Jan Kaforski was going to tally a master of all the evaluations to come up with an average score including any comments received. In Jan Kaforski's absence, Jeanette Fine, Joyce Parker and board members James Postlewait and Ivan Maluski tallied the average score under each category and included comments from the five evaluation forms.

The board meeting recessed while the evaluation forms were tallied.

The meeting reconvened to discuss the performance evaluations as tallied. Rex Rice read the average tallies ("4" being high and "1" being low).

Management 3.5; Supervision of employees 3.5; Maintain harassment free environment 3.4; Prepares and provides concise budget document 3.2; Oversees all investigations surrounding fire 3.5 (two did not vote); Assesses long term District needs 3.5; Public relations 3.8; Analyzes all aspects of the fire district services in relation to community needs 3.7; Ensures that public perception of service is that of courtesy and professionalism 3.6; Effectively handles resident concerns, inquiries and correspondence 3.6;

Facility and Equipment Maintenance: Enforces fire district codes for compliance 3.6 (two did not vote); Ensures that all District equipment is in operational condition 4.0; Records all tests required of apparatus and SCBAs 3.6; Maintains financial records relating to apparatus 3.6;

Training and Recruitment and Retention: Participates regularly in fire district training and activities 4.0; Directs activities of career and volunteer personnel 3.9; Creates work schedule and special assignments, provides evaluations and handles grievances 3.5; Directs development of all standard operating guidelines 3.6;

Relationship with board members 3.8; Maintains effective communication with board members 3.6; Performs other special related special duties and functions as the board may direct 3.8; Intergovernmental Relations 3.8; Serves as a spokesman for the District in situations of mutual interest and concerns on local, county and state-wide basis 3.8;

Personal and Professional Development: 3.4

Behavioral Traits: Initiative 3.6; Dependability 4.0; Job Knowledge 3.5; Managing change and innovation 3.8; Service orientation 3.8; Communication 3.3; Operates within the organization's culture 3.8.

Each board member gave an over view of their evaluation of Chief Beaudoin.

Chief Beaudoin responded to the overall evaluation by thanking board members for the opportunity to serve. The Chief also stated what's been done to date has been a team effort on the part of the volunteers, staff and board members.

Chief Beaudoin's evaluation was signed and dated. The next evaluation will be held in March 2012.

***Added Agenda Items:** Assistant Fire Chief Gary Anderson thanked Danny Fine for many years of service as a board member. Rex Rice said outgoing Director Fine served for 11 years on the board and outgoing Director Vicars served on the board for over a year and it was a pleasure to serve with them.

Danny Fine discussed the dedication of the people who work at Colton Fire District and asked the new board members to keep an open mind and to respect that dedication and professionalism.

*The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Ivan Maluski, Secretary-Treasurer