

Central Whidbey Island Fire-Rescue

CWIFR

*Serving Coupeville,
Greenbank, & Central
Whidbey Island*



Board of Fire Commissioners

Policy Manual

REV 1.0

Acknowledgements

Central Whidbey Island Fire & Rescue's Board of Fire Commissioners, recognizing the need for well-defined and clearly stated Board Policies charged Chief Ed Hartin and Office Manager Kim Harpe with development of a Board Policy Manual.

- Commissioner Tom Smith, Board Chairperson
- Commissioner Paul Messener
- Commissioner Cheryl Engle

The following Central Whidbey Island Fire & Rescue members participated in development of the Board of Fire Commissioners Policy Manual.

- Fire Chief Ed Hartin
- Office Manager Kim Harpe
- Deputy Chief Chad Michael

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Forward

Serving as a Fire Commissioner for Central Whidbey Island Fire & Rescue is a challenging, but rewarding responsibility. This Policy Manual centralizes information on common issues related to your role as a member of the Board of Commissioners. The issues addressed by Fire Commissioners are often complex and subjective. This Manual is intended to be a guide, but it is not a substitute for Washington state statutes and regulations governing your conduct as Board members, and the advice, guidance, and/or opinions of the District's legal counsel.

The decisions that the Fire District Executive Staff makes for operations of this District will be based on the policies determined by the Board. As such, this manual will be kept current as to revisions, additions and deletions. It will be available to the public and the staff at all times.

Flexibility in making policy changes means the Board is able to meet future needs and challenges. The Board reserves the right to amend, modify or eliminate any of these policies. This manual is subject to change and therefore not a complete statement of Board policies. It does not form a part of any employment contract or promise any specific treatment. It is simply a general summary of the Board's current policies. The Board reserves full discretionary authority to interpret and apply all District policies and reserves exclusive authority to determine how those policies and procedures will apply to specific issues and specific circumstances. The Board's determination on all such matters is final and binding.

This manual supersedes any other oral or written provisions, descriptions or understandings of the District's policies. Policies included in these manuals that are required by federal or state laws and regulations may be subject to change by those laws and regulations at any time.

The Board formally adopted the contents of this Manual on the 13th day of December, 2012. The contents hereof will be reviewed as needed to insure they remain relevant and in accordance with law. The Board, by majority vote, in its sole discretion, reserves the right to revise this Manual at any time, without notice.

Commissioner Tom Smith, Board Chairperson

Fire Chief Ed Hartin, MS, EFO, MIFireE, CFO

Commissioner Paul Messner

Attested to by:

Commissioner Cheryl Engle

District Secretary Kim Harpe

Introduction and Overview

As a District Board member, you not only establish important and often critical policies for the District, you are also one of the stewards of the District's fiscal, material, and human resources. In many instances, the scope of District issues and problems you will deal with as a Board member will go beyond that which is reported publicly. Your service will likely have long term impact on the operations, morale, and culture of the District. As a result, this Manual is intended to help you understand your role as a steward of the District and its resources and provide you with appropriate guidance.

Purpose of the Policy Manual

The District Board has prepared this Manual to assist its Commissioners by documenting accepted Board practices and clarifying those expectations each Board member should continually strive to attain. It is acknowledged that the successful administration of District affairs is greatly enhanced by agreement of the Board and the District's Executive Staff to be bound by the practices and policies identified herein. While attempting not to be overly restrictive, policies, procedures, and acceptable Board conduct are established and articulated herein to guide each Board member in representing and governing the District.

This Manual provides an overview of important Board policies. However, it cannot incorporate all material and information necessary for District operations. The District is bound by many laws, regulations, resolutions and other legal requirements. Because of this, each Board member should seek to become and remain educated to the greatest extent possible regarding the statutes, regulations, and other District policies that govern the conduct of Board members in order to provide the best and most ethical service to the District.

Overview of District Policy Documents

In addition to the Board of Fire Commissioners' Policy Manual, a number of other important documents are instrumental in communicating Board policy:

Strategic Plan: Adopted by the Board in 2011, our Strategic Plan defines the District's values, mission, and vision as well as clearly defining strategic direction and performance measures to measure organizational performance and progress over an extended period of time (i.e., five years).

Standard of Coverage: Currently under development, the District's Standard of Coverage describes community risks, analyzes critical tasks for various types of incident response, and defines services provided, service delivery levels in terms of time and resources.

Capital Projects Plan: Adopted by the Board in 2011 and updated on an annual basis, our Capital Project Plan identifies the projected useful life and replacement cost of equipment and facilities having a cost greater than \$5,000 and establishes the Board's long term priorities related to capital projects. The Capital Projects Plan also defines the Board's fiscal policies and strategies related to capital projects funding.

Annual Maintenance, Operations, & Capital Budgets: The annual budgets set the District's short term fiscal priorities and provides a sound framework for expenditures to support current operational and capital requirements.

Annual Business Plan: This plan provides a short term framework for implementing and assessing the strategic initiatives established in the Strategic Plan as funded in the Annual Maintenance, Operations, & Capital Budgets.

Collective Bargaining Agreement and Employment Contracts: The collective bargaining agreement between Local 4299 International Association of Firefighters and the personal services contract between the Fire Chief and the District define the terms of employment, salary, and benefits of represented employees and the Fire Chief. The terms of employment of other employees are defined in the District's human resources Standard Operating Guidelines (SOG).

Standard Operating Guidelines: Each of the District's SOGs contains a statement of Purpose, Scope, and Policy which have been adopted by the Board of Fire Commissioners. These statements provide clear policy direction in support of procedural guidance outlined in the District's SOGs.

Board of Fire Commissioners Resolutions: Resolutions serve as a primary mechanism for the Board of Fire Commissioners to provide written documentation of major policy decisions.

Legal Qualifications, Powers, Duties, and Responsibilities

Legal Qualifications

The Board shall be composed of three (3) members elected by voting members of the District and in accordance with Revised Code of Washington (RCW) 52.14.010. Candidates for the position of Fire Commissioner must reside within the boundaries of the District and be a registered voter. Employees of the District are not eligible to serve as members of the Board. However, as provided by Resolution 67-28 and reaffirmed by unanimous vote of the Board of Fire Commissioners on November 8, 2012; volunteer members may serve as a Fire Commissioner. Elections are nonpartisan and Commissioners serve for a term of six years.

Serving as Commissioner requires active participation in the management of District affairs. If a Commissioner is absent from two consecutive regularly scheduled meetings, unless excused by the Board, that Commissioner shall be notified by mail that if the Commissioner is absent from the next regularly scheduled meeting without being excused by the Board, his or her position will be declared vacant by the Board. If the Commissioner is absent without being excused by the Board from a third consecutive meeting, the position will be declared vacant as provided in RCW 52.050.

If a vacancy occurs on the Board due to resignation or other reason specified in RCW 42.12.010, the remaining Board members must fill the vacancy within 90 days specified by RCW 42.12.070. The Board of Fire Commissioners shall advertise the vacancy for a period of 30 days, accepting applications from qualified individuals. The Board shall review the applications and select the most qualified candidate by unanimous vote.

Fire Commissioners are required to take an official oath (see Appendix A) as a condition of taking office. This oath must be taken before a notary, signed, and filed with the County Auditor.

Powers of the Board

The Board of Commissioners possesses the power and authority as set forth in 52 RCW and other applicable provisions of the Revised Code of Washington. Each Commissioner is an elected representative of the residents of Central Whidbey Island Fire & Rescue District and is entitled to vote on all matters coming before the Board. RCW 52.14.010 provides that the Board of Fire Commissioners of the Fire Protection District is the legislative body of the District.

Individual Commissioners do not have authority to manage or direct the affairs of the District. The Fire Chief serves as the Chief Executive Officer of the District and is responsible for managing the day-to-day activities of the District consistent with policy direction received from the Board of Fire Commissioners.

Commissioners are encouraged to become familiar with the District operations and to meet full-time, part-time, and volunteer members. However, individual Commissioners shall not supervise, direct or discipline District personnel. In the event a Commissioner shall be dissatisfied with the operation or any action of the District or its personnel, the Commissioner shall bring such dissatisfaction to the attention of the Fire Chief.

Duties of the Board of Fire Commissioners

Central Whidbey Island Fire & Rescue's three-member Board of Fire Commissioners is responsible for governing the operations of the District. The Board is generally responsible for the following:

- Election of a Chairperson and Vice Chairperson
- Determining levels of service and establishing goals
- Determining the type and level of funding, approval of budgets and tax levies
- Ensuring transparency in decision-making and the District's fiscal affairs
- Establishing policies and approving the purpose and scope of operational guidelines
- Employing and supervising the Fire Chief
- Providing guidance and direction to the District's strategic planning process
- Representing the District to the public

Duties of the Board Chair & Vice Chair

The Board shall elect a Chairperson and Vice Chairperson at the first regularly scheduled meeting of the year. The term of office for the Board Officers shall be one year from the first regularly scheduled meeting of the year until the first regularly scheduled meeting of the subsequent year.

The Board Chairperson shall fulfill the following duties:

- To preside at all meetings of the Board with the right to make motions, second motions, discuss questions and the option to vote on any issue.
- To sign any documentation that requires an official signature on behalf of the Board.
- To represent the Board in deliberation with other Boards, Districts, or agencies unless another member has been appointed by a majority of the Board to do so.
- To appoint all committees, subject to approval of a majority of the Board; call special meetings and perform all other duties prescribed by law or set forth in the Board's policies and rules.
- Serve as the Chairperson of the Local Board for Volunteer Firefighters and Reserve Officers (Resolution 04-01).

In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.

Responsibilities of Individual Commissioners

Board members of Central Whidbey Island Fire and Rescue carry a great deal of responsibility in ensuring that the District serves the needs and maintains the confidence and trust of our community.

General Responsibilities

An individual Commissioner has no legal status to act for the Board outside of an official meeting. Individual Commissioners must refuse to make commitments on any matter that should properly come before the Board as a whole. Individual Commissioners have the following responsibilities:

- Attendance and active participation in regular and special meetings of the Board of Fire Commissioners.
- Awareness of legal requirements in areas ranging from budgeting and taxation to holding public meetings and elections.
- Responsibility to the people of the District for the quality of service and the competency of those persons providing that service.
- Represent all constituents and ensure that all of the District's decisions and transactions are made on a transparent, ethical, and above board basis.
- Acting as a representative of the District with professional demeanor.
- Avoid individual action to direct District staff. The Board of Fire Commissioners governs the District through the Fire Chief.
- Maintain confidentiality of privileged or private District records and information.
- Keep the Fire Chief continuously updated on that Board member's mailing address, e-mailing address, telephone (home and cell numbers) and fax number.

Financial Disclosure

Pursuant to RCW 42.17, candidates for the office of District Board member, appointees to the Board, and standing Board members, are required to file a financial disclosure statement, from time to time, with the State Public Disclosure Commission, according to Washington law. The timely filing of such disclosure statements is the responsibility of each individual Board member and not the District. Each Board member is encouraged to maintain an awareness of the provisions of RCW 42.17 entitled *Campaign Financing*, and specifically RCW 42.17.240 entitled *Elected and appointed officials, candidates, and appointees – Reports of financial affairs and gifts*.

Responsibilities of the Board Secretary

The Board of Fire Commissioners shall appoint a Board Secretary as provided in RCW 52.14.080. The Secretary is an appointed public official, serves at the pleasure of the Board, and is required to take an official oath (see Appendix A) as a condition of taking office. The Board Secretary is responsible for the following:

- Preparing and maintaining minutes of board meetings.
- Assist in preparation, certification and filing of the District's budget.
- Prepare, approve and sign vouchers.

- Receive special meeting notice waivers.
- Manage annual financial reports and assist in compliance with audit requirements.
- Serve as confidential secretary to the Board of Fire Commissioners.
- Understand and comply with all ethics laws and rules.
- Perform other duties as assigned by Board of Fire Commissioners.
- Deal with correspondence of special interest to the Board consideration.
- Sign and seal official Board documents.
- Assist in the preparation of the Agenda.
- Maintain a calendar of the Board's unfinished business.
- Call to the attention of the Board legal requirements in those matters for which the District is responsible.
- Draft policy motions at the request of any Board member.
- Insure that agenda items are delivered to each Board member in a timely manner prior to each meeting.
- Attend all Board meetings or designate an alternative.
- Make all physical arrangements for Board meetings.
- Prepare, check and distribute minutes in advance for approval at the next meeting.
- Declare a Board meeting cancelled for lack of a quorum.
- Maintain official records of policies of the Board.

Applicability of Policies and Guidelines

The Board shall follow the policies and Standard Operating Guidelines of the District where they apply to Board Members and where it is not in conflict with other provisions of the CWIFR Board of Fire Commissioners Policy Manual.

Public Meetings & Records

The State of Washington enacted the public records law and the open public meeting act to assure citizens of our state transparency and access to government.

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. *It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly* [Emphasis Added]. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created (RCW 42.30.010).

Central Whidbey Island Fire & Rescue is committed to both the letter and the intent of public records and open public meeting laws with the intent of being transparent in the District's decision making and fiscal affairs.

Public Meetings

All meetings of the Board of Fire Commissioners shall be open and public and all persons shall be permitted to attend these meetings except when an Executive Session is declared consistent with the provisions of RCW 42.30.030.

Regular Meeting

The Board shall hold regular meetings on the second Thursday of each month at 5:00 pm at the District's Headquarters, 1164 Race Road, Coupeville, Washington as established by Resolution # 12-01 on September 13, 2012. Should a regular meeting date fall on a holiday, the meeting shall be held on the next business day as provided by RCW 42.30.70. In the event that a quorum will not be present for a regular meeting, the board may schedule a special meeting to transact the business of the District.

Special Meeting

The Board reserves the right to call and hold additional meetings as shall be deemed necessary in accordance with the provisions of RCW 42.30.080. Actions taken during a special meeting must pertain to the subjects identified by the advertised agenda. Special meetings may be called by either the Board Chairperson or a majority of the Board members. Notice of a special meeting will be made by the Fire Chief or his designee by delivering personally, by mail, by telephone, by e-mail, or by facsimile, written notice to each Board member and to those media entities which have on file with the District a written request to be notified of special meetings, at least 24 hours before the time of such meetings specified in the notice.

Notice of special meetings must be posted at the main entrance to the District Headquarters located at 1164 Race Road, Coupeville, WA and at the meeting location (if different than the District

Headquarters). The notice shall specify the time and place of the special meeting and the specific business to be transacted. At special meetings, only those matters noted in the agenda may be acted upon.

Emergency Meetings

The Board may call emergency (special) meetings as deemed necessary in accordance with the provisions of RCW 42.30.070. The Board Chairperson, or in his or her absence, the Vice Chairperson may direct the Board Secretary to call an emergency meeting.

The notices requirements for special meetings may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

Meeting Procedures

Meetings of the CWIFR District Board will be conducted in an orderly and businesslike manner in accordance with District policy.

Preparation of the Agenda

Agendas for public meetings shall be prepared in the following manner.

- A Commissioner may request an item be considered for an upcoming Board meeting by making an oral request at a Board meeting or submitting a request to the Fire Chief. Based upon the nature of the request, the Fire Chief may, at his discretion, submit the request to the Board before placing it on the agenda. The majority of the Board may direct the Fire Chief to formally include or exclude the item from the agenda of an upcoming meeting.
- A member of the public may request an item be placed on a future Board meeting agenda while addressing the Board during a regular Board meeting and/or by submitting a request in writing to the Board through the Fire Chief's office. If the issue is placed on the agenda, the Fire Chief will notify the requester so he or she may plan to attend the meeting.
- Requests or input for agenda items must be submitted to the Board Secretary no later than the first Monday of the month. The Board Secretary will work with the Fire Chief to develop the Draft Agenda.
- The Board secretary shall transmit the Draft Agenda to the Board Chair in hard copy or electronically (as preferred by the Chair) on at least nine days prior to the Board's regularly scheduled meeting (Tuesday, the week prior to the meeting)
- The Chief will contact the Chair to discuss the Draft Agenda by telephone, electronically, or in person (as preferred by the Chair) no later than seven days prior to the Board's regularly scheduled meeting (Thursday, the week prior to the meeting).

- The Chair shall indicate approval or provide specified revisions to the agenda to the Board Secretary no later six days prior to the Board's regularly scheduled meeting (Friday, the week prior to the meeting).
- The Board Secretary shall provide each member of the Board with the meeting agenda and detailed information relative to agenda items no later than close of business the second Monday of the month.
- The agenda for a regular meeting of the Board may be amended to address issues related to the normal business of the district, but in order to allow Commissioners the opportunity to be fully prepared, additions should whenever possible be limited to urgent matters requiring immediate action by the Board.
- The agenda for special meetings of the Board may only be amended outside the stated purpose of the meeting to address emergency items that affect public health, safety, and welfare of the District. The reasons for adding an emergency item to the agenda shall be announced publically in the meeting and included in the meeting minutes.

Agenda Content

The Board Secretary in consultation with the Fire Chief shall draft the agenda after conferring with the Chair in general accordance with the order listed below:

1. Call the meeting to order
2. Excuse of absence (if necessary).
3. Ceremonial matters and recognition of members
4. Additions, revisions, or consensus approval of the agenda
5. Approval of the minutes of previous meeting
6. Citizen Communication
7. Approval of vouchers and payroll
8. Chief's Report (operational and activity report)
9. Board Secretary's Report (financial report)
10. Unfinished Business
11. New Business
12. Good of the Order
13. Adjournment or Recess

The order of business may be suspended at any meeting by a majority vote of the Board.

Minutes

The Board Secretary shall take minutes of all meetings of the Board of Fire Commissioners with the exception of executive sessions. In the absence of the Board Secretary, the Fire Chief or Chief's designee shall be responsible for taking minutes. Meeting minutes shall contain the following information:

- Members of the governing body present.
- Motions, proposals, resolutions, orders and measures proposed and their disposition.
- Results of all votes, including the vote of each member by name, if not unanimous.
- The substance of any discussion on any matter.

Minutes of the preceding meeting shall be transmitted to the board along with the meeting agenda for the next regularly scheduled meeting. After approval of the minutes, they shall be maintained in both hard copy and electronic format.

Attendance

Commissioners may ask to be excused for a subsequent meeting by advising the Board under announcements for good of the order, or by notifying the Chairperson, Board Secretary, or Fire Chief in advance. Commissioners may be excused from attendance by a vote of the Board. If the absent Commissioner is excused, the Board Secretary shall make such notation in the minutes.

From time to time, a Commissioner may not be able to be physically present at a Board meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. In these cases, attendance by audio or videoconferencing is permitted. However, attendance by electronic means should be the exception and not the rule. Situations where attendance via electronic means may be appropriate include:

- An agenda item is time sensitive and attendance via electronic means is necessary to achieve a quorum.
- An agenda item is of high importance to the Commissioner who is unable to attend.
- It is important for all Commissioners to be involved in a decision, but they are unable to be physically present.

It is important that Commissioners be provided all written material and/or presentations in advance if they will be participating via electronic means. Participation in executive sessions via electronic means require that the Commissioner can assure that he or she is in a secure location and is able to maintain confidentiality.

Quorum

Two members of the Board of Fire Commissioners will constitute a quorum for transaction of the Business of the District.

Voting

Votes will be recorded. Any member may request a vote be changed if such request is made prior to consideration of the next order of business. Members may abstain to the record, at the time of voting, a statement indicating the reason for the vote or the reason abstaining (e.g., conflict of interest).

Rules of Order

Meetings of the Board of Fire Commissioners follow specific rules of order that are supported by the following principles:

- Rules serve to establish a framework for orderly conduct of meetings
- Rules should be clear and user friendly to encourage participation of members of the Board and the public
- Rules should enforce the will of the majority while protecting the rights of the minority

The Board Chairperson should use the following general format for discussion of agenda items:

1. Announce the agenda item
2. Invite the appropriate individuals (e.g., Fire Chief, Board Secretary, other staff) to report on the item including recommendations
3. Ask if members of the Board have any technical questions for clarifications.
4. Invite public comment or if appropriate, open the meeting to public input.
5. Invite a motion by a member of the Board on the agenda item
6. Determine if another member of the Board wishes to second the motion
7. If the motion is made and seconded, ensure that all members of the Board clearly understand the motion (e.g. the motion may be repeated by the Chair, the Board Secretary, or the member who made the motion)
8. Invite discussion of the motion by the Board
9. After discussion or if there is no discussion, take a vote by asking for “ayes” and “nays”. If a member chooses not to vote, they should indicate that they abstain.
10. Announce the result of the vote and announce what action the Board has taken (if any)

Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century (Rosenberg, 2003) serves as a reference for the rules of order as used by CWIFR’s Board of Fire Commissioners. Rules of order may be amended or the order of business suspended at any meeting by a majority vote of the Board.

Executive Sessions

An executive session is a portion of a meeting of the Board of Fire Commissioners that is closed, or limited to members of the Board and other people whose presence is necessary to conduct the business at hand. The Board’s use of an executive session is limited to a narrow set of specific circumstances. In

order to qualify for an executive session its purpose must meet one of the following provisions of RCW 42.30.

- Consideration of site selection or the acquisition of real estate, or to set the minimum price at which real estate will be offered for sale by lease or purchase when public knowledge regarding such consideration would cause a likelihood of a price impact (RCW 42.30.110(1)(b) and RCW 42.30.110(1)(c)).
- Review of negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs (RCW 42.30.110(1)(d)).
- Receipt and evaluation of complaints or charges brought against a public officer or employee (RCW 42.30.110(1)(f)).
- Evaluation of the qualification of an applicant for public employment or the review of a District employee's performance (RCW 42.30.110(1)(g)).
- Evaluation of candidate qualifications for appointment to a vacant seat on the Board of Fire Commissioners (RCW 42.30.110(1)(h)).
- To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency (RCW 42.30.110(1)(i)).
- Collective bargaining sessions with employee organizations or that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, or reviewing the proposals made in the negotiations or proceedings while in progress." (RCW 42.30.140(4)(a)).

Note: This list provides a brief overview of the requirements for convening of an executive session and is not a replacement for a more detailed review of RCW 42.30 prior to determination that use of an executive session by the Board is appropriate.

Executive Sessions may be called by any two members of the Board or by the Chair during an official meeting in accordance with the provisions of RCW 42.30. In convening an Executive Session the Chairperson shall announce:

- That the Board is going into executive session
- The statutory reason for the Executive session
- That the public is excluded and that they should leave the room
- The time that the Executive session will be concluded (and the public may reenter the room)
- If Board action is expected following the Executive Session

An Executive Session may be extended to a stated later time by announcement of the presiding officer or his/her designee to those waiting outside the meeting room to reenter at its conclusion. Under no circumstance shall the Board ever take any action during an executive session; Board action may only occur during its meetings open to the public.

No minutes shall be recorded in executive session.

Recess & Adjournment

The meeting will be adjourned or recessed at any time by a majority vote.

Board Communications

To ensure business communications submitted to and by the Board of Fire Commissioners comply with the *State Public Disclosure Act*, RCW 42.17, and the *State Open Meetings Act*, RCW 42.30, the following is set forth:

All letters, memoranda, and interactive computer communications involving Board members, the subject of which relates to the conduct of the Board or the performance of any District function, with few exceptions as stated by the Public Disclosure Act, are public records. Copies of such letters, memoranda, and interactive computer communication may not be provided to the public or news media without the requesting party first filing a written public disclosure request with the District.

As specified in CWIFR Standard Operating Guideline (SOG) 1.7.4 *Public Records Request*, requests for District records by the public should be directed to the Fire Chief. Any individual or entity making a request to a Board member for District documents should be directed to contact the District's front office for a public document request form.

In addition to the general requirements of SOG 1.7.1 *Records Management System*, the following specific provisions apply to communications to, from, and between Board of Fire Commissioners.

Written Communications

Written letters and memoranda received by the District, addressed to a Board member or the Board as a body, will be copied to all Board members, and a copy kept according to the District's Records Retention Schedule.

Electronic Communications

Informal messages with no retention value that do not relate to District conduct or performance of any District function, such as meeting notices, reminders, telephone messages and informal notes, ordinarily do not constitute a public record. Users should delete these messages once their administrative purpose is served.

All other messages that relate to the functional District responsibility of the recipient or sender as a public official constitute a public record. Such records are subject to public inspection and copying; users may print a copy of the record and file it with the Fire Chief or his designee for keeping according to the District's Records Retention Schedule as specified in SOG 1.7.2 *Records Retention*, or forward such e-

mail messages to the Fire Chief or his designee for printing and filing according to the District's Records Retention Schedule.

E-mail communications intended for review by all three Board members, or a majority of them, whether concurrently or serially, must be considered in light of the Open Public Meetings Act. If the intended purpose of the e-mail is to generate a discussion that should occur at an open meeting, the electronic discussion should not occur.

E-mail should be used cautiously when seeking legal advice or to discuss matters of pending litigation or other "confidential" District business. In general, e-mail is discoverable in litigation, and even deleted e-mail is not necessarily removed from the system. Confidential e-mail communications involving the District's attorney that are legally protected should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.

E-mail between Board members and between Board members and staff shall not be transmitted to the public or news media without the requesting entity or person first filing a public disclosure request with the District.

Policy Making

Public policy determines services and service delivery levels provided to the community. Policies are created to guide decision-making. Establishment of policy generally evolves from a deliberative process and takes the form of a governing principle, plan, or course of action.

Policy making is one of the most important responsibilities of the Board of Fire Commissioners.

Legislative bodies are most effective and are most successful when they focus on strategic activities that guide the future of their communities. Whether it is called goal setting, strategic planning or futures planning, the process of assessing need and establishing priorities is a necessary function of local government (MSRC, 1999)

Key Policies

Key policy making priorities include the District's:

- **Strategic Plan:** This plan defines the District's mission, vision for the future, strategic goals and initiatives necessary to achieve those goals.
- **Standard of Coverage:** This document defines the services that the District will provide to the community and the level at which each of these services will be provided.
- **Capital Projects Plan:** This plan provides for improvement and/or maintenance of the District's capital facilities and equipment.
- **Capital and Operating Budgets:** Budget documents provide short term fiscal policy direction for District operations.

In addition to these major policies, each of the District's Standard Operating Guidelines (SOG) includes a purpose, scope and policy statement. The Board of Fire Commissioners reviews and approves or recommends revision to these elements of the District's SOG.

Staff Roles & Responsibilities

The Fire Chief and Deputy Chief do not make policy decisions. However, they have *strong influence* on the policy-making process and its resultant decisions. For example, they propose budgets; oversee studies and analyses carried out by staff, and make policy recommendations to the Board of Fire Commissioners.

Proposed new policies shall be reviewed by the Fire Chief and may be reviewed by the District's Attorney prior to submittal to the Board for consideration.

Policy Adoption & Interpretation

Policies adopted and recorded in the minutes of the Board shall be regarded as official. Any formal motion or action, which amends or supplements existing policy, shall be called to the Board's attention before a vote to adopt is taken.

In the event of disagreement over the application, extent or interpretation of a policy, the conflict will be decided by a majority of the Board.

If a policy is found to be in conflict with state or federal law or the rules and regulations of a higher authority, such policy is automatically null and void without Board action.

Annual Review

The Board will review the District's Strategic Goals, Capital Projects Plan, and other major policies in April of each year and shall provide policy direction to the Fire Chief in advance of the District's budget development process.

Ethics and Conflict of Interest

The citizens served by Central Whidbey Island Fire & Rescue are entitled to have fair, ethical, and accountable governance that has earned the public's full confidence for integrity.

Ethical Principles

Adopted by the Board of Fire Commissioners, Central Whidbey Island Fire & Rescue's values of Professionalism, Integrity, Compassion, and Excellence provide a solid foundation for ethical behavior of all members. In addition to these core values, the Board of Fire Commissioners upholds the following fundamental ethical principles:

- Following the highest standards of public service, the Board, officers, and members will act to promote the public good and preserve the public's trust.
- In order to sustain a culture of ethical integrity, the Board, officers and members will conduct themselves in a manner that demonstrates civility and respect for others.
- In recognition of the importance of stewardship, the Board, officers and members will allocate and use public funds, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community.
- The Board, officers, and members will undertake their duties in a fair and impartial manner, avoiding both conflicts of interest and the appearance of conflict.

While avoidance of conflict of interest is a fundamental ethical principle adopted by the Board of Fire Commissioners, this issue is also a matter of law and one of the most complex legal issues faced by the Board.

Conflicts of Interest

Fire Commissioners, the Board Secretary, and all District employees, are subject to the RCW 42.23 *Code of Ethics for Municipal Officers - Contract Interests*. This section of the Board Policy Manual should not be considered as an overview of common issues related to conflicts of interest and is not a definitive legal reference. Commissioners should refer to the relevant sections of the RCW and consult with the District's attorney as necessary to ensure compliance with legal requirements.

General Considerations

Conflict of interest laws are complex, but in general a Board member should not:

- Act on any matter in which he or she (or his or her family members) would stand to gain financially
- Accept any gifts or gratuities from any source because of his or her position as a Fire Commissioner

It is also imperative that each Board member remember it is illegal to fail to declare a conflict of interest, or to participate or otherwise be involved in discussions on issues or contracts where a conflict

of interest exists. Violations of the conflict of interest laws may result in significant penalties, including criminal prosecution.

Specifically Prohibited Conflicts of Interest

Specific Acts Prohibited by Washington Law (RCW 42.23.070)

- No Board Member may directly or indirectly use his or her position to secure special privileges or exemptions for himself, herself, or others.
- No Board Member may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the District, for a matter connected with or related to the Board member's services with the District unless otherwise provided for by law. The Washington State Auditor's Office suggests asking, "**Would I be receiving this gift if I were not a Commissioner or employee of the District**" or "is this gift available to anyone who is not a Commissioner/employee or otherwise associated with the District". If the circumstances are such that the gift is offered because of Commissioner or employee status, in all likelihood it may create conflict of interest.
- No Board member may accept employment or engage in business or professional activity that the Board member might reasonably expect would require or induce him to disclose confidential District information to such business or employment interests.
- No Board member may disclose confidential information gained by reason of his/her Board position to any person or entity, nor may the Board member otherwise use such information for his/her personal gain or benefit.

Remote Interest

In circumstances where only a "remote interest" exists, after disclosure of the interest to other Board members and in the meeting minutes, the Board may approve the action to which a Board member has a remote interest, absent participation in the voting by the Board member with the remote interest, but only if the Board member refrains from any attempt to influence other Board members to approve the action.

Remote Interests are deemed to be so minor that they do not constitute illegal conflicts of interest.

Examples of remote interests are as follows:

- A non-salaried officer or member of a nonprofit corporation doing business or requesting money from the District. Therefore, being such an officer or member would not constitute a conflict.
- The landlord or tenant of a contracting party. For instance, a Board member may lease office space to a party that has a private interest in a public matter concerning the District without it resulting in a conflict of interest.
- The owner of less than 1 percent of the shares of corporation or a cooperative doing business with the District.

- Being reimbursed only for actual and necessary expenses incurred in performance of official duties.

Declaration of a Conflict

When a substantial conflict of interest exists, the District official must:

1. Refrain from voting or in any way influencing a decision of the other Board members; and
2. Declare that a conflict of interest exists, explain why it is a conflict, and have it made known in the official records of the District.

Should a situation arise where a majority of Board members or a majority of a quorum of those present at a Board meeting have a substantial conflict of interest, state law provides that if the conflict of interest statutes prevent the Board from acting as required by law in its official capacity, such action shall be allowed if the Board members with the apparent conflicts of interest make them known. In any event, such Board members should always strive to act in such instances solely in the best interests of the District.

District Legal Counsel Opinions

To understand the conflict of interest laws' effect on a Board member's actions, Commissioners should discuss the law and potential conflicts with the District's legal counsel or a private attorney. It is imperative that Board members identify in advance what their potential conflicts of interest relating to the District are or may be.

A Board member's request for an opinion from the District's legal counsel concerning a conflict of interest or potential conflict of interest is confidential and protected by the "attorney/client privilege". However, formal final opinions sought by a District representative from its legal counsel are a matter of public record and must be filed with the Fire Chief or his designee.

This filing requirement does not apply to verbal communications between Board members and the District's legal counsel. In all instances, Board members may also seek advice regarding a potential conflict of interest from a private attorney, at their own expense. In such cases, no disclosure of that contact is required.

Filing of Disclosures

The Fire Chief or his designee should maintain a special file for all disclosures and legal opinions of conflicts of interest.

Interaction with District Staff

Overview

Give the formal chain of command that is typical of a paramilitary organization such as a fire district, inherent tension may result from fully open communication between the Board and other district members (employees and volunteers). The Board desires to foster open communication while maintaining the District's chain of command in order to facilitate effective and efficient operations to serve the community

Fire Chief

The Board's role is to establish policy and define the District's priorities. It is the Fire Chief's obligation to implement those policies and priorities and to manage district operations on a day-to-day basis.

The Fire Chief is appointed by the Board to serve as the Chief Executive Officer (CEO) of the District and implement the policies and priorities of the Board of Fire Commissioners. The Fire Chief is responsible to the Board as a whole, rather than to individual Board members. Duties of the Fire Chief are specified in the District's Classification Specification for the position of Fire Chief and include, but are not limited to:

- Day to day management of District operations
- Budgeting and fiscal management
- Selection, promotion, and overall supervision of District employees and volunteers
- Negotiation with labor organizations representing District employees

Board Non-interference

The Board shall work through the Fire Chief when dealing with District operations of any kind or nature.

Under no circumstances, either directly or indirectly, shall a Board member become involved in, or attempt to influence, personnel matters that are under the direction of the Fire Chief, nor shall the Board be involved in, or seek to influence, the purchase of any supplies except in accordance with District procurement procedures.

Except for purposes of inquiry, the Board and each of its members shall deal with the District's operations of every kind and nature solely through the Fire Chief, the acting Fire Chief, or the Fire Chief's designee, and shall not give orders or provide direction to any subordinate of the Fire Chief.

Board of Commissioners / Fire Chief Relationship

The employment relationship between the Board and Fire Chief honors and respects the fact that the Fire Chief is the Chief Executive Officer of the District. All dealings with the Fire Chief, whether in public or private, should respect the authority of the Fire Chief in administrative matters. Board disagreements with the Fire Chief should be expressed in terms of policy rather than operational direction. The Board

shall evaluate the Fire Chief on an annual basis to ensure both the Board and Fire Chief are in agreement about his performance and goals based upon mutual trust and common objectives.

Board Role

The Board retains the authority to accept, reject, or amend The Fire Chief's or District staff's recommendations on matters related to policy.

Board members must avoid intrusion into those areas that are the responsibility of staff. Individual Board members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Board as a whole. This is necessary and crucial to protect staff from undue influence and pressure from individual Board members, and to allow staff to execute priorities provided by management and the Board as a whole without fear of reprisal.

If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that Board member must prevail upon the Board to do so in open public meeting as a matter of Board policy.

Access to Information

The Fire Chief is the information liaison between the Board and District staff. Requests for information from Board members shall be directed to the Fire Chief who shall make every reasonable attempt to respond to all such requests promptly. Information requested by one or more Board members will be copied to all Board members so each may be equally informed. Sharing of information with the Board, and its individual members, is one of the Fire Chief's highest priorities.

Staff Roles

The Board recognizes the primary functions of the Fire Chief and District staff is to execute Board policy and implement actions authorized by the Board and to keep the Board informed in a meaningful fashion of District operations and issues. Staff, however, is obligated to take guidance and direction only from the Fire Chief and/or their superior officers. This direction follows the policy guidance of the Board. Staff is directed to reject any attempts of individual Board members to unduly direct or otherwise pressure them into making, changing, or otherwise influence how they perform their job tasks, and to bring knowledge of such wrongful pressure to the attention of the Fire Chief who shall then address such conduct with the Board member in question or Board as a whole.

District staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Board members, provided that, in the judgment of the Fire Chief, the request is not of a magnitude, either in terms of workload or policy, which would require that it should be more appropriately assigned to staff through direction of the full Board.

Restrictions on Political Involvement of Staff

District staff formulates recommendations in compliance with Board policy for the good of the District, and strives not to be influenced by political factors. For this reason, it is very important to understand the restrictions of the staff's political involvement.

It is acknowledged, however, that by working for the District, staff members do not surrender their right to be involved in political activities. Employees may publicly express their personal opinions; register to vote; sign nominating or recall petitions; and vote in elections; District staff, however, are prohibited from engaging in political activity: during working hours; on District property; or using district property to advance their political agenda.

Budget Administration

Purpose

The budget is the financial plan developed to carry out the programs supporting the District's goals and objectives.

Responsibilities

The Board of Fire Commissioners shall review the District's strategic goals and capital projects plan and provide fiscal policy direction to the Fire Chief before their regularly scheduled meeting in May to permit timely and efficient development of the District's operations and capital budgets.

The Chief and District staff will be responsible for preparing a draft preliminary budget to be submitted and reviewed by the Board. The draft preliminary budget shall be prepared and submitted to the Board at their regularly scheduled meeting in October. The Board shall hold a public hearing to facilitate transparency related to District finances and fiscal decision making prior to the end of October. The Board shall adopt the District's operations and capital budgets at their regularly scheduled meeting in November and the Chief shall submit the approved budget to the County Auditor prior to the 30th of November.

Spending Limitations

The Chief is authorized to approve expenditures for any supply and equipment items valued under \$20,000, provided they are within an approved budget line item. The Fire Chief shall request specific approval of the Board for expenditures in excess of \$20,000.

Amendments

The District shall maintain a balanced budget. However, a temporary negative balance in a given line item is permitted provided that the overall District budget remains balanced. The Fire Chief may submit proposed budget amendments for board approval in May and November. In the event of unanticipated expenditures, the Chief may request that the Board authorize expenditure from the (Administrative) Contingency Fund as needed.

Reports

The Fire Chief shall ensure that the Board receives a monthly financial report and shall respond to requests of the Board for detailed financial reports in a timely manner.

Compensation & Benefits

Reimbursement for Expenses

Commissioners shall be compensated for expenses incurred while working or attending meetings for the District. The following rules shall be applied:

- Expenses for such activities will be reimbursed in accordance with District Standard Operating Guideline (SOG) 1.3.4 *Travel and Training Expense and Reimbursement*.
- Members are to report to the Board on their attendance at meetings for which reimbursement is received.

Compensation for Services Performed

Per RCW 52.14.010, a member of the Board shall receive \$104.00 for each day or portion thereof as compensation for services performed as a member of the governing body. Such compensation shall not be deemed lucrative and shall not exceed more than \$9984.00 per year.

Approval for services performed shall meet the following criteria:

- Services performed for other than attendance of public meetings.
- Request for compensation of services performed shall include the date the service was performed, the time involved and the purpose of the service.
- All requests shall be signed by the member requesting compensation and included in the monthly register of paid bills.
- Compensation for services performed shall be for authorized District business approved by the Board.

Educational Goal

It is the intentions of the Board to keep members informed of all pertinent information relative to the fire service and changes in fire district laws. As such Commissioners are encouraged to be active participants in the Washington Fire Commissioners Association and attend training programs related to fire district issues. The Board may direct the Secretary to prepare Training and Travel Requests as necessary for Commissioner's participation in training activity as specified in SOG 5.6.2 *External Training*

Travel

Board members shall be reimbursed for travel expenses to activities that are of direct benefit to the District that have been approved by the Board consistent with SOG 1.3.4 *Travel and Training Expense and Reimbursement*.

Uniform Issue/Clothing Allowance

Fire Commissioners shall be provided with an initial issue consisting of a complete Class A and Class B uniform. In addition, Commissioner shall receive an annual clothing allowance of \$200 for maintenance of their issued uniforms or purchase of District logowear.

Insurance

All volunteer members of the District are named insured's on the VFIS policy. The Commissioners shall be included as named insured's on all applicable District insurance policies. In the event a Commissioner shall be individually named as a defendant in any litigation arising out of the performance by the Commissioner of District business and the District's insurance carrier shall deny coverage and refuse to provide defense to the action, the District shall provide the Commissioner with separate legal counsel and indemnification subject to the following conditions:

- The cause of action must have arisen as a result of the action or non-action of the Commissioner while acting within the scope and authority of the office of Commissioner.
- The cause of action must not have arisen as a result of intentional, willful, or criminal conduct of the Commissioner.

Liability

The District and its representatives must always approach its/their responsibilities in a thoughtful and professional manner that is mindful of the consequences of any intended action and which seeks to reduce risk to all involved.

Personal Liability

It is important to note that violations of certain laws and regulations by individual Board members may result in the member being personally liable for damages which are not covered by the District's insurance. Examples include acts deemed "intentional" such as discrimination, harassment, assault, and/or fraud.

One of the best ways for a Board member to avoid such liability is to always act in a manner which: is respectful to others; which is non-discriminatory and treats all according to the same standards; and which is in accordance with District policy.

Liability Protection Procedure

The following procedure shall be used to determine if the District shall provide the defense and liability coverage for a Commissioner under the District policy.

- The matter shall be referred to the District's attorney for investigation and review.
- The District's attorney shall fully investigate the facts and circumstances of the litigation and the actions of the defendant Commissioner.
- The District's attorney shall report to the Board of Commissioners in writing the results of the investigation and research. A copy of the report shall be furnished to each Commissioner under the attorney-client communication privilege.

The Board of Commissioners shall make the final determination based on the report and investigation of the attorney.

Legal Counsel

Advice of Counsel

The Board can obtain legal counsel for legal advice when needed.

Authorization to Seek Counsel

Board Members and the Board Secretary are authorized to seek legal counsel for District issues with the approval of the Board. Within budgetary limits, the Fire Chief is authorized to seek legal counsel for routine district legal matters such as review of guidelines or procedures, labor relations, and other personnel issues.

The Fire Chief shall make a recommendation to the Board regarding selection of the District's general legal counsel and specialized legal services.

The District general legal counsel is the legal advisor to the Board, the Fire Chief, and all District employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the District. The general legal responsibilities of the District legal counsel are to:

- Provide legal assistance necessary for formulation and implementation of policies and projects;
- Represent the District's interests, as determined by the Board, in litigation, administrative hearings, negotiations, and similar proceedings;
- Prepare or approve as to form resolutions, regulations, contracts, and other legal documents to best reflect and implement the purposes and intentions of the Board.

The District may use alternate legal counsel related to labor relations or other specialized areas of the law as necessary.

Inventory & Surplus Property

Inventory

The District shall maintain a formalized program of accountability and controls over all inventories of furniture, fixtures and equipment. The purpose of the inventory is to ensure effective and efficient management of the District's physical resources.

Surplus Property

As necessary, the Fire Chief shall make recommendation to the Board of Fire Commissioners when property in inventory is no longer needed by the District or is no longer serviceable. Based on this recommendation, the Board may declare the property surplus.

Pursuant to the provisions of RCW 39.33 010, surplus property that is serviceable, but no longer needed by the District shall be sold at auction or through other means that will return fair market value to the District. Fair market value for items not sold at auction shall be determined by the Fire Chief. Surplus items may not be purchased by Commissioners, Fire Chief, or member administering the sale to avoid conflict of interest.

Surplus property that is no longer serviceable may be sold for scrap value or if having no value, recycled or disposed of by other appropriate means.

Local Board for Volunteer Firefighters

Pursuant to the requirements of RCW 41.24 and as specified in Central Whidbey Island Fire & Rescue Board of Fire Commissioners Resolution 04-01, the Local Board for Volunteer Firefighters shall be comprised of the Chairperson of the Board of Fire Commissioners, the Secretary to the Board, the Fire Chief, and a volunteer member at large.

As needed, the Chair shall call meetings of the Local Board of Volunteer Firefighters prior to a regular meeting of the Board of Fire Commissioners.

New Board Member Orientation

The Board of Fire Commissioners, Secretary to the Board, and Fire Chief shall assist each new member-elect to understand the Board's functions, policies and procedures before taking office. The following methods shall be employed:

- The member-elect shall be invited to attend and participate in meetings prior to being sworn in.
- The Chief shall provide material pertinent to meetings and be responsive to questions regarding said material.
- The member-elect shall be invited to meet with the Fire Chief and other administrative personnel to discuss services each performs for the Board.
- The Chief will give each member-elect copies of the Board Policy Manual, District Standard Operating Guidelines, and a copy of the laws relating to fire protection districts.

References

- Municipal Research Services Center (MSRC). (1999) Local government policy-making process. Retrieved August 24 from <http://www.mrsc.org/publications/policyprocess.pdf>.
- Rosenberg, D. (2011) *Rosenberg's rules of order: Simple parliamentary procedures for the 21st century*. Retrieved August 24, 2012 from http://www.daverosenberg.net/RosenbergText_2011.pdf.
- Title 39 Revised Code of Washington (RCW) Public contracts and indebtedness. Retrieved November 20, 2012 from <http://apps.leg.wa.gov/rcw/default.aspx?cite=39>
- Chapter 41.24 Revised Code of Washington (RCW) Volunteer firefighters and reserve police officers relief and pensions. Retrieved November 20, 2012 from <http://apps.leg.wa.gov/rcw/default.aspx?cite=41.24>
- Title 42 Revised Code of Washington (RCW) Public officers and agencies. Retrieved November 20, 2012 from <http://apps.leg.wa.gov/rcw/default.aspx?cite=42>
- Title 52 Revised Code of Washington (RCW) Fire protection districts. Retrieved November 20, 2012 from <http://apps.leg.wa.gov/rcw/default.aspx?Cite=52>

Appendix A-Oath of Office

Fire Commissioner

I, _____do solemnly swear that I will faithfully and impartially discharge the Duties of Fire Commissioner of Central Whidbey Island Fire & Rescue as prescribed by law and to the best of my ability, and that I will support and maintain the Constitution of the State of Washington and of the United States of America.

Board Secretary

I, _____do solemnly swear that I will faithfully and impartially discharge the Duties of Secretary to the Board of Fire Commissioners of Central Whidbey Island Fire & Rescue as prescribed by law and to the best of my ability, and that I will support and maintain the Constitution of the State of Washington and of the United States of America.