

# Estacada Fire District #69



## REGULAR BOARD OF DIRECTORS' MEETING July 16, 2020

(This meeting was recorded.)

1. **CALL TO ORDER PER ORS 192.610 TO 192.710**
  - a. **ORS 192.650 – The meeting is being recorded.**

President Silva called the meeting to order at 7:00pm.

2. **INVOCATION- Chaplain Mike Vermace**

Chaplain Vermace gave the invocation.

3. **FLAG SALUTE**

Done.

4. **ROLL CALL:**

President - Director Matthew Silva: Present  
Vice President - Director John Bresko: Absent  
Secretary/Treasurer - Director John McAdoo: Present  
Member - Director Ken Oliver: Present  
Member - Director Ed Thoreson: Present

Others in attendance:

Clackamas Fire District #1: Chief Fred Charlton; Finance Director Christina Day; Battalion Chief Steve Deters; Deputy Chief Doug Whiteley; Division Chief Mike Corless; Division Chief Joshua Gehrke; Division Chief Nick Browne; Battalion Chief Melanie Kinne; Public Information Officer Brandon Paxton; Captain Ryan Heitschmidt; AO Kyle Carrothers; FF Jared Wick; District Chaplain Mike Vermace; District Chaplain Nita Hoops; Volunteer Association President Kirk Hambley; Volunteers Tom Benschoter, Jason Elliott, and Jerry Kearny; Agent of Record Jeff Griffin from Wilson-Heirgood Associates; and Executive Assistant Rachel Trotman.

5. **CHANGES TO THE AGENDA**

President Silva asked if there are any changes to the agenda. Director Thoreson shared that they needed to do the election of officers.

**Director Thoreson made a motion and Director Oliver seconded, to maintain President Silva as President, Director Oliver as Vice President, and Director McAdoo as Secretary.**

Director McAdoo noted that they normally rotated officers every couple years. He was concerned that they hadn't rotated in a while.

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Director Oliver noted that he had only been on board for year, and since President Silva had been President, Director Oliver had never been Vice President, so he felt they did rotate.

**The motion was adopted by consensus.**

Director Oliver asked for an update on LOSAP.

President Silva asked BC Deters to report on LOSAP later in the meeting. BC Deters confirmed he will give that update.

Chief Charlton congratulated the Board on selecting new Board officials.

Chief Charlton introduced specials guests, Chaplain Mike Vermace, Jeff Griffin from Wilson-Heirgood Associates, and Kirk Hambley, the new Volunteer Association President.

## **6. APPROVAL OF MINUTES OF THE REGULAR BOARD MEETING ON JUNE 18, 2020 AND THE JOINT BOARD MEETING ON JULY 9, 2020.**

**Both sets of minutes were adopted as written by consensus.**

## **7. PUBLIC COMMENT**

None.

## **8. PRESENTATION – BOARD TRAINING- Jeff Griffin from Wilson- Heirgood Assoc.**

Jeff Griffin shared that there were five areas where they could get discounts on insurance, and this training would qualify them for two points. He would work with staff to make sure they qualify for all the opportunities for the maximum credits.

Jeff explained that the trainings were sponsored by SDAO and OFDDA for Board Trainees to get the 2% discount. SDAO and OFDDA came together in 1980 to focus on reducing law suits and injuries to firefighters.

Jeff noted that the training he would share tonight was the first of five. He explained that he is always available and they should never hesitate to reach out to him with specific questions. They can call, email or text him.

Jeff explained that this presentation was first half of Board Duties and Responsibilities (the other half will be next year). They will discuss laws from a risk management perspective and how it could affect them.

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Jeff explained that Oregon government is formed under a statute. He went on to share that Special Districts are formed under these statutes. ORS 478 explained what Board Members can and can't do. He noted it gives them some immunity and limits liability. He said it tells them what they can provide to their community for services and tells them, as the Board of Directors, that their key responsibilities are focused on the future: building a strategic plan, mission, vision, values, watching money and the most importantly, hiring a capable Fire Chief.

Jeff shared that the major statutes that impacted them:

- Chapter 198                      Special Districts General
- ORS.261                         People's Utility District
- ORS.266                         Park and Recreation
- ORS.267                         Mass Transit
- ORS.450.650                    Formation of Authorities
- ORS.450.665                    Special District
- ORS.478                         Fire District
- ORS.777                         Ports Generally

Jeff noted that there are more, but these were the big ones that affect how the fire department operates.

Jeff explained that Tort 30.260-30.300 defined how they would be sued. It gives protections and limitations and gives some discretionary immunities as they act. He noted that there was a section that limits when the District can be sued; the limit is 180 days. He explained that this law asks that the Board do the best they can for the community, but since they don't have unlimited funds to work from; it allows them to operate with the limited funds that they do have.

Jeff explained that there are eight federally protected classes and 18 Oregon protected classes. He said that everyone falls into one of the classes. He noted the importance of treating everyone the same, with the same respect.

Jeff explained that the federal Civil Rights statute of limitations is two years and unlimited damages. It was not uncommon for a federal suit to go into \$5-10 million range.

Jeff presented on ORS 192 which covers public records and open meetings. He shared that if they ever receive a request at home, they should get into the District as soon as possible, so they can get a proper request back. He noted that most records in Oregon are public. He said that the Boards are asked to have what is referred to as "Clean Hands." Board members need to make sure that everything they do as public entity is available to citizens. He explained that there are some records that are not public such as HIPAA records as they are protected health records. Jeff shared that the critical thing is to notify the Chief. SDAO can then step in and decide if the documents can be shared.

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Jeff explained that in ORS 192, there is a section on open meetings. There are five types of meetings that the Board will have. He shared that this meeting was their regular Board meeting. Jeff said that the rules were very specific and the management team does an outstanding job to make sure they comply with the meeting requirements.

Jeff explained that the Executive Session is the only meeting the Board can do behind closed doors. It is limited as to what they can do in an Executive Session. He noted that there were only five reasons why they can go into Executive Session as a Fire District. He explained details on how they would go into an Executive Session. He noted that the news media has the right to stay. He added that normally, media will not print what they hear, unless the discussion strays from the topic of the Executive Session.

Jeff explained ORS 243 requires a little accidental death coverage for fire fighters. He said that it allows paid fire fighters to take their benefits with them until they are 65. They have to pay for those benefits, but it does require that they have an option to take them.

Jeff presented on ORS 244 which is the law pertaining to ethics. He noted that ORS 192 and ORS 244 are two laws that are integrated. Jeff said that the important thing for the Board to remember is that there should be no personal gain. Board members should not do anything that gives them any advantage and this also pertains to family members. He explained that if this is not done, and there is any type of personal gain, it could be grounds for a complaint to the ethics board.

President Silva posed a question. His identical twin brother was licensed as a Fire Marshal (FM) and EFD #69 hired him to be the FM for a period of time. President Silva abstained from making a vote because of conflict of interest and explained that in open session. It was all recorded. President Silva also gave the example of, if he went to a conference and requested reimbursement for those expenses. He asked if he can vote yes on that disbursement of money, because it's not a "gain," as it was just replacing the money he spent for the trip.

Jeff explained that there is a letter into the ethics board right now, because there is a dispute on this topic. He explained that some people at the SDAO will say it is not a problem while others in legal say one should be clean and careful. Jeff said he will work with the Board and the Fire Chief to get the documentation on what would install that as policy. He shared that Board members should not be voting on their personal checks.

Jeff then presented on ORS 294 which is the Budget Law. He understood that from time to time, it is difficult to stay within budget. He advised them not to casually move money around, adding that there can be a personal liability with that. They should always stay within budget. He explained that if they can't, they need to notify their accountant and attorney and they can file with state appropriately so the Board was protected.

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Jeff presented on ORS 297 which is a statute that requires a crime or a bond, protecting the District from theft.

Jeff presented on ORS 656 which is the Workers Compensation law. He shared that paid career fire fighters are covered under this law and it does allow for volunteers.

Jeff presented on OR-OSHA DEQ. He said they needed to comply with those sections. Jeff said that when OSHA visits, there will be citations, but there always are. Jeff noted that in his inspections of all the District property, he thought they did a fabulous job.

Jeff explained that Ultra Virus is acting outside of one's legal scope of authority. He explained that this goes back to their foundation and their formation laws. He said this meant they can do fire and EMS, but if they decide to do something else, they can't do it until they revisit how they are formed or if there's another section of law that they would be better served under.

Jeff explained personal liability. He shared that when they were together as a Board and quorum, they give the District life and direction, but when they are away from the board table, they are individuals. Jeff shared that civilians will always see them as a Board member. He said that citizens may confront them at restaurant or store and challenge them about something the District is or isn't doing. Jeff advised them not to say they will fix something, because they are not in board meeting and don't technically have the authority to do so. Board members need to coach the citizens to:

1. Go see or talk to the Fire Chief.
2. Attend the next meeting. The Board members should show concern. They can share the time and date of the next open board meeting and invite them to come.
3. Tell them to write the District or Board of Directors a letter.

Jeff presented on the importance of on-boarding. He shared that this was a public entity's process to give elected officials the necessary knowledge, skills, history and behaviors to be successful. He shared ways for this to be done:

- A tour of the department
- Review of the budget
- A copy of all board policies
- A copy of recent and past meeting minutes
- A copy of the strategic plan
- A copy of the standards of cover

Jeff noted that their greatest asset was their people.

Jeff told the group that he always ends with the "do rights". He said it's the best policy they can ever have. He advised to do the right thing at the right time, in the right way, with the right attitude for the right reason.

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## BUSINESS ITEMS

### **B-1 Request Board Approval of Change of Address Letter to US Bank - Change the mailing address for bank statement and communications – Finance Director Christina Day**

President Silva explained that statements from US Bank were being mailed to Estacada Fire and then transferred to Clackamas Fire District (CFD #1), so there was a slight delay in the finance group receiving these statements.

Finance Director Day confirmed that the statements are being forwarded to a PO Box that is closed, then they are sent back to the post office and then forwarded to the CFD #1 Administration building. Finance Director Day requested that the Board change the address with US bank. US Bank required a signed letter on letterhead. She requested that the Board change the mailing address to 11300 SE Fuller Road, Milwaukie, OR 97222, the CFD #1 Administration office.

**President Silva made a motion and Director Oliver seconded for the Board of Directors to approve the Change of Address Letter to US Bank, changing the mailing address for bank statements and communications to 11300 SE Fuller Road, Milwaukie, OR 97222.**

Director Thoreson stated that for security, it's the policy that they need to have a Board member open the mail. The staff did not open mail when they brought it to Estacada. He thought they should look into possibly changing that directive.

President Silva shared that he drives to Portland each day. He suggested that Finance Director Day could call him when these items arrive and so following policy, he can open when it's convenient and make sure that nothing is out of norm. He added that he can initial that he opened it. Finance Director Day thought that would work fine. It was shared that next month, the Board can look at this situation closer and think of a more permanent solution to ensure they are following policy.

Director Thoreson stated he was not opposed to changing the situation, but thought they needed to get together to do that. President Silva responded that they will do it next month and will see how it goes. He added that they can change the policy if needed.

Director McAdoo agreed with Director Thoreson. It was noted that the policy came about due to embezzlement concerns and a strong suggestion from the attorney, that only the Board of Directors open the bank statements.

President Silva explained that they have an immediate solution as Finance Director Day was okay with it. He will meet her at the Administrative Office, wearing a mask, to open the mail.

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**The motion passed by consensus.**

## **9. BOARD INFORMATIONAL UPDATES / COMMENTS**

Director McAdoo explained that he used to be in charge of lining up the chaplains for the invocations at the meetings. He asked if CFD #1 was taking that over. He was okay with that, but he wanted to confirm. President Silva explained that he spoke with Chief Charlton and requested CFD #1 line up the Chaplains. He had requested that they rotated the Chaplains and he will make sure that happens. Director McAdoo said he wanted to make sure that the rotation happens, noting that the Chaplains enjoyed doing that.

## **10. STAFF / COMMITTEE REPORTS**

### **a. Chief's Report –Verbal - Chief Charlton**

Chief Charlton shared that he went through Estacada Fire's Policy Manual regarding B-1. He will review that policy and bring a proposed update. Chief Charlton reassured them that even though there was a delay, the statements have not been opened at Administration and have only been opened by Board members, as that was their policy.

He reported that the Joint Board meeting was finished up last week. He thanked them for their attendance and discussion around the Joint Order and the Ballot Title Resolution. It was approved. They had requested through legal counsel, that they update three areas: SEL 805, SEL 803, and the Explanatory Statements. Chief Charlton received information back at 4:30 pm that afternoon. He said he will complete these items and send out to the Joint Oversight Committee for final review. Then they will begin the filing of 805, which will start process of a vote of both CFD#1 and EFD #69 for Nov. 3 with respect to the legal integration in the form of a merger.

President Silva noted that when he made a statement to have the Directors look at the documents, he also included Director Cross, since he had input. He asked if this could be given to Director Cross as well. He noted that he made the motion pendent that Director Syring, Cross and President Silva had input. Chief Charlton responded that yes, he will add Director Cross.

Chief Charlton shared that on July 17, ODF will elevate the fire danger to moderate. CFD #1 will follow ODF's recommendations and will move from low to moderate. He said that with the increased temperatures and the wind picking up, they are concerned about fire danger and taking the appropriate steps.

Chief Charlton shared that due to COVID-19, the Governor's Order 20-27 update required more face coverings in public, when people cannot meet the six-foot distance rule.

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Director Oliver asked if there is an interagency meeting on Monday. Chief Charlton responded that Monday will be when the merger information is sent back to the Joint Oversight Committee to review. This will be completed by email and is not a meeting.

## **b. Contract for Service Report - Verbal - BC Steve Deters**

BC Deters reported 131 calls for service; this included mutual aid. Station 333 was staffed 16 times last month and was scheduled for an additional 15 times in July.

He shared that over the busy month, in addition to regular training, crews completed outside projects such as spreading new gravel, adding new bark in front of the community room, painting ramps and pressure washing. There was continued maintenance at the George Road Station, mainly inside. They will be doing some power washing on the exterior next.

BC Deters reported that they received word that another planned protest was scheduled for July 17. He will increase staff, just in case. He said they will move the engine out of the building so it will be ready to help if needed. He hoped for a peaceful protest.

## **LOSAP Update**

BC Deters reported that now that the minutes were approved from last month, he can move forward to close out the accounts. He will get the minutes from EA Trotman to present to OFDDA and Valic. He will get an updated dollar value of the accounts from Valic, as there could be some changes since the last update in February. Once that is received, he will submit the closures of those accounts with the minutes. He anticipated that it would be completed by the middle of August. They should have the last redistribution and everything closed by then also. He will have something to report by the end of August or possibly before that. He will keep the Board informed of the next steps.

Director Thoreson asked, what time the demonstration would take place. He also asked if it was the same group as before. BC Deters responded that the demonstration was at 6:00pm in Estacada. They will gather at the high school at 5:00pm and then march to the City Hall. BC Deters shared that it was the BLM group and that the NAACP will join. He added that there was a rumor that Antifa was on agenda to come and speak. They were prepared for about the same crowd and same number of people.

Discussion followed.

## **Financial Report - Finance Director Christina Day**

Finance Director Day explained that the report went through June 30, which was the last day of the Fiscal Year. She noted that now, expenses should go toward the new fiscal year. She reported that the spending was well within budget appropriations.

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She shared that she received an engagement letter from the auditor that was used in past. They planned to continue to use them. She noted that they were in the last year of their multi-year contract with this auditor. They were scheduled to come out on Sept. 10<sup>th</sup> and 11<sup>th</sup> for the audit.

Finance Director Day noted that there was not an EFT withdrawal showing this month. She explained that they already paid June's contract for service payment in May, and she couldn't pay for July until July 1<sup>st</sup>, but it was paid. She noted that there was no payment for contract for services showing on this report. She will be paying August's invoice towards the end of the month. Next month, they will see two EFT amounts, one for the July invoice and one for the August invoice.

## **c. Joint Oversight Committee Report - Verbal - Directors Silva and Oliver**

President Silva reported that everything was moving forward. Everyone had a chance to share their comments, etc. at the Joint Board meeting. Nothing negative was shared. He noted that moving forward, they will work with Director Syring with the PAC and any future opportunities.

President Silva thanked Chief Charlton for the FAQ. He advised the group to call him if anyone had questions or concerns. He explained that the FAQ helps show that they are all on the same page, so it's important to discuss.

Chief Charlton shared that he sent out the documents to the Joint Oversight Committee. He explained that they continued to work on additional information, including a number of videos. Early next week, they will finalize the submittal of the forms to the County Elections Division. Then, they will kick-off the informational strategy and will begin to push items out to everyone.

Director Thoreson noted that he appreciated President Silva's job as Board chair. He thought he had done the best job.

## **11. CORRESPONDENCE**

Chief Charlton reported that the only correspondence received was the engagement letter received from the auditing firm that Finance Director Day reported earlier.

## **12. COMMUNITY ITEMS**

None.

## **13. NEXT MEETING**

President Silva announced the next Board of Directors' meeting will be Thursday, August 20, 2020, at 7:00 pm by remote video conferencing.

President Silva asked if there were any questions or concerns.

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Director McAdoo asked about the signing of meeting minutes. Chief Charlton said he will arrange a time with BC Deters for Director McAdoo to stop by and sign the minutes.

## 14. ADJOURNMENT

The meeting adjourned at 7: 53 pm.

## UPCOMING EVENTS:

August 20 – Regular Board Meeting – 7:00 pm

Rachel Trotman  
Executive Assistant

  
\_\_\_\_\_  
President Matthew Silva

  
\_\_\_\_\_  
Secretary/Treasurer John McAdoo