

COLTON RURAL FIRE PROTECTION DISTRICT #70  
MEETING OF THE BOARD  
APRIL 28, 2014

\*The meeting was called to order at 7:00 p.m.

Board Members Present: Jim Postlewait, Rex Rice, Joyce Parker, Geri Fraijo

Others Present: Fire Chief Richard Beaudoin, Ted Farr, Jan Kaforski, Gary Anderson, Jason Carroll

\*Geri Fraijo made a motion to approve the minutes from the March 24, 2014 board meeting. Rex Rice seconded the motion and the motion carried by unanimous vote of those board members present.

\*Fire Chief Beaudoin reviewed the Financial Report noting \$11,661 was received in tax revenue. Miscellaneous income was in the amount of \$1,046 including closing out the cash box, an SDAO longevity credit and a reimbursement from Colton Water District. Jim Postlewait asked what the line item #322 –“ County unseg interest” is for? Jan Kaforski said it is interest Clackamas County assesses on previous tax dollars owing. The county charges 16% interest when the tax bill isn't paid on time.

Board members were informed that Gary Anderson has returned to work. Discussion followed on expenditures and the overall total under Personal Services is within range. The line item for SAIF is over some because of the two injuries earlier this year. Line item #505 – Duty Officer reimbursement and Line item #535 – Maint. Building furniture are slightly over budget.

Chief Beaudoin said he would like to purchase two computers for volunteers to access the Target Solutions program while at the fire station.

Geri Fraijo asked what is happening with the turnout gear purchase. Chief Beaudoin said seven sets have been purchased, but not paid for since we are waiting to find out if we will receive grant funds. Chief Beaudoin said grant results should be out soon. Chief Beaudoin said the District's turnouts don't get that much use so the ten year NFPA recommended replacement date will vary. Rex Rice said it's based on a professional department and heavy use. An inspection program is used as a guideline for replacement or repair and thermal threshold is the key component for replacement. Discussion followed on purchasing a dryer for drying the turnouts which would encourage washing more often.

Jim Postlewait said either the District continues to fund the protective gear line item annually or funds should be put into the reserve fund for the purpose of purchasing new turnouts. Jim asked that a reserve fund transfer be put on next month's agenda.

Board members reviewed invoices and bank statements. Rex Rice made a motion to approve the Financial Report as received and Joyce Parker seconded the motion. The motion carried by unanimous vote of those board members present.

**\*Activity Report:** The total call volume to date is 96. The new state program is not working so there was no paper report to review.

**\*Fire Chief's Report:**

- a. Training/Officers – Chief Beaudoin said he has been out a couple of weeks with a back injury. Firefighters interested in becoming company officers need to schedule an 8 hour or a 4 hour day to take classes on-line.
- b. Cost comparison of volunteer vaccinations/physicals – Chief Beaudoin is waiting to hear back from Portland Adventist for cost comparisons, but he is leaning toward Silverton Hospital in Woodburn, but he needs to make sure they do exposure protection. This will be included in next years' budget.
- c. Discussion followed on a seismic grant. The application is due July/August. There is a workshop in May that Chief Beaudoin will attend.
- d. Chief Beaudoin discussed going for a bond in November to repair past earthquake damage, replace apparatus doors and purchase a new rescue vehicle. The current rescue chassis is from 2002 and the box is from 1985. The back configuration of the box is not well designed. There are about 18,000 miles on the rescue and some board members thought it would be difficult to justify replacing it.

Joyce Parker said the school board will be going for a bond in November for 1.5 million for safety/security issues and building maintenance. The school will be conducting a survey, by telephone. Joyce thought it might be wise to wait and see what the survey results are. Joyce said the results should be known in July.

Jim Postlewait said a presentation will be needed on what the bond will be for, why those things are needed, the timeframe for filing and the associated costs involved in filing and procuring a bond. Jan Kaforski said the board has to adopt a resolution calling for a bond measure prior to any filing being done. Joyce Parker said a lot of information needs to be distributed to the community on any bond issue and the board certainly doesn't want to build apparatus by committee. Rex Rice said why wait for the school survey to be completed if the District has needs that indicate we should go for a bond this fall.

- e. Chief Beaudoin discussed company officers duty shift and them not wanting to go over \$600 a year for tax purposes. Molalla Fire District gives their volunteers \$300 in December of each year if they meet all of the requirements for drill and response attendance. The \$300 has gone over better than a LOSAP program. Chief Beaudoin said he is trying to decide which way to go and Jim Postlewait asked for a presentation when Chief Beaudoin has made a determination.

**\*Volunteer Association Report:** The auction will be held on Saturday, May 17<sup>th</sup>.

**\*Public Comment:** Jason Carroll said as a community member he wants to thank the board for taking the time to meet about things that the community doesn't even recognize are going on. Jason appreciated having the meeting information available. Regarding the bond, Jason said he thinks the public is going to ask specific questions and it's important that information put out at the public meetings is honored to maintain the public's trust. Jason said he'll remember what's talked about at the meetings, but he may not remember what the bond issue says. Jason said particular attention should be given to informing patrons that interest rates are low now, but that may not be the case later when inflation goes up. Jason said as a water board member he is at the board's disposal when discussing the Intergovernmental Agreement.

**\*In Progress/Old Business:**

- a. Updated draft of Chief Beaudoin's employment agreement. Rex Rice had a question on the vehicle allowance. Chief Beaudoin said that is addressed in the district operational guidelines that the district will provide the fire chief with a vehicle. Addendum A addresses the fire chief's performance evaluation and Addendum B addresses employee benefits. Jim Postlewait read the Addendums and discussion followed regarding the evaluation process.

Joyce Parker made a motion to approve Employment Agreement between Colton Rural Fire Protection District with Fire Chief Richard Beaudoin with the revised Addendums A & B attached. Rex Rice seconded the motion and the motion carried by unanimous vote of those board members present.

- b. Review of Intergovernmental Agreement with Colton Water District – Jim Postlewait said there are some basic issues to discuss and he is concerned with the time splits. Over a month ago Jan Kaforski started keeping track of the time splits. Jan said every month changes depending upon what is going on. In March the hours for fire was 80 and fire was billed for 61. Jason Carroll said time studies were done in the past and he didn't think one month is a very good measure. Rex Rice asked Jason if he would be comfortable staying with the 60/40 split for now and tracking it for a year. Jason said he can't make a decision for the water board since they didn't send him to the meeting as their representative, but he thought they would be agreeable to that.

Jim Postlewait asked for Chief Beaudoin's thoughts. Chief Beaudoin said he was looking at an 80/20% split and Jim asked him how he arrived at that. Chief Beaudoin said he hasn't observed Jan every day, but his proposal is based on cost and job duties and what other department administrative assistants duties are, what the wages are and they amount of time they put in. Chief Beaudoin said it's not based on Jan's performance. He said he knows you get what you pay for and when advice or something is needed Jan is pretty much on the spot. He said he came up with the 80/20% split because that's what he figured fire's percentage should be.

**\*In Progress/Old Business, continued:** Jim Postlewait said his position is, and he thinks he told Jason Carroll this, that managing the money, keeping track of the money and being responsible for the money is what the board does. We hire a chief and we write policies, but the bottom line is control of the money. Jim said he wants somebody like Jan managing the money and knowing what's going on. The only reason this even came up was after reviewing the contract, there was the question of is the fire district getting 40% of the time or not. The only way to determine the splits is to keep track of the time for a long enough period, and Jim said he's not sure if that's three months, six months or longer. But a definitive answer is needed so the Board can defend the expense of the fire district's portion of the office manager to the general public.

The water district represents less than one half of the people who live in the fire district. Jim said the he doesn't want to have anything changed from the way it is right now, other than justifying the percentage of expense that the fire pays.

Rex Rice said the only way to establish that is to track the time and if this study was done three or four years ago, the splits would have been much higher for fire. Chief Beaudoin said you have to think about the industry standard and what other districts are doing. Jim said he didn't think much could be done until the time splits are provided.

Joyce Parker said she knows in general what Jan does and it probably varies from week to week. And if the district goes for a bond that may increase the workload.

Geri Fraijo asked what will be budgeted. Rex Rice said the 60/40% split will be budgeted unless the time analysis is determined. Jason Carroll said the way the agreement is written it can continue unless someone says they want it changed. Jason also said reviewing the agreement was overdue.

Jim said one of the changes is to the Term, on Page 3, that Jason asked to change that from 90 days to 180 days and Jim saw no reason not to do that. Jim said the agreement can be terminated at any time with 90 days' notice, or 180 days' notice if the change is approved. Rex Rice said he thought the board could move forward with the body of the agreement with the understanding that the 60/40% split could be revisited a year from now. Jason Carroll said it can be done sooner than that and if, agreed, it could be renegotiated at any time, or even terminated within the 90 or 180 day timeframe if one or the other district wasn't satisfied. Jason said he didn't see that as an issue since both boards want to do this fairly and be reasonable. Rex said everything else in the drafted document seems reasonable.

Jim said one thing that is not addressed in the agreement is Line 13, and he's not sure if that's important, but it has to do with the actual office space being used by the water district and does that have an economic value and does that need consideration or not? Chief Beaudoin said office space should be looked and determine what office space is going for either monthly or biannually since the fire district pays for the power and provides space at no charge.

**\*In Progress/Old Business, continued:** Joyce Parker asked if Pete Dostert shares office space in the building. It was confirmed that Pete does not use office space but uses two drawers in Gary Anderson's office. Chief Beaudoin said square footage for rent space should be looked at. Jim Postlewait asked the chief if he is contemplating postponing acting on the agreement and the chief said yes and asked Jason Carroll what he thought.

Jason Carroll said if you postpone acting on the agreement, it stays the way it is, so it doesn't make any difference if it's approved today or six months from now since operations will continue. Jim said if any portion of the contract would put a hardship on the water district then he would prefer not to create any hardship – he just wants it to be fair. Jason said if the agreement is terminated the water district would have to find somewhere to go, which could be solved, but it would take some time. Or if the water district is going to pay for more of the employee's time then the water board needs to figure that out or how that employee will deal with those options. That's why the 180 days would be needed. Chief Beaudoin said we'd have to budget for lease or rental space.

Jim said if nothing is done then it's just business as usual and at the monthly meeting the time splits can be reported. Since there is no time to resolve this before the budget meeting, it works to either our advantage or not, and if we can't do anything for a whole year, Jim said he's okay with that. This can either be tabled until monthly time reports are received, or it can be voted on.

Chief Beaudoin asked if it's just about the time split, the office space rent or everything that the board would be voting on. Jim said it's everything and if there are additional things that need to be addressed, like office space, or some compensation for that. If anything is presented to the water district board then everything should be documented and presented at one time instead of piece meal. Geri Fraijo agreed and with the budget upon us, Geri didn't think the timing was right. Joyce said go with it for now because there is not enough time to have this done before the budget meeting, plus she doesn't know what to charge for office space and that would put a wrinkle in both budgets right now.

Jason Carroll said he didn't know how you could determine what to charge for office space when you don't know the time splits and how is that space going to be defined. Chief Beaudoin said at least 99% of the people who come through the front door are water customers. Jason said regardless of that you still have to have a front door. Jim Postlewait said the percentages would have to be known first to determine a charge for office space. Jim its status quo for now and that is 90 days as stated in the contract. Jim said no matter what the agreement says it would not be a reasonable action of a sister agency to not give water the time they need to make a change. Rex Rice said there are other issues on the agreement to deal with like storage, office space, and office supplies. Rex proposed checking off what the board agrees with on each issue within the agreement and when dealing with just one or two issues go from there.

Jason Carroll said the water board has not taken any specific action on the agreement because they wanted to wait until the fire board reviewed it. Jason suggested if both boards approve the agreement it will accomplish what Rex is saying, and it still doesn't exclude both boards from reviewing it mid-year to deal with the time study.

**\*In Progress /Old Business, continued:** The hour splits exist now and until some other action is taken that's the way it is and at some point in time the fire board will come to the water board with a proposal on rental space and the water board will need to consider that and either agree or not. The agreement can be reviewed more often than annually.

Jim asked Jason if the water board has considered any office space charge. Jason said there has been no discussion of an office space charge by the water board, but Jason didn't see that as a big number, but he may be surprised. Chief Beaudoin said it would come out to about \$15,000 a year, at the 80/20% split and office space rent of \$500 a month. Jim said only office space is being talked about now and that would be split on the basis of whatever the percentage splits are. Chief Beaudoin said you have to calculate the office space, the traffic, the utilities, a lot of factors go into the calculation, and it's not just the desk out front. Jim Postlewait told Chief Beaudoin to come up with something and then both boards can take that under consideration. Chief Beaudoin said his concern is that the water district is now getting the space for free and that the fire district has a couple of big ticket items with upcoming budget and there aren't that many places fire can look to for those funds and it's not to be unfair to the water district, but they'd have to lease or rent something, so it should be acceptable to the water district.

Jason Carroll said a few dollars here or there is not the issue that yes water is using some space and using some lights. Jason said the water system also supports the fire district and a large portion of the expense of running the water district is specifically for the fire district for fire protection. When fire uses the fire hydrants, the water district doesn't charge for that water or for that fire hydrant and that costs the water district.

Jason said water has put in fire hydrants where the fire district wanted them and paid for those fire hydrants. And the water district has spent several million dollars installing 10 inch pipe, not because the water district needed it, it was put in for fire flow. The water district was not obligated to do that, it was done because it was the right thing to do for the community. Not enough water flows through the 10" pipe to have the pressure reducing stations work properly and it's been a hassle for water to deal with. But, by installing the 10 inch pipe the water district supported the fire district.

Jason said the water district has put out a lot of money for the fire district protection and it's not only for protection of people in the water district. When the fire district fills up a tanker/tender and goes out to fight a fire outside the water district the fire district isn't charged for that water. Jason said both districts could get short sighted and narrow minded about this, but there is a bigger issue going on here and that's what's best for the community.

Chief Beaudoin said it comes down to a fixed budget and fire can't raise or lower district rates, whereas the water district can, they can raise their rates if they need to. Chief Beaudoin said for that small figure of say \$5,000 for office space rent is the entire EMS budget for the year and that's huge. Jason said the million dollars water has spent to get fire flow is huge too.

**\*In Progress/Old Business, continued:** Jason said the water district pays \$150,000 a year in debt service to pay for the fire flow and the water district customers are paying for that. Jason said it's a two way street, and he thought there was an understanding, and he would hate to see getting away from what's best for the community.

Jim Postlewait asked board members how they feel about moving forward on the agreement and doing some adjustments later on when more information on the splits and the office space issue are available. Jim said most of the changes were made because the original agreement was not well written. The new agreement includes language on water/ trash and telephone. The old agreement made it sound like water was to provide all of the office supplies for both districts which was not the case. Jim said the items in "red" are either clarifications or inclusions of the way business has been being done and gives an opportunity to participate in the annual evaluation. Jim said the only hard core item is the term issue. A new and accurate Exhibit A and Exhibit B have been attached outlining equipment and duties performed.

Joyce Parker said she would want to put a date on Line 49 – Storage. Chief Beaudoin said that discussion came up because the storage space might be made into an SCBA repair work space, but no one is certified as yet to avoid the maintenance agreement costs and there may not be the funds to have someone certified. Jim said water should determine the date the storage space will be emptied. Rex Rice suggested removing the language that refers to when the archived files will be removed. Jim said the only thing changed from the way business was being done was the term on Line #94 was changed from 90 days to 180 days written notice to the other party.

Joyce Parker made a motion to adopt the revised Intergovernmental Agreement between Colton Rural Fire Protection District #70 and Colton Water District. Geri Fraijo seconded the motion. After further discussion, Geri Fraijo voted nay, Joyce Parker voted nay, Rex Rice voted yes and Jim Postlewait voted yes.

Discussion followed on whether Ivan Maluski is still interested in being a fire board member. Jim Postlewait will contact Ivan to find out what his intentions are for completing his term.

Geri Fraijo said she will not be in attendance at the May budget meeting or board meeting. Joyce Parker said she may need to leave the meeting early to attend the school board budget meeting.

**\*New Business:** Geri Fraijo made a motion to approve Kelly Stephens filling vacant budget committee position #4 with the term ending 2014. Rex Rice seconded the motion and the motion carried by unanimous vote of those board members present.

**\*New Business:** Review draft Ordinance 2014-01 – Cost Recovery – a method for the District to recover costs of services provided. Ted Farr introduced himself as the Assistant Fire Chief, filling in while Gary Anderson was out on medical leave. Ted said he was given this project to work on and there is a staff report attached to the draft ordinance. Ted in order to look at actions to raise revenue, since tax revenue has been flat for some time, the district could go out for a bond, or implement an ordinance to recover fees for services. There is an ORS stating that the fire districts can establish a fee for services as long as the district does not exceed the cost of providing that service. By passing the draft ordinance it will replace the old ordinance adopted in 2008.

Ted said there are cost recoveries for people who violate burn regulations, responses outside of the fire district, or relating to non-resident motor vehicle/als calls.

There is a section of the ordinance that deals with the purpose of the ordinance, duties and powers, definitions and an appeals process. There needs to be an invoice system created by per hour charges or a flat fee. Someone from the fire district has to review the building permits and currently there is not a certified person to do this. Molalla Fire charges a fee for that inspection but Clackamas Fire District does not charge a fee for that.

Currently there are no problems with automatic fire alarm responses.

There will be a fee schedule established for each response. Currently the district is providing advanced life support, in conjunction with Molalla Fire District, and as such they have the first option for charging. Colton would propose using their billing services and they would charge a billing service fee and collect that from the flat fee.

The intent is not to double bill people or to create a financial hardship. The only transport agency we would share revenue with is Molalla Fire District since they have an in-house ambulance billing system.

Discussion followed on building permits and subsequent site visits to verify road widths. Ted Farr said this will not be a major revenue generator. Clackamas County Fire Marshal said their main concern with reviewing building permits is that things are right for the responders. The cost recovery is for the time spent reviewing the plans but the intent is that the fire district can access the property with current apparatus.

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Jim Postlewait said he is glad to see there is no systems development charge listed. Ted said a number of agencies utilize the systems development fee because they can generate a lot of income.

Ted said in considering the ordinance for today, the ordinance includes a fee schedule and Appendix A, which is a payment schedule. There are flat fees for emergency medical responses and the time would be calculated on responses. A fee schedule based on those typical responses will be proposed and will be hourly based on apparatus that responds.

Ted asked the board to consider adopting the ordinance and do the readings as required. Ted will present another schedule so options can be selected for cost recovery. Ted said he has not had the time to estimate what the revenue recovered might be.

Jan Kaforski said the Ordinance has been advertised in the agenda for tonight's meeting, copies have been provided to all present, it needs to be read at two different public meetings and the ordinance becomes effective 30 days after adoption. A copy of the adopted ordinance is to be filed with Clackamas County Clerk's office.

Jim Postlewait said the fee schedule can be changed and approved at any time with no consideration to the ordinance.

Geri Fraijo made a motion to approve the first reading of Ordinance 2014-01, an ordinance enabling Colton Rural Fire Protection District #70 to recover costs associated with the delivery of services. Rex Rice seconded the motion and the motion carried by unanimous vote of those board members present.

\*The meeting adjourned at 9:35 p.m. to go into Executive Session pursuant to ORS 192.660(2)(i) Performance Evaluation of a Public Officer.

\*The open meeting reconvened at 10:31 p.m. Rex Rice made a motion following a favorable evaluation of Fire Chief Beaudoin to set the annual salary at \$28,000 effective 7-1-2014. Geri Fraijo seconded the motion and the motion carried by unanimous vote of those board members present.

\*The meeting adjourned at 10:35 p.m.

Respectfully submitted,

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Joyce Parker, Secretary/Treasurer

