

Whatcom County Fire District No. 11
Board of Fire Commissioners
3809 Legoe Bay Road, Lummi Island, WA. 98262
July 13th, 2021

CALL TO ORDER: Chairman Bill Lee at 3809 Legoe Bay Road, Lummi Island, WA 98262 called the Regular Meeting for July 13th, 2021 to order at 7:00 p.m.

*****Meeting took place over Zoom due to the covid-19 pandemic*****

PRESENT: In attendance were Commissioner Steve Kopanos, Commissioner Bill Lee, Commissioner Wendell Terry, Chief Lish, and Board Secretary Lisa Lish.

GUEST: Firefighter Rep Chris Immer, Joan Moye, MJ and Dave L (7:45pm).

PUBLIC COMMENT: None.

APPROVAL OF MINUTES: Minutes for the Regular Board of Commissioners Meeting on June 8th, 2021 were approved as submitted by Chairman Bill Lee.

Minutes for the Special Meeting of Commissioners on June 11th, 2021 were approved as submitted by Chairman Bill Lee.

Minutes for the Special Meeting of Commissioners on June 15th, 2021 were approved as submitted by Chairman Bill Lee.

Minutes for the Special Meeting of Commissioners on June 29th, 2021 were approved as submitted by Chairman Bill Lee.

Minutes for the Special Meeting of Commissioners on July 2nd, 2021 were approved as submitted by Chairman Bill Lee.

CHIEF'S REPORT: The apparatus committee has been meeting to determine the location of equipment for the new engine and has found a few items that may need surplus in the future. Still working on EVIP training on the new engine with members. Commissioner Terry had asked that we look into getting a window for the office to improve air flow and provide an egress emergency route. Chief Michael Lish is hoping to bring something next month for the Board's consideration. Still no word on the SCBA grant. Chief Michael Lish is hoping to take vacation on August 6th - 9th, pending Battalion coverage. Chief Michael Lish also has a planned vacation on August 11th - 17th, these dates do have Battalion coverage.

PAYROLL:

Motion: Commissioner Wendell Terry made motion, "To approve the payroll for July 2021 (Hourly employees, Stipend and Battalion Shifts for June 2021; and current month July 2021 for Contracted Employees) in the amount of \$20,751.12." Seconded by Commissioner Steve Kopanos, AND PASSED 3-0.

BLANKET VOUCHERS:

The Board of Commissioners, at 3809 Legoe Bay Road, Lummi Island, WA 98262, reviewed the regular Blanket vouchers approval documents for July 2021 Expenses for approval of payments, on July 13th, 2021 and approved. "Vouchers audited and certified by RCW 42.24.080, and those expenses, reimbursement claims certified as required by RCW 42.24.090, have been made available to the Board."

Motion: Commissioner Wendell Terry made motion, "To approve the voucher for June 28th 2021 Voucher #210602001, and approve for payment the voucher in the amount of \$2,495.50" Motion seconded by Commissioner Steve Kopanos, AND PASSED 3-0.

Motion: Commissioner Wendell Terry made motion, "To approve the vouchers for July 2021 vouchers #210701001-210701014, and approve for payment those vouchers included in the list in the amount of \$8,413.80" Motion seconded by Commissioner Steve Kopanos, AND PASSED 3-0.

FINANCIAL/SECRETARY REPORTS: May 2021 report given by Secretary Lish.

COMMUNICATIONS: The District received an email from Mary Jane Van Hoesen with several questions, to which Secretary Lisa Lish prepared answers for Board review. A copy of the document will be submitted with the minutes. Brief discussion was had. The Board instructed Secretary Lisa Lish to supply Mary Jane Van Hosen with the document on July 14th, 2021, so that Mary Jane would not have to wait for them to be published to the website next month after the minutes are approved. Secretary Lisa Lish will forward the answer tomorrow.

The District received an email from Joan Moye asking if the Board could identify the topic of discussion for the audience and then begin the discussion. Commissioner Bill Lee thanked Joan for her comment and said he would work to be clearer when moving on to a new agenda item. A copy of the email will be submitted with the minutes.

After the June 29th, 2021 meeting Dave Lapof asked for the draft presentation Commissioner Steve Kopanos presented. Secretary Lisa Lish fulfilled the request. A copy of the email will be submitted with the minutes.

The District received an email from Leslie Dempsey asking for clarification on the chart of page 12 of the levy presentation provided to the community. The question was in regards to the approximate monthly increase a tax payer may see of \$10.15 if the voters approved restoring both the fire and EMS levy's to their original amounts. The Board answered yes. A copy of the email will be submitted with the minutes.

The District received an email from April Miles from Shropshire Law Firm in regards to a potential fire hazard in a residential neighborhood within the District. Chief Michael Lish referred them to the Whatcom County Fire Marshalls Office who enforces fire codes. A copy of the email will be submitted with the minutes.

Secretary Lisa Lish received an email on July 12th, 2021 from Dave Lapof requesting the agenda for the July 13th, 2021. A copy of request and its correspondence will be submitted with the minutes.

Moving forward Board Secretary Lisa Lish will have the monthly commissioners meeting agenda posted to the Districts website by the second Tuesday of the month. Clearly marked “draft” and with a statement indicating that the agenda is subject to change without prior notice.

UNFINISHED BUSINESS: Commissioner Bill Lee requested that Chapter 10 of the District’s policy manual be tabled and return to it after levy work is completed. There was general discussion followed, no action was taken by the Board.

Fire Levy Ballot Measure – There was general discussion by the Board.

Motion: Commissioner Steve Kopanos made motion, “To request a ballot measure, Proposition No. 1 authorizing a Property Tax Levy for Fire Protection Services not to exceed \$1.49 per \$1,000.00 of assessed valuation for collection in 2022.” Motion seconded by Commissioner Wendell Terry, AND PASSED 3-0.

EMS Levy Ballot Measure – There was general discussion by the Board.

Motion: Commissioner Steve Kopanos made motion, “To request a ballot measure, Proposition No. 2 authorizing a Six Year Emergency Medical Services Tax Levy not to exceed \$0.28 per \$1,000.00 of assessed valuation for collection in 2022.” Motion seconded by Commissioner Wendell Terry, AND PASSED 3-0.

There was general discussion in regard to keeping or surplus the 1997 engine once the new engine is put in service. No action was taken by the Board.

Commissioner Wendell Terry asked the Board to reconsider getting conceptual drawings on future facilities. There was general discussion, no action was taken by the Board, but they will revisit in a couple months.

NEW BUSINESS: The District received a Board of Directors Election Ballot from Enduris. The election is for two positions on the Enduris Board. The District is authorized one vote for each position. The Candidates are: Position #2 Vicki Carter (incumbent) or Write-in; Position #5 BiJay Adams (incumbent) or Write-in.

Motion: Commissioner Steve Kopanos made motion, “To vote for Vicki Carter for position #2, and BiJay Adams for position #5 for the Enduris Board of Directors.” Motion seconded by Commissioner Wendell Terry, AND PASSED 3-0.

Motion: Commissioner Wendell Terry made motion, “To enter into executive session per RCW 42.30.110(1)(g).” Motion seconded by Commissioner Steve Kopanos, AND PASSED 3-0.

Executive session:

At 7:50 p.m. the Board of Commissioners went into executive session Per RCW 42.30.110(1)(g). It was announced to the public that the executive session would last 20 minutes returning at 8:10 p.m.

Chairman Bill Lee reopened the Board of Commissioners meeting at 8:10 p.m.

Motion: Commissioner Wendell Terry made motion, “to approve the continued participation in training of the Districts new recruit” Motion seconded by Commissioner Steve Kopanos, AND PASSED 3-0.

RESOLUTIONS: Resolution 2021-263 – Increase of Real Property Tax Levy

Motion: Commissioner Steve Kopanos made motion, “To approve Resolution 2021-263 regarding the Increase of Real Property Tax Levy.” Motion seconded by Commissioner Wendell Terry, AND PASSED 3-0.

Resolution 2021-264 Submit A Six Year EMS Levy to the General Election.

Motion: Commissioner Steve Kopanos made motion, “To approve Resolution 2021-264 Submit A Six Year EMS Levy to the General Election.” Motion seconded by Commissioner Wendell Terry, AND PASSED 3-0.

GOOD OF THE ORDER:

SIGNING OF THE DOCUMENTS:

Motion: There being no other business to come before the Board of Commissioners, Commissioner Wendell Terry moved and Commissioner Steve Kopanos seconded, to adjourn the meeting, AND PASSED 3-0.

The meeting was adjourned at 8:11 p.m.



Board Secretary Lisa Lish



Commissioner Steve Kopanos



Commissioner Bill Lee



Commissioner Wendell Terry

Approved at the Whatcom County Fire District # 11 Board of Commissioner Meeting on August 10th, 2021.

***** District Responses are in red. Questions not answered in this document are still under review.
Submitted by District Secretary Lisa Lish*****

From: taliluna@comcast.net <taliluna@comcast.net>

Sent: Friday, June 11, 2021 10:36 AM

To: Stephen Kopanos <skopanos@wcf11.org>; Bill Lee <blee@wcf11.org>; Wendell Terry <wterry@wcf11.org>

Subject: BoC questions/Concerns

Good morning gentlemen,

First I would like to applaud you for being so photogenic! Thank you for your service and for the service of the employees and volunteers.

Now for the hard part although your jobs have already been hard this year. I have several questions/concerns for which I would appreciate a response. I am sure there will be more coming.

- BoC Meetings, Minutes and Agendas
 - Please schedule meetings in the evening hours so the working community can attend. ***
 - Please begin to distribute agendas prior to the meeting. **A draft agenda, with a subject to change caveat, is something we can look at adding to the website. I believe I could make the goal of having it posted on or by the morning of the meeting.**
 - Several meeting minutes are missing from the LIFD website. Please update. **Each second Tuesday of the month at their regularly scheduled meeting the Board approves minutes from the previous month. It is the goal of the staff to then have the approved minutes posted to the website the next day.**
 - Meeting handouts are not included in the minutes. ***
 - The minutes do not adequately reflect conversations. Posting meeting videos is much more desirable for attendees and those who cannot attend. **The District Secretary follows Robert's Rules of Order when preparing minutes.**
 - Are minutes, audio, video, whatever accessible to the public through the FOIA? **The district is not required by law to record audio or video of meetings. Minutes are available on the districts website one week after they are approved at the regular board meeting. e.g. Any meetings held in June would be submitted for Board approval during the July's regular meeting. Any recordings that the district holds would be available under the Public Records Act RCW 42.56.**
- Personnel
 - Can a relative (wife in this case) work under the direct supervision of other relative (husband in this case?) **Chapt 10 Personnel, of the Districts policy manual is still being drafted.**
 - Surely an open government position must be advertised for anyone to apply? **Per legal counsel, any Hiring process is solely in Board's discretion provided the process is not discriminatory.**
 - Are all LIFD volunteers considered "employees?" If so, of the county or the state? **This is not a simple question. The general answer from the District's legal counsel is they are both. Under the FLSA and under most Washington State laws volunteers are not considered employees. Volunteers are considered as employees by the IRS because they meet the common law definition of employee. It has been the practice of the District to not challenge the IRS to avoid incurring fees or fines. Our volunteers are considered employees of Whatcom County Fire District 11, and paid stipends monthly or annually.**
 - Michael stated "appointed" rather than "selected." This position is not an appointment but rather a hiring process. **I believe appointed was used because Asst Chief Lish was chosen for a particular job at a specific time. Technically either could probably be used.**
 - **Merriam-Webster**
 - Definition of appointed**
 - 1: chosen for a particular job an appointed official**

2: officially fixed or set at the *appointed* time

Definition of *selected*

: SELECT

specifically : of a higher grade or quality than the ordinary

- Do Michael and Lisa remain in the Executive session? **The participants of the executive sessions are at the Boards discretion, it depends on the Board's needs.**
- RE: Bill's comment about an "ongoing situation" in today's meeting
 - To what was he referring? **Hiring process of the new chief, policies, and levies**
 - Aren't there several ongoing situations? **Hiring process, policies, and levies**
- RE: Sam's comment about "legal action."
 - To what was he referring? **This comment was in regards to Commissioner Lee's comment earlier in the meeting. While explaining the need of executive sessions and going through processes slowly to keep the District safe of legal action of not following rcw's 52 & 42**
 - I did not hear any comment in this meeting about "legal action."

Thank you very much.

Mary Jane Van Hoesen
1210 Beach Avenue
Lummi Island, WA 98262

Re: Commissioners Mtgs

JM

Joan Moyer <joanmoyer1@gmail.com>

Tue 6/15/2021 2:48 PM

To: Lisa Lish

Please submit only if you think it reasonable and doesn't cause more work for you anyone else.

On Jun 15, 2021, at 2:46 PM, Lisa Lish <llish@wcf11.org> wrote:

Hi Joan,

Thank you for your request. I will submit your letter under correspondence to the Boards regular meeting on July 13th.

Thank you much and have a great day.

Lisa Lish

Whatcom County Fire District 11

District Secretary

FF/EMT

On Jun 15, 2021, at 14:36, Joan Moyer <joanmoyer1@gmail.com> wrote:

Lisa,

As an audience member attending the Board of Commissioners meetings, it is a bit confusing when the topic of discussion is not identified. Would it be possible to identify the topic for the audience & then begin the discussion?

Example: Agenda item "Personnel Policy," "New Truck," etc. Most of the time the discussion item can be readily 'identified', but recently it has been bit confusing.

This question is certainly not meant to breach any confidentiality the Board deems necessary when in session with the public.

Please don't take my question as a criticism of how the Board agenda is created and presented!

I respect the meeting process, sincere deliberation, and adherence to public meeting guidelines.

Thanks so much!

Joan

Financial Planning Presentation Feedback

Leslie Dempsey <lesliedempsey@live.com>

Wed 7/7/2021 10:51 AM

To: Commissioners <grp.commissioners@wcf11.org>

Dear LIFD Commissioners,

From the chart on page 12 of the presentation, it appears that Option One, restoring both the Fire and EMS levies to the original voter approved level, would result in a total monthly increase (based on a \$300,000 property valuation) of \$10.15 to Lummi Island property owner. Am I understanding this correctly?

This is a very affordable increase to support the financial viability of LIFD, and I strongly support this option.

Thank you for all the excellent work!

~ Leslie Dempsey

Potential Fire Hazard

April Miles <april@shrop-law.com>

Tue 7/6/2021 2:10 PM

To: Michael Lish <mlish@wcf11.org>

Cc: Administrative <admin@wcf11.org>; Stephen Kopanos <skopanos@wcf11.org>; Bill Lee <blee@wcf11.org>; Wendell Terry <wterry@wcf11.org>; Steve Shropshire <Steve@shrop-law.com>

📎 4 attachments (6 MB)

Letter to Fire Chief 7.6.21.pdf; Code Enforcement Investigation Request 5.3.21.pdf; Code Enforcement Investigation Request 6.24.21.pdf; Photos.pdf;

Good Afternoon,

Attached is a copy of a letter that we have place in the mail to you today concerning a potential fire hazard in a residential neighborhood in your district. Also attached are photos of the property in question and two Code Enforcement Investigation Request that were previously filed with Whatcom County's Planning and Development Services.

Please let us know if you have any questions or if any additional information is needed.

Thank you,

April Miles

Office Manager,

Legal Assistant to Steven L. Shropshire

Shropshire Law Firm, PLLC

1223 Commercial Street

Bellingham, Washington 98225

Phone: 360-715-1218

Fax: 360-715-9829

E-mail: April@shrop-law.com



Your support of our "[Thank You For Your Service](#)" scholarship fund for Veterans at Whatcom Community College is greatly appreciated!

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Re: Agenda

Lisa Lish <llich@wcf11.org>

Mon 7/12/2021 4:16 PM

To: davelapof@gmail.com <davelapof@gmail.com>

Cc: Commissioners <grp.commissioners@wcf11.org>

Hi Dave,

I will have a final draft agenda available tomorrow and will send you a copy.

Thank you for your request,

Lisa R Lish

District Secretary - FF/EMT

Whatcom County Fire District 11

3809 Legoe Bay Rd

PO Box 130

Lummi Island, WA 98262

Phone 360-758-2411

Fax 360-758-2041

From: davelapof@gmail.com <davelapof@gmail.com>

Sent: Monday, July 12, 2021 2:52 PM

To: Lisa Lish <llich@wcf11.org>; Bill Lee <blee@wcf11.org>

Subject: Agenda

Is there a agenda for tomorrows board meeting?

Dave Lapof

davelapof@gmail.com

541-272-1958