

SEELEY LAKE RURAL FIRE DISTRICT
REGULAR BOARD MEETING 6:00 P.M. FIRE HALL
MEETING DATE: March 20, 2018
MINUTES FOR: February 27, 2018

MINUTES OF THE SPECIAL BOARD MEETING

PRESENT

Scott Kennedy, Board Chair
Gary Lewis, Vice Chair
Rachel Jennings, Secretary
Connie Clark
Rita Rossi

ABSENT

Michael Greer, Fire Chief
Lynn Richards, District Administrator

I. SPECIAL MEETING CALL TO ORDER/ROLL CALL:

Chair Scott Kennedy called the meeting to order at 5:05 p.m. Five trustees were present along with the Fire Chief and District Administrator.

II. VISIT WITH GUESTS/PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA/CORRESPONDENCE:

Community members present were: Joann Wallenburn, Mark Kues and Shawn Ellinghouse. Andi Bourne with the *Pathfinder* arrived at approximately 5:07 p.m. Community member Alyssa McLean arrived at approximately 5:52 p.m. and volunteer member Martin Cahoon arrived at approximately 5:57 p.m.

Correspondence included a letter from Kristy Pohlman. Connie Clark and Rachel Jennings questioned whether the letter would/should be read aloud. Scott Kennedy stated he sought opinion and the letter doesn't need to be read aloud it's just entered as correspondence; its public record if anyone wants it.

There was no public comment.

III. AGENDA

1. 61 Lot Subdivision Annex/Fire Protection – Scott stated he's been communicating with the county attorney and Adrian Beck, Director of 911, who has had experience in Frenchtown. County attorney has been communicating with Powell County in regard to the best way to structure the mill rate or whether we will be able to bill the homeowners association (HOA). We will need to contract with the HOA because the developer may not be there in some point of time. Their offer for services is generous but if they get annexed, then it would be by county taxation which will be worked out between Missoula and Powell County on how it will be dispersed as fire and sheriff isn't broken out separately. It's almost premature to get into this as they don't have an HOA yet and the full documents aren't ready to be given out publicly as they are still in a draft form.

Joann Wallenburn gave a prepared statement (see attached) to the board of trustees to disapprove the petition for annexation.



Scott stated he understands if they are not annexed, the taxes would be paid to Powell County and the \$500 will be paid to the district in addition to what is paid to Powell County where they and Missoula County would have to make some kind of agreement with Missoula County. The district's goal is if we need an agreement and we don't get it by taxes, what's the best avenue to take. Again, it's premature as we don't have all the documents. We can give an indication or letter of intent that we are going to cooperate and provide fire services which isn't an issue and is unsure if the district has any control over the annexation. Rachel stated we are the end all as once the district approves annexation, it then goes before the commissioners and the way the statute reads, they "shall" approve it so the fire department is the one holding the annexation portion of it, not necessarily the contractual things of the annexation in itself but the commissioners can't deny it. If the board of trustees doesn't approve it then it doesn't go before the commissioners but the district can contract with the HOA for fire services.

After discussion it was decided to table this decision until Thursday's special meeting.

2. Committee Candidate Update Hiring Chief – Scott reported there were 32 applicants from all over the country for the Fire Chief position. The five person committee, consisting of Scott Kennedy, Gary Lewis, Chief Greer, Cory Calnan and Randy Gazda, each read all the resumes and came up with their own short list. There were five interviews and the committee narrowed it down to the three top candidates, two who are pretty much equal; both paramedics and highly qualified. It was a unanimous decision to favor one of them and give a recommendation to the board to proceed with that candidate. This candidate did a lot of research on the fire department; has read all the past minutes plus news articles and is interested and excited about the position.

Scott stated the county attorney is working on the employment agreement and Scott's recommendation is to hire the candidate around April 16 so there's six weeks of training with Chief Greer for a clean handoff and with wildland season coming up, the new Chief may want to take some classes. Rachel and Gary questioned the six week overlap and thought four weeks may be better. Scott stated the district is committed to Chief Greer until June 1. Rachel questioned why the district is committed to Chief Greer until June as his contract stated he could be terminated at any time. Scott stated the department committed to him and the Chief has made commitments to June as well. Rachel stated Scott is talking more of a moral commitment rather than a legal one. Connie stated the termination at any time was for any performance issues and agreed the department is committed to the Chief until June. Connie also stated she would have liked to have been more involved in the Chief's selection. There was discussion of having a second interview or a skype visit. Connie stated she's more than comfortable with the committee's decision.

Joann Wallenburn questioned if the members who weren't on the search committee has seen this person's resume. Gary stated the members were represented by two of their peers on the selection committee which was agreed on. Rachel stated the rest of the board could still have access to the information which the committee had. Chief Greer made copies of the candidate's resume for their review. Rachel Jennings made a motion to accept the committee's recommendation to hire the selected candidate for the Chief's position. Connie Clark seconded the motion. Voting by voice, motion carried with none opposed or abstaining. Scott will give the candidate preliminary notice. There will be another special meeting on Thursday, March 1 at 5:00 p.m. to approve the employment contract if the candidate accepts. The employee packet will consist of a salary of \$50,000 per year; will receive FURS (Firefighters' Unified Retirement System); Chief's vehicle; and a district paid health insurance premium cap of \$610.00. Gary Lewis made a motion to approve the employee packet. Rita Rossi seconded the motion. Voting by voice, motion carried with none opposed or abstaining.

3. Board/Member Concerns – Closed Meeting Matters of Privacy – Connie Clark stated she had a concern in regard to the last board meeting when Rachel spoke Shawn's (Ellinghouse) name about his privacy rights and feels it was a HIPAA violation. Rachel stated it wouldn't be a HIPAA violation and Rachel stated she had spoken with Shawn prior to the meeting and received Shawn's approval. It was discussed how HIPAA is for patient care reports. Connie stated Shawn was very concerned when Kristy's name was mentioned so Connie felt uncomfortable when Rachel said Shawn's name. Rachel again stated they had discussed it previously as Rachel felt there had been times when the board had tried to use personnel's right of privacy as an umbrella for them for which Rachel didn't think was accurate and so Rachel had talked with Shawn beforehand asking him if Rachel could ask him if he wanted to waive his rights to privacy. Connie stated she still felt it wasn't appropriate.

Connie also stated she was uncomfortable with the aggressive manner Rachel had spoken to Chief Greer. Scott stated it made him uncomfortable as well. Connie stated when she was made aware of Shawn's situation, Connie didn't like it and made an effort to talk to Chief Greer about it. Rachel stated Connie just broke that same right of privacy in mentioning someone's name who isn't on the agenda. Scott stated mentioning someone's name is not a violation if it's factual, it can be mentioned. Chief Greer questioned if one's right to privacy needs to be waived each time or once it's been publicly waived it's done. Rachel stated not with HIPAA. Chief Greer stated it was just determined that HIPAA wasn't the issue. Rachel stated she believes that would be a question for the county attorney. Connie stated she was uncomfortable with Rachel's badgering of the Chief as it was disrespectful and she should follow the Code of Ethics. Rachel stated she was not going to apologize if that's what Connie was looking for. Rachel stated she had a pretty productive conversation with Chief Greer after the meeting; did things get heated and passionate, yes and Rachel thinks it's something to be passionate about. Scott stated he hoped in the future that once a question is asked and answered, the question shouldn't be repetitive and the person shouldn't be badgered as it wasn't being professional as a board member and was uncalled for. Rachel stated to be fair, it was the Chief who continued the conversation and Rachel kept chiming in because Scott was trying to quiet the Chief and the Chief wasn't listening. Scott stated he was actually trying to quiet Rachel. Chief Greer stated there is definitely a difference of interpretation to that event.

IV. ADJOURNMENT/NEXT MEETING:

Scott Kennedy closed the meeting at 6:00 p.m. to go into a closed session. Andi Bourne questioned if the person that's going to be discussed has waived their rights to privacy; then maybe everyone doesn't need to leave. Scott stated the person is here and has not waived their rights to privacy.

Approved:


Chair of the Board


Clerk

