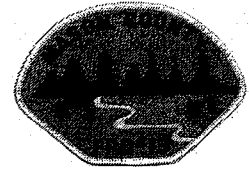


MASON COUNTY FIRE DISTRICT #13
Fire Commissioner's Meeting – March 12, 2015
Loertscher Fire Hall, Station 13-1
13375 W Cloquallum Rd Elma, WA 98541-9613



Commissioner Sisson called the meeting to order at 5:30 P.M. Present were: Commissioner Shawn Sisson, Commissioner Dane Hansen, Tina Post, John Avery, Sue Avery, Mike Rimkus, Tamara Donovan and Chief Stan Loertscher.

Say the Pledge of Allegiance.

Minutes – Were Read by Tamara Donovan. Commissioner Dane Hansen **MOTIONED** to approve, Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.

FINANCIAL REPORT:

EMS Vouchers #15100 through #15100 and totaling \$330.99 (\$0.00 of this was gross employee payroll)

Expense Vouchers #15077 through #15099 totaling \$13,223.02 (\$6020.00 of this was gross employee payroll)

Commissioner Dane Hansen **MOTIONED** to approve the vouchers, Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.

Vouchers signed by Commissioners Sisson and Hansen

UNFINISHED BUSINESS:

- Turnout Gear: Assistant Chief's Rimkus' turnout pants failed inspection and need to be replaced.
 - o Commissioner Dane Hansen **MOTIONED** to approve the purchase of turnout pants Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.
- Investment Policy: Was received by the Mason County Treasurer. Elizabeth Frasier will be joining us at our next meeting to discuss this policy with the board.

NEW BUSINESS:

- Snure Seminar: There were multiple items presented at the seminar that need addressing.
 - o Personnel benefits
 - One of the topics that was brought up during the seminar was On-Call or Waiting time. Chief Loertscher makes an effort to ensure there is adequate coverage for the district during his days off. However sometimes the efforts made fall through due to those covering the district leaving to do something else. This causes Chief Loertscher to have to remain in district unable to attend to his personal needs because the district coverage takes priority. During this time he will be accruing time due to his being "Engaged to Wait." This will also include any phone call or other interaction involving departmental business made during his personal time off. Also after review of how much of his personal time is used to address the interruptions made by district business the Commissioners would like to modify his contract. The commissioners would like to modify his overtime accrual to start at 180 hours rather than 212 hours.

- Commissioner Dane Hansen **MOTIONED** to approve the modified Chief's Contract, Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.
 - In 2010 the 2011 Budget was written with intent that the secretary's position receiving a raise starting January 1, 2011. However after review Tamara Donovan found that she would be unable to accept the intended raise. She is accepting the intended raise meant for 2011 to start June 1 2015. After discussion the commissioners agreed that the wage should increase \$1.00 starting January 1, 2016.
 - Commissioner Dane Hansen **MOTIONED** that the secretary's position to be paid \$15.00 per hour starting June 1st 2015 Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.
 - Commissioner Dane Hansen **MOTIONED** that the secretary's position to be paid \$16.00 per hour starting January 1st 2016 Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.
 - DNR Response Agreement: We need to review the DNR Response Agreement to ensure that the DNR understands that they need to pay our volunteers directly rather than through the district. During that time they are employees with DNR not Mason County Fire District #13. This is to ensure that there isn't a conflict with their volunteer status.
 - PERS Payback: It was brought up at the seminar that one of the common things that is missed in districts is unpaid PERS retirement benefits for those who qualified. There is no statute of limitations for this. Tamara Donovan is going to go back through employee files to make sure that we are in compliance.
- Red Card Class: There is a red card class coming up and there are some district personnel interested in attending.
 - Commissioner Dane Hansen **MOTIONED** to approve up to four to attend the Red Card Class Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.
- BREAK: 6:30pm – 7:30pm
- New Members:
 - Ashlin Fries
 - Commissioner Dane Hansen **MOTIONED** to approve Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.
 - Patrick Cloud
 - Commissioner Dane Hansen **MOTIONED** to approve Commissioner Shawn Sisson **SECONDED**. Unanimous vote **Motion Carried**.
- 2012-2013 Audit: We received a letter stating that we passed our 2012-2013 audit years with no findings.
- Background Checks: We are ready to start doing background checks through Paladin Background Screening from now on.
- AGO Letter: Based on an AGO letter sent to the state auditor in 2002 in response to their question regarding commissioners receiving volunteer fire fighter's compensation (SEE ATTACHED) it has been confirmed that Mason County Fire District #13 has never considered the \$5 per call and \$5 per drill as compensation to volunteer fire fighters. It has always been referred to as a reimbursement. Therefore

the commissioner may receive the \$5 per call and \$5 per drill reimbursement as a benefit to volunteer fire fighters. A right they have due to their right to benefits as a volunteer fire fighter. Commissioners serving as volunteer fire fighters will be not be compensated but reimbursed \$5 per call and \$5 per drill just like any other volunteer fire fighter.

- Chief's Report: Was read by Chief Loertscher

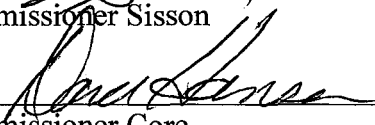
Dane Hansen **MOTIONED** to adjourn the meeting. Shawn Sisson **SECONDED**.
Unanimous vote, **Motion Carried**, Meeting adjourned at 8 P.M.


Secretary

Commissioner Hansen



Commissioner Sisson



Commissioner Core



Christine O. Gregoire

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

RECEIVED
02 SEP 19 P3:22

MEMORANDUM

September 18, 2002

TO: Mike Murphy, Deputy State Auditor

FROM: *SCA* Stacia Hollar, Assistant Attorney General
Government Compliance and Enforcement Division, MS 40100

SUBJECT: **Volunteer Firefighters**

You requested that I review the issue of whether fire district commissioners serving as volunteer firefighters may receive any monetary payment from the district. For the reasons stated below, I conclude that if these funds are provided as reimbursement for expenses, the payments are allowed. If, however, the money is intended as compensation for service preformed, the payment is impermissible.

The analysis begins with RCW 52.14.010 governing fire protection district boards which provides:

The board may, by resolution, adopted by unanimous vote, authorize any of its members to serve as volunteer fire fighters **without compensation**. A commissioner actually serving as a volunteer fire fighter may enjoy the rights and benefits of a volunteer fire fighter.

(Emphasis added).

This section makes it clear that a district which provides some type of payment to volunteer firefighters as compensation for their services could not make that payment to fire district commissioners serving as volunteer firefighters. It is less apparent what is allowed under the last sentence authorizing such commissioners to "enjoy the rights and benefits of a volunteer fire fighter."

It is my understanding that some districts provide payment to their volunteer firefighters as an offset to expenses they incur in service to the district. These payments may be made on an actual expense basis but more typically take the form of a specified amount per call, drill or other service for the district. The question thus becomes whether these types of payments fall within the "rights and benefits" authorized for the commissioners.

I was not able to find any Washington case law dealing with this issue directly. The difference between compensation and reimbursement for expenses, however, has been addressed in other contexts. The Washington Supreme Court considered the question of whether an increase in the amount of per diem authorized for legislators constituted a change in their "compensation" during their current term as prohibited by Article 28, sec. 1 of the State constitution. Hoppe v. State, 78 Wn.2d 164 (1970). The court noted that the per diem was



ATTORNEY GENERAL OF WASHINGTON

September 18, 2002

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intended as reimbursement for lodging and subsistence expenses incurred by legislators attending a session away from their homes. On this basis, the court concluded that these payments were related to expenses and thus not included in the term compensation. Id. at 168. The court stated this was true regardless of whether such reimbursement occurred on an actual expense basis or by way of a flat or lump sum. Id. at 173. The court did note, however, that if the flat rate was "so patently and palpably in excess of and disproportionate to the actual and necessary per diem subsistence and lodging expenses" it would violate the constitutional provision. Id. at 168.

A similar conclusion that compensation does not include reimbursement for expense has been reached regarding computation of pension benefits. For many public employees, the triggering factor for determining the amount of their retirement benefits is their compensation level while in government service. See, e.g. RCW 41.35.400 (school employees); RCW 41.40.620 (public employees). The question of whether payments for reimbursement for expenses constitute "compensation" for determining pensions benefits was addressed in Coble v. Hollister, 57 Wn.App. 304, 308 (1990). In concluding that those amounts could not be included in "compensation" the court noted that the pension statutes defined that term as payment for personal services which would excluded reimbursement for expenses. Id. at 308.

A court likely would employ the analysis discussed above to the present question. In doing so, I believe the court would conclude that payments to a fire commissioner serving as a volunteer firefighter intended as reimbursement for expenses do not constitute compensation and thus are allowable. I must caution that the answer to this question is dependent on the individual district's policy. Only if the payment is established as a reimbursement for expense rather than a payment for services would it be permissible.

Please be advised that the above represents by considered legal view but does not constitute a formal opinion of the Attorney General. Please let me know if you have questions.

SEH;jdh

cc: Chuck Pfeil
Lisa Tagman