

**MAPLE VALLEY FIRE AND LIFE SAFETY  
KING COUNTY FIRE PROTECTION DISTRICT #43**



**RESOLUTION R – 2012 – 003**

To Adopt Rules of Procedure for the Board of Fire Commissioners

WHEREAS, The Board of Fire Commissioners adopted Resolution R-2010-007 establishing rules of procedure for Maple Valley Fire and Life Safety (King County Fire District #43) Board of Fire Commissioners; and

WHEREAS, Resolution R-2012-003 supersedes Resolution R-2010-007; and

WHEREAS, The Board of Fire Commissioners believes that establishing rules of procedure will facilitate the procedural process of the meetings and benefit the public interest of accomplishing the business of the District; now, therefore

The Board of Fire Commissioners resolves as follows:

**Section 1. General** These rules constitute the official rules of procedure for Maple Valley Fire and Life Safety (King County Fire District #43). In all matters not addressed in the rules, the Board of Fire Commissioners shall be governed by statutory requirements and Robert's Rules of Order (Newly Revised), a copy of which is maintained in the Administration Office, provided the rules do not conflict with the statutory requirements.

**Section 2. Organization:**

- A. Oath of Office of Commissioners: As provided by statute (RCW 29A.20.040), Commissioners shall take the oath either:
  - a. Up to ten days prior to the day of the Commissioner's term of office begins;
  - b. At the last regular meeting of the Board in December or
  - c. At the first meeting of the term.
  
- B. Election of Officers: The Board shall elect a Chairperson and Vice Chairperson for a term of one year and organize itself at the first meeting of each calendar year provided that upon Board motion such elections and organizational meeting may be postponed up to thirty (30) days. The term of the Chairperson and Vice Chairperson shall begin upon said election and end at the time of election of the successor. In the temporary absence of the Chairperson, the Vice Chairperson shall perform the duties and responsibilities of the Chairperson relating to the conduct of meetings and emergency business. In the event the Chairperson is unable to complete the term of office, a new Chairperson shall be elected at the next regular meeting. In the event the Vice Chairperson is unable to complete the term of office, a new Vice

Chairperson shall be elected at the next regular meeting. The Chairperson or Vice Chairperson may be removed from office by a majority vote of the Board.

- C. Quorum: At all Board meetings, a majority of the Board (three members) shall constitute a quorum for the transaction of business, but a lesser number may adjourn the meeting in accordance with RCW 42.30.090 if there is less than a quorum present.
  
- D. Voting: Voting at Board meetings shall be conducted as follows:
  - a. Unless otherwise provided by resolution, all votes shall be taken by voice, except that at the request of any Board member, a roll call vote shall be taken by the secretary.
  - b. In the event of a tie vote on any matter, the matter shall be tabled for further discussion.
  - c. Each Board member may vote on all motions before the Board, unless conflict of interest or an appearance of fairness question under state law is present. Board members who abstain from voting may, for the public benefit, state the reason for abstention.
  
- E. Attendance, Excused Absences: RCW 52.14.050 provides that a Board member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Board without being excused by the Board if appropriate notice is given. Members of the Board may be excused from attending a meeting by complying with this section. The member shall contact the Fire Chief, Secretary to the Board or other Board member prior to the meeting and state the reason for his or her inability to attend the meeting. The Fire Chief or Secretary shall convey the message to the Board. The Presiding Officer shall inform the Board of the member's absence.
  
- F. General Decorum:
  - a. While the Board is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise delay or interrupt the proceedings or the peace of the Board, nor disrupt any member while speaking or refuse to obey the directions of the Board, except as otherwise provided in the rules.
  - b. Any person making personal, impertinent, or slanderous remarks or who becomes boisterous while addressing the Board may be asked to leave by the Presiding Officer in accordance with RCW 42.30.050.
  
- G. Confidentiality:
  - a. Board members shall keep confidential all written materials and verbal information provided to them during executive sessions, to ensure that the District's position is not compromised. Board members should consider

refraining from taking notes during executive sessions. Confidentiality also applies to information provided to Board members outside of executive session when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington.

- b. During or after an executive session, if direction is given by the Chairperson to District staff on any issue considered during the executive session, all further contact with any other party should be conducted by the designated District staff person handling the issue. Board members should obtain the permission of the Chairperson prior to discussing the information with anyone other than other Board members, the District attorney, the Fire Chief, or his designee.
- H. Secretary to the Board: The Secretary or an authorized designee shall attend all Board meetings. If the Secretary and the designee are absent from any Board meeting, the Fire Chief shall appoint a member of the staff to act as Secretary for the meeting.
- I. Attendance of Officers or Employees: The Chief shall attend all Board meetings, unless excused per Section 2E. Any District officer or employee shall have the duty, when requested by the Board, to attend a Board meeting and shall remain for such time as the Board may direct.
- J. Release of Public Information:
- a. Board members will not be allowed to author public information on behalf of the Board during an election year in which they are running for the office of Fire Commissioner.
  - b. Newsletter articles will be reviewed and approved by the Chief and the Board prior to media release.

### **Section 3. Officers:**

- A. Presiding Officers: The Chairperson or, in his or her absence, the Vice Chairperson shall be the Presiding Officer of the Board. In the absence of both the Chairperson and the Vice Chairperson the Board shall appoint one of the members of the Board to act as a temporary Presiding Officer.
- B. Presiding Officer's Duties: It shall be the duty of the Presiding Officer to:
- a. Call the meeting to order.
  - b. Adhere to the meeting Agenda.
  - c. Control discussion in an orderly manner.
  - d. Provide an opportunity to speak to every Board member who requests to speak when recognized by the Chair.
  - e. Permit audience participation at the appropriate times.

- f. Require all speakers when recognized by the Chairperson to speak to the issue and observe the rule of order.
  - g. State each motion before it is discussed and before it is voted on.
  - h. Put motions to a vote and announce the results.
- C. Presiding Officer, Question of Order: The presiding Officer shall decide all questions of order, subject to the right of appeal to the Board by any member.
- D. Presiding Officer, Participation: The Presiding Officer may present motions in the same manner as any other commissioner.

#### **Section 4. Duties and Privileges of Board Members:**

- A. Forms of Address:
- a. For regular meetings Board members shall be addressed as “Commissioner (surname)”.
  - b. In informal settings, Board members may be addressed by their first names.
- B. Dissents and Protests: Any Board member shall have the right to express dissent from or protest against any matter before the Board and have the reason entered in the minutes.

#### **Section 5. Committees:**

- A. Ad Hoc Committee Assignments: Ad hoc committees of not more than two Board members may be appointed by the Chairperson with the concurrence of the Board from time to time as the need arises. The Chairperson, with the concurrence of the Board, shall also appoint the chair of any ad hoc committee.
- B. Standing Committee Assignments: If standing committees of not more than two Board members are established, they shall be appointed by the Chairperson, with the approval of the Board. The Chairperson, with the concurrence of the Board, shall also appoint the chair of standing committees.

#### **Section 6. Meetings:** All Board meetings shall comply with the requirements of the Open Meetings Act (RCW 42.30).

- A. Regular Meetings: The Board shall schedule regular meetings on the first and third Thursday of each month beginning at 6:00 p.m. and end at the completion of business. Should any scheduled meeting fall on a legal holiday, the meeting shall be held at the same hour and place on the next business day in accordance with RCW 42.30.070.

- B. Special Meetings: Special meetings may be held by the Board subject to notice requirements in accordance with RCW 42.30.080. Special meetings may be called by the Chairperson by giving notice to each member of the Board, and news media that have on file with the District a written request for meeting notices, at least twenty-four hours prior to the meeting. Special meetings may also be called by any three members of the Board using the same notice procedure. The notice of a special meeting shall state the subjects to be considered, and the Board shall not take final action on subjects other than those specified in the notice.
- C. Executive Sessions/Closed Sessions: The Board may hold executive sessions for those purposes set forth in RCW 42.30.110, and closed sessions for discussion of issues outside the scope of RCW 42.30, as set forth in RCW 42.30.140. Before convening an executive session or closed session, the Chairperson shall announce the purpose of the session, citing the appropriate part of the applicable statute, and the anticipated length of the session, or when it will be concluded. Should the session require additional time, a public announcement shall be made that the session is being extended, and for how long. The Board may include or exclude any and all persons and members of the public in an executive session or closed session.
- D. Meeting Place: Regular meetings should be held at 22225 SE 231 St., Maple Valley, WA 98038, unless public notice is given of another location. Regular meetings may be held at another location with appropriate notice of the location contained in the notice and placed on the door of the Administrative Office.
- E. Committee Meetings: Committee meetings may be held by each ad hoc or standing committee at times and dates determined by the committee.
- F. Public Notice: The District shall comply with statutory public notice requirements. All meetings will be announced in a timely fashion with appropriate location and time, and provided in a notice placed on the door of the Administrative Office.

**Section 7. Board Order of Business:**

Order of Business for Regular Meeting: The order of business for each regular meeting shall be as follows unless modified by the Board:

- Open Meeting, call to order
- Pledge of Allegiance
- Amendments to the Agenda
- Minutes: Approval of Minutes
- Financial Report: review finance reports
- Correspondence
- Meetings
- Public Comment

Business:  
Personnel  
    Career/Volunteer Staff  
Operations  
Support Services  
    Fire Marshal's Office  
    Public Education  
    Apparatus and Equipment  
    Facilities  
Events  
Public Comment  
Vouchers  
Executive Session  
Adjourn

### **Section 8. Public Participation**

- A. Comments by Citizens: All regular Board meetings will include at least one public comment period. Such comment periods may be included on the agenda for special meetings of the Board. Generally, public comments of any one person are limited to three minutes. However, this rule may be suspended by majority vote of the Board. After all persons who have signed up to speak have spoken, a person who has already used up their allotted three minutes may be allowed to speak further to the Board, provided that the public comment period is limited to a total of 15 minutes.
- B. Board Response: The Chairperson shall have the discretion to address any issue raised during the Public Comment period, or may refer the matter to staff, or to a future Board meeting. Other Board members may ask questions of citizens during the Public Comment period or make their comments or responses. The Chairperson has the discretion to curtail such discussion or debate at any time, so that the business of the Board may continue without undue delay.
- C. Identification of Speakers: All persons offering public comment shall identify themselves, providing their name, address and organization represented, if any.
- D. Instructions for Speakers: No person shall be allowed to address the Board while it is in session without first being recognized by the Chairperson.

### **Section 9. Agenda Preparation:**

- A. The Secretary shall prepare a preliminary agenda for each Board meeting specifying the time and place of the meeting. The preliminary agenda is subject to review by the Chairperson.

- B. An item for a Board meeting may be placed on the preliminary agenda by any of the following methods:
  - a. A majority vote of the Board
  - b. Board consensus
  - c. By a Board Committee
  - d. By the Chairperson
  - e. By any Board member, in writing, by email transmission, or via phone confirmation, no later than 12:00 p.m. (noon) on the Monday preceding the scheduled meeting. The item shall be placed on the next scheduled meeting agenda.
  - f. By the Fire Chief
  
- C. Agenda items continued from one meeting to another will have preference on the agenda to the extent possible.
  
- D. It is the intent of the Board that the minutes of all meetings should be finalized and distributed by 5:00 p.m. on the Tuesday following each meeting.
  
- E. It is also the intent of the Board that the agenda, all agenda materials and correspondence, and any other material to be brought before the Board should be made available with due notice for the Commissioners' review by 5:00 p.m. on the Wednesday preceding any scheduled meeting.
  
- F. It is the intent of the Board that Board procedures be periodically reviewed as needed, but no less than every two years, therefore, Board procedures shall be considered in the Month of January of every even numbered year, and may be considered any other time that the Board shall choose to review them.

**Section 10. Effect/Waiver of Rules:** The rules of procedure are adopted for the sole benefit of the members of the Board to assist in the orderly conduct of Board business. The rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the Board to adhere to the rules shall not result in liability to the District, its officers, agents and employees, nor shall failure to adhere to the rules result in invalidation of any Board action. The Board may, by majority vote, determine to temporarily waive any of the provisions of the rules.

**Section 11. Commissioner Compensation:** Each Commissioner shall be compensated for each day or portion of a day for attending a scheduled Board meeting, or when performing other services at the direction of the Board, in accordance with RCW 52.14.010. It is a function of the Board to establish what services a Commissioner may perform on behalf of the District for compensation. Compensation may be rendered for the following services.

- A. Attendance at all scheduled meetings of the Board.
  
- B. Attendance at Board-level committee meetings and activities.

- C. Attendance at Board-directed meetings or activities.
- D. Attendance at Fire District related-seminars and educational classes as approved by the Board.
- E. Attendance at King County Fire Commissioners Association general meetings.
- F. Attendance at King County Fire Commissioners Association Board of Directors meetings.
- G. Attendance at Washington Fire Commissioners Association meetings, seminars and conferences.
- H. Attendance at Fire District Open House functions.
- I. Days or portions of days spent in travel in order to attend a Board sanctioned activity when such travel cannot be made on the day of the activity for safety reasons.
- J. Other district-related services as approved by the Board.

**Section 12. Commissioner Expense Reimbursement:** In addition to the day of service compensation provided above, Commissioners shall receive reimbursement of reasonable expenses incurred in attending activities, meetings and events held outside of the District including the following:

- A. Mileage reimbursement for use of personal automobiles at the District approved rate together with parking fees, ferry fees, etc.
- B. Registration fees.
- C. Overnight accommodations and meal expense including gratuity reimbursement or per diem when required by the nature of the activity attended.
- D. Meal expense including gratuity unless meals are provided in the registration fee.
- E. Expense reports/reimbursement shall be completed within 30 days.

**Section 13. Access to District Records:** Each Commissioner shall have access to all District records during regular business hours of the District; provided that the review or examination of the records shall not interfere with the normal operation of the District office personnel. Commissioners shall not remove original District records from the District station. The administration shall provide copies of records requested by Commissioner subject to the following limitations:

- A. No copies of confidential records will be provided without prior approval of the Board.



- B. Copies will be provided promptly, provided the copying shall not unduly interfere with normal operations of the administrative personnel.
- C. District records and information obtained from District records may not be used by Commissioners for non-District business nor disclosed to unauthorized persons.

**Section 14. Personal Liability Protection:** NOTE: All members of the District are named insured's on the VFIS policy. The Commissioners shall be included as named insured's on all applicable District insurance policies. In the event a Commissioner shall be individually named as a defendant in any litigation arising out of the performance by the Commissioner of District business and the District's insurance carrier shall deny coverage and refuse to provide defense to the action, the District shall provide the Commissioner with separate legal counsel and indemnification subject to the following conditions:

- A. The cause of action must have arisen as a result of the action or non-action of the Commissioner while acting within the scope and authority of the office of Commissioner.
- B. The cause of action must not have arisen as a result of intentional, willful, or criminal conduct of the Commissioner.

**Section 15. Liability Protection Procedure:** The following procedure shall be used to determine if the District shall provide the defense and liability coverage for a Commissioner under the District policy.

- A. The matter shall be referred to the District's attorney for investigation and review.
- B. The District's attorney shall fully investigate the facts and circumstances of the litigation and the actions of the defendant Commissioner.
- C. The District's attorney shall report to the Board of Commissioners in writing the results of the investigation and research. A copy of the report shall be furnished to each Commissioner under the attorney-client communication privilege.

The Board of Commissioners shall make the final determination based on the report and investigation of the attorney.

**Section 16. Commissioner Requests for Staff Assistance:** The Board of Commissioners desires to maintain an open line of communication between the commissioners and the staff of the District. The Board recognizes, however, that repeated uncoordinated requests by individual Commissioners may place a burden on personnel of the District and may interfere with normal District operations.

To minimize conflicts, it is the policy of the Board that individual Commissioner's shall submit all requests for staff assistance to the Chair of the Board and the Chair shall notify the Chief of the request for assistance.

The Chief shall arrange for staff members to fill the request, and advise the Chair when requested assistance may be available. If the request cannot be filled within a reasonable period of time, the Chief shall notify the Chair and advise the Chair why the request cannot be completed. The Chair, in turn, will notify the Board Member of the delay and when the assistance may be available.

Consent of a majority of the Board is required to direct the Chief to initiate any project or study and/or take any action or prepare any report that is significant in nature.

This policy shall not be construed as a prohibition on Commissioners asking staff normal and routine questions.

**Section 17. Measured Performance of the Board:** It is the desire of the Board to establish a method of measuring the performance of the Board in relation to needs and standards of the organization based on the following criteria: Communications, Community Involvement, Adaptability/Flexibility, Availability and Interpersonal Sensitivity.

APPROVED:

ATTEST:

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Camille Walls, Chairperson

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Michele de Leon, District Secretary

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Gabriel DeBay, Commissioner

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Brian McGee, Commissioner

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Mike Scott, Commissioner

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William VanRuff, Commissioner