

**WAKE COUNTY FIRE COMMISSION
MINUTES
Thursday, May 9, 2002
*(ADOPTED 7/22/2002)***

A regular meeting of the Wake County Fire Commission was held on Thursday, May 9, 2002, at 4:30 p.m. at the Wake County Commons Building, Cary Drive, Raleigh, North Carolina. Cathy Lohr presided as Facilitator and called the meeting to order.

Roll of Members Present: Chief Tony Chiotakis, **West Region/Primary**
Herb Council, **Wake County Commissioner**
Cathy Lohr, **Citizen/Consumer**
Tony Mauldin, South Region/Alternate
Ned Perry, **Citizen/Consumer**
Donald Pierce, **South Region/Primary**
David Price, **Firefighter's Assoc. President**
Rodney Privette, **East Region/Alternate**
Ron Roof, **North Region/Primary**
Tom Vaughan, **East Region/Primary (late arrival)**

(The bolded Membership Type equates to members eligible to vote.)

Members Absent: Cloyce Anders, External Facilitator*
Robert Gibbs, West Region/Alternate* (Proposed Future Member)
James Nobles, **Citizen/Consumer***
A.C. Rich, North Region/Alternate
Charles Sannipoli, **Citizen Consumer***
Buddy Scarboro, **Wendell Town Representative**
Bonnie Woodruff, **Citizen/Consumer**

Staff Present: David Cooke, County Manager
Joseph Durham, Deputy County Manager
John Rukavina, Public Safety Director
Raymond Boutwell, Budget & Mgmt Director
Jennifer Willis, Budget & Management Analyst
Ray Echevarria, Fire/Rescue Director
Chris Perry, Chief Deputy Fire Marshal
E. Charles Ottaway, Shift Supervisor
Sherry Scoggins, Executive Secretary

There were 8 guests present at the Wake County Fire Commission meeting.

UNFINISHED BUSINESS

Adoption of the 03/21/2002 Minutes:

As requested, the West Region membership was corrected to show Chief Chiotakis as Primary and Chief Robert Gibbs as the proposed alternate. Commissioner Council motioned to approve the March 21, 2002, minutes with the corrections. Motion seconded by Chief Ron Roof. The Wake County Fire Commission unanimously approved the minutes of the March 21, 2002, meeting.

NEW BUSINESS

Budget Recommendation (County Manager David Cooke):

County Manager David Cooke gave a presentation on the proposed FY 2002-2003 budget for fire services. This presentation will be shared with the Board of Commissioners on May 20, 2002.

Distributed the following handouts with his presentation:

- Fire Tax District FY2000-2001 Revenue Projection
- Expenditure of Fire Departments (legal sheet)
- 3 Year Net Cash History – Audit Data
- Cash Reserve and Debt (10% Required Reserve)
- Requested Improvements by all Wake County Fire Departments for FY 2003
- Wake County Fire Department Fiscal Analysis 1998 – 2001

After discussion by the Fire Commission, Chief Ron Roof motioned to support the recommended ten-cent tax rate, support the total budget submittal, and discuss level of funding of support to each department.

After discussion, Chief Chiotakis questioned if we sent approval as is, can language be included that money be budgeted and held in escrow until questions about Knightdale be answered.

Chief Ron Roof then amended his motion to support the ten-cent tax rate, proposed budget as submitted (\$10,556,000.00) including the \$362,000 incremental to Knightdale to be budgeted and held in escrow while we resolve the amount. Seconded by Ned Perry. Motion approved unanimously.

COMMITTEE REPORTS:

Thermal Imager Spec Team:

Mike Chapman of the Western Wake Fire Department represented the Thermal Imager Spec Team. The choice between the two thermal imagers came down to ISG and MSA. Even though MSA had one more point, the ISG was chosen because of better visibility indoors and outdoors.

Ray distributed letter received from William L. Simmons of MSA.

Motion was made by Commissioner Council to send back to Thermal Imager Subcommittee to test three cameras, modify the criteria and assign weights and test the criteria. Motion seconded by Chief Ron Roof. Motion passed unanimously.

Fire Apparatus Spec Team:

Chris Perry made presentation on behalf of the Fire Apparatus Spec Team. Distributed handout of two meetings and Committee Recommendations. The meeting scheduled for Monday was canceled due to a conflict.

Personnel Accountability System – Status Report (David Price):

David Price distributed handout “Report by Accountability Committee” and gave presentation.

David Price motioned to adopt a Velcro tag based accountability system for fire service agencies in Wake County. Motion seconded by Ned Perry. Motion approved unanimously.

David Price motioned to adopt the Accountability and Rapid Intervention Team procedures as presented to be effective July 1 and to become first countywide standard operating procedure. Motion seconded by Ned Perry. Motion approved unanimously.

Contract Subcommittee:

Chief Donald Pierce spoke on behalf of the Contract Subcommittee. Chief Pierce stated he had been in contact with Ray reference wording in the contract – “no paid member” should be “no career member” because so many board members now receive pay. Chief Pierce recommended staff

change word from “paid” to “career” and replace that page of the contract. Motion seconded by David Price. Motion approved unanimously.

Chief Pierce then read the following into the record:

“Since July 2001 the Contract Committee has worked with the County Staff to amend the Fire Protection Contract that is used to contract Fire Service with departments that protect County (non-municipal) area. In doing so we have spent many hours meeting and negotiating the wording, content, and context of the contract in order to produce a mutually acceptable agreement. During the process of developing the contract there were several incidents of actions by Staff that created doubt and undermined the confidence that the Contract Committee, thus the Fire Commission and Fire Service which we represent, was being taken seriously by Staff.

One particular incident that reaffirmed our concerns was during the contract negotiations where Staff added language that had not been discussed with the Committee. This was in direct contradiction to our agreed upon operating process. From the beginning of the negotiations all proposed changes to the contract were written in bold print and/or some other method to make sure everyone knew that this was a proposed change. However, wording about the duration and renewal of the contract was inserted without any discussion, bold print, or any other type of recognition of these changes, and was presented to the Fire Commission in a version of the contract that was not approved by the committee. When John Rukavina was asked about this, he stated that he had discussed this with the County Manager and they felt that this needed to be added. With that being said, why was it not discussed nor disclosed to the committee and simply inserted in the proposed contract?

Now at the conclusion of the process, Staff totally disregarded the directions of the Fire Commission as well as the Contract Committee, as documented in our approved minutes. These actions of presenting the Contract to the County Commissioners without final approval from the Contract Committee and without any notifications or conversations with the Committee created embarrassing positions for the Regional Representatives that got “blind-sided” when questioned by their Region members. Also it undermined the credibility of the Fire Commission and the intent of Staff to work honestly and professionally with the Fire Service on very important issues. Many Chiefs called Contract Committee members when they started receiving Contracts in the mail for their signature and none of their Regional Representatives or Committee could tell them how this had happened!

The behavior that the Contract Committee experienced during the development of the new contract CAN NOT BE ACCEPTED as the way future discussions and negotiations can be carried out. Disregard for the due process determined by the Fire Commission and then ignored during this process invalidates the credibility of the Fire Commission and brings serious doubt and questionable support of the Fire Service in general for a viable process to work with Wake County.” (Statement attached)

John Rukavina distributed handout of e-mail transactions for the record. “Paid versus career was not an issue with staff. I think the contract process was difficult and never perfect. The process speaks for itself. If I made an error and somebody brought the error to my attention, I always promptly corrected it. But I am concerned that there is any indication that what we did in pursuance with what we thought was the direction of the board, was an attempt to mislead anyone or cause anyone any problem at all. I appreciate Donald bringing it our attention. I think the fix the board is dealing with is fine. But again in my looking at the record, the committee did make a decision concerning the roll over provision. Donald as chairman informed us of that as would be appropriate under those circumstances and we proceeded based on what the Commission had in the motion and the information we had from the contract committee. I think that these are all things that should be considered. I think all of us have learned something about how we would work on contract negotiations in the future. But I also thinks it’s appropriate that when issues like this are raised all the facts are on the table for everyone. I appreciate your review.”

Ray Echevarria addressed the Fire Commission. He shoulders a lot of the blame for misinterpreting the intent of the Commission’s motion about the rollover clause. “If I misinterpreted the intent I apologize.”

Chief Pierce submitted e-mail transactions for the record, with the section “We would like to review a final, clean version of the contract before making final approval”.

OTHER BUSINESS:

Funding Request for Knightdale:

John Rukavina made the presentation. As you will recall last year when the County adopted the budget, put in a provision for the use of cash reserve for up to 50% of department share of department debt. One of the guarantees we made at the time was, that we were basing that on information available and it could be wrong. Have the auditor contact us and advise us if the information we have is bad information. In late June early July of last year we learned this was true for Knightdale. I would like

the Fire Commission to honor the guarantee that we made, would be the right thing to do. Knightdale has been thoroughly audited. In asking for the endorsement from the Fire Commission, I am not suggesting that we take money away from anybody's budget or do anything that would hurt anybody's position as far as appropriations from the Fire Commission. There are financial means by which we can do that. It is not coming off the top of anyone's appropriation. The amount involved is \$54,680.45, and what we are seeking is the board's endorsement of the County proceeding to remit that money to the Knightdale Fire Department. Ask for endorsement. Tom Vaughan motioned to approve. Ned Perry seconded the motion. Motion approved unanimously.

Mr. Rukavina gave a second presentation. Do not have precise amount, amount less than \$37,000.00. Other costs incurred with connection of the Knightdale audit. Would like the Fire Commission endorsement of moving money around necessary to deal with obligation dealing with the conduct of that audit. What we want to do is have endorsement of board and relieve Knightdale for some of the costs incurred with that audit. The funds would come from County general fund. Costs associated with the audit. County did the audit at the request of the fire department. Recommendation not coming from the fire tax fund, then not sure we need to take action. Chief Vaughan did not want to take action, as the Fire Commission was not a part of the Knightdale audit process. Ron Roof concurred. Ned Perry recommended accepting report as presented.

PUBLIC COMMENTS:

(30 minutes maximum time allotted per item/Maximum 3 minutes per person):

Chief Ed Brinson asked question about rumor he heard that the Wake County Fire Rescue Training Center being closed. Mr. Rukavina responded. There is no one proposing that fire training be dropped.

Chief Donald Pierce asked about a fire plan or some type of long range projection plan for five or ten year plan. Does some type of plan exist? No known plan. Great idea. Commissioner Council suggested looking at fire service over the next three, five and ten years, so you can deal with some of these issues.

Chief Vaughan questioned what is the balance fund. Request Budget Office give what is the current fund balance.

John Rukavina brought to table for point of information. We have a cash reserve for all requirements and the County has a cash reserve

requirement. Maybe there should be some sort of formal reserve that there are resources there to support it.

Ms. Lohr suggested that the Balance Fund and the Long Range Plan be items on the next agenda.

Chief Brinson questioned when the revisions to the contracts would go out. The changes were made, copied and will be sent out tomorrow.

The next meeting date is July 18th at the Wake County Commons.

ADJOURNMENT:

David Price motioned to adjourn. Seconded by Commissioner Council. Motion to adjourn the Fire Commission meeting was unanimous.

Handouts:

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- Ray distributed letter received from William L. Simmons of MSA
- Chris Perry made presentation on behalf of the Fire Apparatus Spec Team. Distributed handout of two meetings and Committee Recommendations.
- David Price distributed handout “Report by Accountability Committee” and gave presentation.
- Chief Donald Pierce read and submitted into the record memo of Fire Contract Negotiations.
- John Rukavina distributed handout of e-mail transactions as rebuttal for the record.
- Chief Pierce submitted e-mail transactions for the record, with the section “We would like to review a final, clean version of the contract before making final approval”.

ACTIONS OF THE WAKE COUNTY FIRE COMMISSION:

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