

# ***Thurston County Fire Protection District 8***

## ***DISTRICT POLICY MANUAL***



<b>POLICY TITLE:</b>	Public Officials Roles & Responsibilities
<b>POLICY NUMBER:</b>	0-01
<b>REVISION:</b>	7
<b>DATE ISSUED/REVISED:</b>	<b>DRAFT</b>
<b>BOARD APPROVAL SIGNATURE:</b>	

### **I. The Mission and Vision**

The Mission Statement for the Board and District shall be:

*We are committed to serve our community with prompt, consistent and professional fire suppression, basic life support, rescue and prevention/preparedness services.*

The Vision of the Board and District is:

We will strive to meet adopted Target Levels of Service to our community through deployment based on two strategically located firestations, staffed round-the-clock with competent responders and equipped with all necessary apparatus and equipment to provide Mission and Value driven services.

The Values of the Board and District are:

- Our priority is to provide a consistent & professional emergency response throughout our District. We are committed to deploy our resources to ensure a response that meets our Target Levels of Service regardless of the incident location within our District.
- We are a team oriented organization and support each member's achievement toward providing excellent service to our community. We commit to recruit and retain our members through programs that make effective use of their time, prepare them for their assigned duties, create synergy between organizational health & community service and build an environment that is safe, stimulating, respectful and fun.
- We will provide a consistent level of leadership and support for all of our members. Our commitment is to maintain and provide round-the-clock direction and mentorship. We will provide management and other resources as necessary to ensure the success consistent with our Mission, Vision and Values.
- We will identify, evaluate and offer appropriate proactive risk management programs to mitigate anticipated community hazards.
- We value an actively involved and well-informed community of residents, and believe citizens should have a fair and democratic opportunity to influence outcomes, participate in activities and share the pride of ownership of their fire department.

### **II. Conduct of Public Officials** (Chapter 42.20 RCW, Chapter 42.23 RCW)

Commissioners, the District Secretary, the Fire Chief and other management level employees shall be considered public officials and public officers. Any volunteers or employees exercising or undertaking to exercise any of the powers of a public official or public officer shall also be considered public officials and public officers. Except as provided by law, public officials and public officers shall not:

1. Ask or receive, directly or indirectly, any compensation, gratuity, or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been actually rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law; or

2. Be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested therein; or
3. Employ or use any person, money, or property under his official control or direction, or in his official custody, for the private benefit or gain of himself or another.

Engage in any other conduct prohibited by law

Any contract, sale, lease or purchase as stated in (2) above shall be declared void unless the financial interest qualifies for one of the limited exceptions set forth in RCW 42.23.030 or RCW 42.23.040.

### **III. Access to District Records**

Each Commissioner shall have access to District records during regular business hours of the District; provided that the review or examination of the records shall not significantly disrupt normal operations of the District. Commissioners shall not remove original District records from the District station. The administration shall provide copies of records requested by Commissioners subject to the following limitations:

1. No copies of confidential records will be provided without prior approval of the Board.
2. Copies will be provided promptly, provided the copying shall not unduly interfere with normal operations of the administrative personnel.
3. Confidential District records and information obtained from District records may not be used by Commissioners for non-District business nor disclosed to unauthorized persons.

### **IV. District Information**

Commissioners may not use District information, particularly confidential information, for individual gain or to promote the interest of any individual, group of individuals or entity. Commissioners have the duty to protect the confidentiality of privileged and private District records and information. The unauthorized disclosure of confidential records or information is a violation of this responsibility. The Board, not an individual Commissioner, has the authority to disclose confidential information or records of the District. This restriction also applies when the District is involved in any type of contract negotiations, disciplinary procedures or other District business transactions.

### **V. Election**

Fire protection district commissioner elections shall be held on the Tuesday following the first Monday in November of odd-numbered years.

A person may become a candidate for the office of fire commissioner by filing a declaration of candidacy with the Thurston County Auditor during the filing period as prescribed by law. In the event that there are more than two candidates for any position on the Board, a primary election shall be held on the third Tuesday of September in the manner prescribed by law. The two candidates receiving the greatest number of votes will appear on the election ballot in November.

A person is legally qualified to become a fire commissioner who is a United States citizen, and a qualified voter and resident of the fire district.

### **VI. Resignation (RCW 42.12.010, .020)**

If a Commissioner's permanent residence ceases to be in the District, the Commissioner should resign. Upon receipt of a Commissioner's resignation for this or any other reason, the resignation shall take effect on the date specified by the resigning commissioner and, in the event a commissioner resigns without specifying an effective date, such resignations shall become effective on the date made regardless of whether the Board has formally accepted the resignation.

### **VII. Vacancies (RCW 52.14.050, 42.12.070)**

In case of a Board vacancy, the remaining Commissioners shall fill such vacancy by appointment. The Board will receive applications from any qualified persons seeking to fill the position after suitable public notice. The vacancy shall, within sixty (60) days, be filled by appointment of a person legally qualified to become a Fire Commissioner by a vote of the remaining Fire Commissioners. If the Board fails to appoint a replacement within sixty (60) days, the Thurston County Board of [County] Commissioners (BoCC) shall appoint a qualified person to fill the vacancy.

The BoCC has the authority and shall make the first appointment if the number of vacancies is such that there is only one sitting Fire Commissioner.

An appointee shall meet the requirements provided by law and shall serve until a successor is elected at the next regular scheduled District commissioner election, Such Fire Commissioner shall take office immediately on the certification of the election and shall serve for the remainder of the unexpired term.

#### **VIII. Oath of Office (RCW 52.14.070)**

Each Commissioner and the District Secretary shall take an oath to faithfully and impartially discharge the duties of the office to the best of his or her ability. A notary public authorized to administer oaths must certify to this oath and the signature of the member. The signed oath of office shall be filed in the Thurston County Auditor's Office.

#### **IX. Officers of the Board: Chair (RCW 52.14.080, Chapter 42.30 RCW)**

Responsibilities of this appointed position on the Board will include:

1. **Chair of Board Meetings:**

- Assure that meetings are conducted according to the State Open Public Meeting Act.
- Prior to each regular meeting, coordinate with the Fire Chief and District Secretary to review, amend and approve the agenda.
- Call special meetings and approve business to be considered.
- Facilitate all meetings of the Board in accordance with state law and *Roberts Rules of Order*.
- The Chair of the Board is not authorized to direct Staff on the policy or procedures of the District, except as specifically directed by the Board.
- Approve and sign official correspondence and documents of the District as approved by the Board.
- Lead performance evaluations of the Fire Chief and District Secretary.

Expectations:

- Meetings of the Commission are productive, ethical and legal.
- Meetings are efficient and completed within the time allocated for the business to be accomplished.
- Business on the agenda is appropriate and within the scope of responsibilities of the Commission.

2. **Board Spokesperson:**

- Communicate the policies and objectives of the Board to the public and news media in accord with official actions of the Board.

Expectations:

- When communications are requested and/or appropriate, the public will be informed and understand the consensus of the Board in its official actions.
- The Chair of the Board is the spokesperson for the Board. The Fire Chief is the spokesperson for the procedures and operational guidelines of the District.

#### **X. Officers of the Board: Vice-Chair**

The Vice-Chair shall preside at Board meetings in the absence of the Chair and shall perform all of the duties of the Chair in case of his/her absence or disability.

#### **XI. Duties of Individual Commissioners**

The authority of Commissioners is limited to participating in actions taken by the Board as a whole when legally in session. The Board or staff shall not be bound in any way by any action taken or statement made by any individual Commissioner except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Each Commissioner is obligated to attend Board meetings. Whenever possible, each Commissioner shall give advance notice to the Chair or Fire Chief of his/her inability to attend a Board meeting. A majority of the Board may excuse a member's absence from a meeting if requested to do so. The Board shall declare a Commissioner's position vacant after three (3) consecutive un-excused absences from regular Board meetings following compliance with the notification procedures established by statute.

A Commissioner, unless the Board has delegated such authority, does not have any authority to direct the duties or performance of the Fire Chief, the District Secretary or any other District personnel. Any action that needs to be taken will be at a regularly scheduled meeting or a special meeting when a quorum of Commissioners are present. Any Board member may act as an advisory resource to the Fire Chief in order to explore ideas & proposals the Fire Chief may have for ongoing or future Board actions.

## **XII. District Secretary (RCW 52.14.080)**

The Board shall appoint a District Secretary for such term as they shall determine. The District Secretary shall keep a record of the proceedings of the Board, shall perform other duties as prescribed by the Board or by law, and shall take and subscribe to an official oath similar to that of the Fire Commissioners which oath shall be filed in the same office as that of the Fire Commissioners.

1. The District Secretary shall be the official recipient of correspondence as pertains to the Board.
2. The District Secretary of a fire protection district occupies a position created by statute. The District Secretary, therefore, is held to be an appointed public official. The position can only be filled by action of the Board. The primary authority of a District Secretary is established by statute and outlined in an adopted job description. In the event that the District Secretary is given directions by either the Board or the Fire Chief that are in violation of the duties and responsibilities of the position established by statute, the District Secretary must adhere to the statutory requirements.
3. RCW 43.09.240 provides that every public officer and employee must maintain all accounts of the office and make all reports required by the State Auditor. The willful failure to perform these duties by any public officer or employee subjects the individual to removal from the office by the State Attorney General. The primary duties of the District Secretary are to perform the statutory requirements of the position.
4. The District Secretary serves in the dual role of secretary to the Board and secretary to the Fire Chief (the "department secretary"). In the role of secretary to the Board, the District Secretary is a public officer and is obligated to perform the duties required of the position by statute as well as to perform the duties assigned by the Board as specified in the approved job description. In the capacity of secretary to the Fire Chief, the secretary has the obligation to perform the duties assigned by the Fire Chief. In the event of a conflict or uncertainty, the Board shall coordinate prioritization of the District Secretary's efforts with the Fire Chief.

## **XIII. Commissioner Insurance (RCW 52.12.071)**

The District shall maintain sufficient insurance to protect the Board, its individual members and the Board Secretary against liability arising from actions of the Board, its individual members and the Board Secretary while each is acting on behalf of the District and within his/her authority as a Commissioner or Board Secretary.

An individual Commissioner may participate at his/her cost in any of the personal liability, life, health, health care, accident, disability, salary protection or other form of insurance made available to District staff.

## **XIV. Liability Exposure and Risk Management (RCW 4.24.470, 4.96.010)**

As public officials, the Commissioners and the District Secretary have limited immunity for discretionary acts provided by RCW 4.24.470. When the District Secretary or Commissioners sign any District legal document, the signature block should show that the individual is signing in a representative capacity and not in an individual capacity.

1. **Personal Liability Protection:** Each Commissioner and the District Secretary shall be included as a named insured on all applicable District insurance policies. In the event a Commissioner or District Secretary shall be individually named as a defendant in any litigation arising out of the performance by the Commissioner or District Secretary 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 or District Secretary with defense coverage and liability protection subject to the following conditions:
  - 1.1. The cause of action must have arisen as a result of the action or non-action of the Commissioner or District Secretary while acting within the scope and authority of the office of Commissioner or District Secretary.
  - 1.2. The cause of action must not have arisen as a result of intentional, willful, or criminal conduct of the Commissioner or District Secretary.
2. **Liability Protection Procedure:** The following procedure shall be used to determine if the District shall provide the defense and liability coverage for a Commissioner or District Secretary under the District policy
  - 2.1. The matter shall be referred to the District's attorney for investigation and review.
  - 2.2. The District's attorney shall fully investigate the facts and circumstances of the litigation and the actions of the defendant Commissioner or District Secretary.
  - 2.3. The District's attorney shall report to the Board 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 shall make the final determination based on the report and investigation of the attorney.

#### **XV. Commissioner Compensation (RCW 52.14.010)**

RCW 52.14.010 currently authorizes a payment to each Commissioner for each day or portion of a day in actual attendance at official Board meetings or when performing other services or duties for the District subject to an annual maximum amount per year. The specified per diem and annual maximum shall be in conformance with the current version of the Statute and shall be adjusted every five years in the manner specified in RCW 52.14.010. It is the function of the Board to approve the services that any Commissioner is authorized to perform for the District (reference *Policy 1-02 "Authorization to Attend Training & Meetings"*). Commissioners of the District shall be entitled to receive the full amount of per diem compensation authorized by statute for the following activities:

- Attendance at all regular and special meetings of the Board.
- Attendance at regular Washington State and Thurston County Fire Commissioners' Association meetings, including special committee meetings required of Board members that serve on the Executive Board of either Association.
- Attendance at meetings of District-related allied boards (such as Thurston County Medic-One and T-Com Emergency Communications) as a representative duly appointed in advance by the Board.
- Attendance at District related activities, seminars and educational classes as approved in advance by the Board.
- Attendance of the Chair at special meetings as designated by the Board including Agenda setting meetings and other meetings requiring Board Chair attendance.
- Attendance at special assignments by County or State professional organizations shall be approved in advance.
- In addition to normal administrative review, the Board Chair shall review and approve all requests for compensation and/or travel expenses by other Board members. The Vice-Chair shall review and approve compensation requests of the Chair. If there is any unresolved disagreement as to the validity of a compensation or expense reimbursement request, it shall be resolved by Board action in the next regularly scheduled Board meeting.
- Any individual Board member may waive their right to receiving compensation by filing a written waiver with the District Secretary in advance and identifying the time period for which it is effective

#### **XVI. Commissioner Expenses (RCW 52.14.010)**

The actual expenses of Commissioners while traveling to and from and attending Board meetings may be paid. The expenses of Commissioners who attend conferences or meetings as official representatives of the

District may be paid. Such expenses for conferences may be paid in advance with prior approval. Refer to *District P&P 1-1 "Compensation & Reimbursement"* for additional information.

## **XVII. Ethics**

The Board finds that the proper operation of the District, as a taxpayer-supported public entity, requires that public officers, and particularly elected officials primarily responsible for the lawful management of the municipal corporation, be ethical, independent, impartial and responsible to the people, as fiduciaries. This policy is limited in scope; it only applies to the elected Board of Commissioners.

1. **Policy:** The goal of the District is to establish and maintain the highest ethical standards for its leaders, so that they may establish an example for all District employees and members to emulate.
2. **Definitions:** The following terms or words shall have the following meanings, throughout this ethics policy:
  - 2.1 **Major Infraction:** A major infraction means and includes misfeasance, malfeasance, violation of the oath of office, violation of the Washington State or U.S. Constitution or a state statute or any other offense listed in paragraph three (3) that involves honesty or integrity.
  - 2.2 **Minor Infraction:** A minor infraction means any ethics code violation found by an investigative committee, but not deemed to be major.
  - 2.3 **Misfeasance:** Misfeasance is defined by Statute, and means any wrongful conduct that affects, interrupts or interferes with the performance of official duties. Additionally, misfeasance means the performance of a duty in an improper manner or with the appearance of impropriety.
  - 2.4 **Malfeasance:** Malfeasance is defined by Statute, and means any wrongful conduct that affects, interrupts or interferes with the performance of official duties. Additionally, malfeasance means the commission of an unlawful act.
  - 2.5 **Violation of oath of office:** This term is also defined by statute, and means the neglect or willful failure of an elected public official to perform faithfully the duties imposed by law. Violation of a statute, particularly one that prescribes a duty for a fire commissioner, would be an example of a violation of the oath of office.
3. **Prohibited Conduct:** A Commissioner shall not:
  - 3.01 Have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of the Commissioner's duties.
  - 3.02 Be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the commissioner, in whole or in part, and shall not accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in any such contract, sale, lease, purchase, or grant, except as set forth below.
  - 3.03 Use his or her position to secure special privileges or exemptions for himself, herself, or others.
  - 3.04 Give or receive or agree to receive any compensation, gift, reward, or gratuity from a source other than the District, for a matter connected with or related to the Commissioner's services unless provided for by law.
  - 3.05 Receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the Commissioner, or be considered as part of a reward for action or inaction.
  - 3.06 Accept employment or engage in business or professional activity that the Commissioner might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
  - 3.07 Neither disclose confidential information gained by reason of the Commissioner's position, nor may the Commissioner otherwise use such information for his or her personal gain or benefit.
  - 3.08 Except in the course of official duties or incident to official duties, assist any person, directly or indirectly, in a transaction involving the district, where such Commissioner's assistance is, or to a reasonable person would appear to be, enhanced or affected by the Commissioner's position.

- 3.09 Employ or use any District employee or other person, District funds or money, or District property under the Commissioner's official control or direction, or in his or her official custody, for the private benefit or gain of the Commissioner, an employee of the District, or another person, except as allowed by law. This section does not prohibit use of public resources to benefit citizens or others when such is part of District functions or official duties, or otherwise allowed by law.
  - 3.10 Use the facilities, personnel or resources of the district to assist or oppose a campaign for election or for the promotion or opposition to a ballot proposition, except pursuant to one of the recognized exceptions to RCW 42.17.130.
  - 3.11 Participate, by voting or otherwise, in any issue that comes before the Board, when the Commissioner has any direct or indirect personal or financial stake in the outcome of the matter.
  - 3.12 Campaign for, or accept appointment or election to, any public office that would be incompatible with the office of fire commissioner, if concurrently serving as a Commissioner of the District.
4. **Recommended Conduct:** At all times a Commissioner should:
- 4.01 Respect and comply with the law.
  - 4.02 Act at all times in a manner that promotes public confidence in the office of fire commissioner.
  - 4.03 Participate in establishing, maintaining, and enforcing high standards of conduct and personally observe those standards.
  - 4.04 Exhibit unquestionable integrity and have an uprightness of character and soundness of moral principle.
  - 4.05 Show respect for others through temperance, fairness and civility in the execution of their duties and conduct of their personal life.
  - 4.06 Have the courage to do what is right and stand up for those without power or authority.
  - 4.07 Have compassion that is inherent to understanding another's problems while controlling and understanding personal feelings.
  - 4.08 Conduct political campaigns in an honest and forthright manner, without attacking others in a negative way.
  - 4.09 Lead by example.
  - 4.10 Never forget that public office requires public trust and confidence.
5. **Exceptions.**
- 5.1 A Commissioner is allowed by Statute to be financially involved in a contract with the District so long as payment to the Commissioner or his/her business does not exceed **\$3,000** in any calendar month, provided that such Commissioner shall not vote on any such contract in which he/she is beneficially interested. Moreover, such interest shall be disclosed to the Board and noted in the Board Minutes before formation of the contract.
  - 5.2 A Commissioner may accept a gift in the form of food or beverage on infrequent occasions in the ordinary course of performance of duties, but no such gift shall exceed a value of fifty dollars (**\$50.00**).
  - 5.3 A Commissioner is not deemed to have an interest in a contract, as those terms are used herein, if the Commissioner has only a remote interest in the contract, so long as disclosure is made. A remote interest means, for example, the interest of a non-salaried officer of a nonprofit corporation, the interest of a mere employee of a contracting party, where the compensation of that employee (the Commissioner) consists entirely of fixed wages or salary, the interest of only a landlord or tenant of the contracting party, or the interest of a less than 1% shareholder of a contracting corporation or cooperative; provided that this exception does not apply to a Commissioner who attempts to influence, or does influence other District officers with respect to entering into the contract.
6. **Complaints:** All complaints or requests for investigation of an alleged violation of this policy shall be in writing and signed by the complainant. The complaint must be filed, in writing, to the District Secretary who shall then notify the Board Chair and/or Vice Chair. The Chair or Vice Chair shall then schedule full-Board consideration of the complaint as soon as possible.