

**MINUTES OF THE FEBRUARY 5, 2019 REGULAR MEETING  
OF THE BOARD OF COMMISSIONERS OF KING COUNTY FIRE DISTRICT  
NO. 2**

A regular meeting of the Board of Commissioners of King County Fire District No. 2 was held at Headquarters Station 28 on February 5, 2019, commencing at 5:00 p.m., pursuant to proper notice. District officials in attendance were: Commissioners Elwell, Sitterley, and Peden, Chief Mike Marrs and Acting District Secretary Eric Quinn. Others in attendance are as shown on the Attendance Roster.

**Call to Order.** The meeting was called to order at 5:00 p.m. by Commissioner Elwell who led the Pledge of Allegiance to our flag.

**Presentations/Announcements.**

(1) Announcements:

(a) February 13<sup>th</sup> – KCFCFA General Membership Meeting at KCFD #2, Station 28. Speaker: Jeff Clark will present on PFAS

(b) Snure Seminars (Seminars meet the OPMA and PRA requirements –every four years for elected officials):

(i) February 9 rescheduled to March 23 in Olympia;

(ii) February 23 – Spokane

(iii) March 23 – Olympia

(c) WFCA Saturday Seminars – March 2 Suquamish Clearwater Casino (Bainbridge Island) and March 16 Spokane Davenport (Quinn & Quinn and other presenters)

(2) Presentations: None

**Correspondence.** None.

**Public Comment.** None.

**Local 1461 Comment.** None.

**Administration Reports.** Chief Marrs delivered the Chief's Report as follows:

**Facilities.** N/A.

**Equipment.** N/A.

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**Personnel.** Chief Marrs invited the Board to discuss the design of a patch accentuating the use of "King County Fire District No. 2" because that is the legal name of the District. He asked if any commissioners wanted to serve on a committee involving that. Commissioner Peden voiced interest.

Later in the meeting, there is a motion to approve the personal services contract for Erin Halter.

Chief Marrs updated the Board on the DRS appeal. The Union will meet to approve the MOU on Thursday morning. Chief Marrs is seeking Board approval on the MOU so that the union could add their signature on Thursday, to facilitate filing the appeal petition with DRS promptly.

Chief Marrs distributed the contract reformation documents for retirees Harm and Luedeman. He discussed the language changes, specifically about base salary and reminded the Board that the District was not providing added compensation for services already rendered.

Chief Marrs distributed the contract reformation documents for Ray Pettigrew, Mike Marrs and David Dilley. The contract language regarding social security and regarding retirement is being removed. Essentially, these three employees will be getting the same benefits that union members obtain. That makes finalizing these reformations easier, he said.

Chief Marrs discussed converting the 401(a) plan to a 414(h) plan. He discussed the new plan formulas. There are benefits to the District switching to a flat-rate plan that includes a longevity calculation. Ray Pettigrew discussed the time frames and the rates. Fluctuations in rates of pay may impact calculations. Chief Marrs indicated there may be some outliers due to overtime but that should not affect the aforementioned plan. Chief Marrs discussed the effects of the pending consolidation with North Highline Fire on these questions. Chief Marrs answered questions from Commissioners Elwell and Peden regarding how rates are calculated and hours are tracked. Chief Marrs concluded that the plan changes are fair and equitable.

Chief Marrs discussed the MOU with the Union pertaining to DRS changes and VEBA contributions for sick leave cash-outs. This has been discussed before. Chief Marrs discussed the various employment groups, and how each group would prefer the method of distribution of their VEBA monies and cash-outs. The ERISA attorney recommended a 414(h) plan. Chief Marrs discussed the differences in how the district would have contributed toward the Burien Firefighters' Retirement Fund in the past as compared to how monies would be contributed under a 414 (h) plan. How those amounts are deposited will change, in a manner that Chief Marrs finds fair and reasonable. There are

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perhaps three pages in the plan that need to change; the new formula (\$465 + Longevity) has been added. Chief Marrs also discussed the Medicare exemption premium.

Chief Marrs said the DRS appeal is about 28-30 pages long. The crux of the appeal is that both the district and the employees have been making contributions so both must have standing. The Chief liked the way Dave Luxenberg framed the issues, specifically with how other fire districts (such as Maple Valley) established their precedents. The attorney indicated that once the matter enters the court system, the burden of proof on the district will be higher. At the DRS, our argument is based upon due process. Commissioner Peden asked about timelines. The DRS appeal is due Saturday. The goal is to have it filed by Thursday of this week. Chief Marrs stated that this appeal could take a long time. Chair Elwell and Chief Marrs agreed that much is on hold due to this appeals process.

Chief Marrs said the Union has requested bargaining on the drug policy. Chief Marrs requested an executive session to discuss that.

**Events.** Chief Marrs said there was a fatality fire on January 22<sup>nd</sup>. An article on it appeared in the B-Town blog; the fire was caused by "smoking material".

The Chief updated the Board on the North Highline contractual consolidation. The first payroll ran smoothly. There will be a consolidation celebration on February 21<sup>st</sup> at Azteca from 6:00 p.m. to 8:00 p.m.

Chief Marrs thanked Trina Norsen for all her work on communicating with BIAS.

**Consent Agenda.** The Consent Agenda, all of which was approved 3-0, upon a motion made by Commissioner Sitterley and seconded by Commissioner Peden, consisted of the Chief's Report, the minutes of January 23<sup>rd</sup>, 2019, and the contract reformations for retirees Harm and Luedeman, and employees Dilley, Marrs and Pettigrew, together with Resolution 2019-01 Adopting an amendment to the Burien Firefighter Retirement Fund, by changing it to a 414(h) plan, and revising the calculation formula for funding contributions, and also adopting the MOU with Local 1461 as follows: (1) designated sick leave cash-outs to employees' VEBA accounts; (2) changing contributions to the plan to section 414(h) contributions; (3) changing the formula for such contributions; (4) removing the Medicare exemption premium section; and (5) changing the formula for calculating longevity pay, and finally, authorizing filing of the DRS appeal.

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**Unfinished Business.** None.

**New Business.** 1. Motion: Employment Contract for Office Administrator/Receptionist.

Commissioner Sitterley moved, and Commissioner Peden seconded, a motion to approve the employment contract for Erin Halter in the position of Office Administrator/Receptionist with an effective date of February 1, 2019, and a probation period of twelve months. Motion carried, 3-0.

**Executive Session.** The Board recessed at 5:52 p.m. for three minutes. At 5:55 p.m. the Chairman announced an executive or closed session pursuant to RCW 42.30.140 to discuss a collective bargaining issue, to last 20 minutes. At 6:15 p.m. the executive session or closed session was extended for 15 more minutes. It concluded at 6:30 p.m. and the Board reconvened into open session.

**Good of the Order.** None.

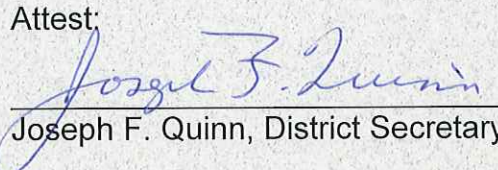
**Adjournment.** It was moved and seconded to adjourn the meeting. Motion carried, 3-0. At 6:31 p.m., after the Board reviewed and approved any necessary papers and/or vouchers, the meeting was adjourned.

**Attachments.** Attached to these Minutes are copies of:

1. the Meeting Notice
2. the Meeting Agenda
3. the Attendance Roster
4. KCFCA Flyer for General Membership Meeting
5. B-Town blog article

Minutes Approved: Feb 19, 2019.

  
Chris Elwell  
Chairman

Attest:  
  
Joseph F. Quinn, District Secretary

  
Ted Sitterley  
Commissioner

  
Rudy Peden  
Commissioner

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