

**OLNEY RURAL FIRE DISTRICT
MINUTES OF MEETING OF BOARD OF DIRECTORS
NOVEMBER 9TH, 2016 AT OLNEY FIRE HALL**

Call to Order – 6:04 pm

Roll Call

Trustees present: Paul Jeremiassen, Norma McBroom, Jason Rowles, Laurel Therrien

Absent: Keith Kastner

Fire & Rescue members: Lance Torgerson, Vince Marks, Veronica Morehead, Kim Gress, Becky Cressler, Michalle McMillan, Wayne Rehmert (Candidate)

County representatives: Commission Phil Mitchell, Fire Service Area Manager Lincoln Chute

Community members: 20-25

Motion to approve meeting agenda made by Paul Jeremiassen; seconded by Jason Rowles; carried unanimously.

Unfinished Business

Amended and restated By-Laws of the District – Paul Jeremiassen presented the final draft of the By-laws, which incorporate the comments from the Trustees, Lincoln Chute, and Tara Fugina of the County Attorney’s office. Motion to approve the By-Laws, as amended and restated, made by Paul Jeremiassen; seconded by Jason Rowles; carried unanimously.

Election of Officers - Because only one officer currently serves (Laurel Therrien), the Board needs to elect new officers in accordance with the By-Laws. Norma McBroom made a motion to elect Laurel Therrien as Chair, Jason Rowles as Vice Chair, and Paul Jeremiassen as Secretary; seconded by Paul Jeremiassen; carried unanimously.

Insurance – Laurel Therrien reported that we have received small refunds from McNeil and Company and Glacier Insurance. We have been reviewing our property insurance coverage and have eliminated terrorism and flood coverage. She is trying to arrange for a representative to come to a future meeting to discuss property and liability coverage.

Check signers – Jason Rowles made a motion to require two Trustee signatures, one of which must be an Officer, on all checks issued by District; seconded by Paul Jeremiassen; carried unanimously.

Craft Show – Becky Cressler reported that the participating vendors enjoyed the October show, even though there was little community support. She proposed that another show be held in December. The District received \$255 from charges for the vendor tables. Motion was made by Paul Jeremiassen to allow a craft show to be held in the Fire Hall on December 10th; seconded by Norma McBroom; carried unanimously.

There was discussion of other ideas for money raisers - including an auction for excess equipment, bingo nights and movie nights. Lance Torgerson will provide a proposal at the next meeting for holding a bingo night.

Snowplowing – Two applications have been received to provide snowplowing service for the Fire Hall. In addition, Carey Steiner, who resides on Good Creek Road, has offered to plow as a backup. It is imperative that the Board decides on snowplowing contract by the next meeting.

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Claims and Bills

Bills presented for payment were: CenturyLink October phone bill (\$155.14); Lincoln Electric October electric bill (\$84.94); and CityServiceValcon propane bill (669.60). Motion made by Paul Jeremiassen to approve payment of those bills; seconded by Jason Rowles; carried unanimously.

Paul Jeremiassen reported on the tax levy for the District between 2012 and the current levy included in the tax bills just received by the District's residents. The District's levy this year is 50% less than last year, as expected, and is nearly the same as the levy in 2012. Further decreases in the levy will depend on further reducing the District's annual budget, which will greatly depend on the reduction of the District's vehicle debt service (currently nearly 50% of the total budget). We are generally on track to stay within the current year's budget.

The Board will consider an expedited procedure for approving small expenses at the next meeting.

Commissioner Mitchell's Report

Commissioner Mitchell reported on the felony charge entered by the County against former Chief and Trustee Ken Morehead, which was made public last week. He made no prediction as to the outcome. He also provided a form of notice prepared by one of the county attorneys the Board could send to Ken Morehead to prohibit access to the Fire Hall. Commissioner Mitchell plans to be at the December meeting and desires to also attend the District's annual meeting in May.

Public Discussion

Jeff Mielke raised a question about the way some District property was disposed of in prior years, specifically a snow plow and ambulance. The Board will attempt to provide an accounting of those dispositions at the next meeting.

There was discussion of the Fire Hall coded door locks, which apparently cannot be recoded. The Board will contemplate replacing the locks next year.

Carey Steiner, a former fire fighter in an urban department, presented a proposed system for documenting activity – training, calls, etc. - in the Fire Hall. It was suggested that she direct her proposal to the department.

Motion made by Jason Rowles to **Approve the Minutes** of the October 12th meeting; seconded by Paul Jeremiassen; carried unanimously.

Motion made to **Adjourn the Meeting** at 7:35 pm by Paul Jeremiassen; seconded by Jason Rowles; carried unanimously.

Submitted by Paul Jeremiassen, Secretary

Attachment: District By-Laws Amended and Restated as of November 9th, 2016

**BY-LAWS OF
OLNEY RURAL FIRE DISTRICT
FLATHEAD COUNTY, MONTANA**
Amended and Restated as of November 9th, 2016

SECTION 1 – Authorization

The Olney Rural Fire District was established under the laws of the State of Montana (7-33-2101 and 2104, MCA).

SECTION 2 – Mission

The mission of the Olney Rural Fire District is to provide life safety and fire protection services to the District.

SECTION 3 – Definitions

- 3.1 “District” means the Olney Rural Fire District.
- 3.2 “Board” or “Board of Trustees” means the Board of Trustees of the District, which is its governing body.
- 3.3 “Trustee” means a member of the District Board of Trustees.
- 3.4 “Department” means a fire company formed and operated by the District.
- 3.5 “Members” means volunteers and/or employees in the Department.
- 3.6 “MCA” refers to the Montana Code Annotated 2015.

SECTION 4 – Board of Trustees

- 4.1 POWERS, DUTIES AND RESPONSILITIES – the Trustees:
 - 4.1.a. shall prepare and adopt suitable by-laws, policies, and procedures.
 - 4.1.b. may form a Department that has duties, exemptions, and privileges comparable to fire companies in other rural fire districts; shall provide to said Department appropriate firefighting and emergency response apparatus, equipment, personnel, housing and facilities, including vehicles and real property; shall maintain insurance on, and control access to, such property and equipment; shall appoint a Chief of the Department; and shall appoint and/or employ necessary Members, define their qualifications, duties, and responsibilities, and, if appropriate, provide for a pay schedule and for payment in a reasonable sum for the performance of such duties.

- 4.1.c. may enter into contracts for fire protection services and for other necessary services, supplies, and equipment.
- 4.1.d. shall prepare annual budgets and may request special levies for the budgets, in accordance with county budget procedures.
- 4.1.e. may secure financing (7-33-2109, MCA) and/or establish a capital improvement fund (7-33-2111, MCA) necessary to procure equipment and buildings, including real property, to house the equipment.
- 4.1.f. may utilize legal assistance from the Flathead County Attorney or from private counsel.
- 4.1.g. may enter into Mutual Aid Agreements under 7-33-2108, MCA, and may authorize the use of fire and emergency apparatus, equipment and personnel of the District to respond to a fire or other emergency occurring outside the territory of the District, upon such terms and conditions as the Trustees may prescribe.
- 4.1.h. shall insure Members against accidental death or injury in the performance of their duties.
- 4.1.i. may maintain, on behalf of the Department, membership in any local, state, or national group or association organized and operated for the promotion of the preservation of life and property from the hazards of fire and panic.
- 4.1.j. may authorize the attendance of Trustees and Members at professional or vocational meetings and authorize payment of reasonable expenses therefore, including transportation to and from such meetings.
- 4.1.k. shall keep a record of all its acts, and of all money received and disbursed by it, and submit all reports required by the State of Montana and Flathead County.
- 4.1.l. shall deposit all monies received in, and make all disbursements from, the District's account(s) maintained by the Flathead County Treasurer.
- 4.1.m. shall have all powers necessary and convenient to effectuate any and all purposes for which the District is organized.

4.2 SELECTION OF TRUSTEES

4.2.a. Five (5) Trustees shall constitute the governing body of the District. Each Trustee shall be elected or appointed (7-33-2106, MCA). The term of office shall be three years beginning at the first Board meeting following election or appointment, or until their successors are elected or appointed and qualified. The terms of the Board shall be staggered so that either one or two Trustees shall be elected or appointed at any one time.

4.2.b. Resignations shall be in writing and delivered to the Chair of the Board or to the Trustees at a regular Board meeting. Vacancies occurring in the Board shall be filled by appointment by the Board of County Commissioners of Flathead County. An appointee shall serve the unexpired term of the vacant seat.

4.2.c. A Trustee shall be a resident of the District.

4.2.d. On or after the effective date of these by-laws, no Member shall be appointed or elected a Trustee, and no person shall be appointed a Member while serving as a Trustee.

4.3 OFFICERS AND DUTIES

4.3.a. The Board shall elect a Chair, Vice-Chair and Secretary at its annual meeting. Officers will serve a term of one year, and may be re-elected for successive terms.

4.3.b. The Chair shall preside at all meetings of the Board, and shall sign such instruments and shall perform such other duties as are prescribed by these by-laws or by the Board.

4.3.c. The Vice-Chair shall act as Chair in the absence or disability of the Chair.

4.3.d. The Secretary shall keep and maintain the books, records and reports of the District, and shall be responsible to see that all required reports are properly filed with the appropriate County and State authorities.

4.3.e. The Board shall have the power to remove an officer from his or her duties upon an affirmative vote of the Board. Nothing in this section shall be construed or interpreted to grant power to the Board to remove a Trustee from the Board.

4.3.f. No Trustee, including any officer, shall receive compensation for service to the District. The Board may authorize the reimbursement of actual and necessary expenses.

4.3.g. In the event of the resignation or removal of an officer, the Board shall elect a replacement at its next meeting to serve the remaining term of said officer.

SECTION 5 – Meetings

5.1 REGULAR MEETINGS - The Board shall hold regular meetings on the second Wednesday of each month at the District's Fire Hall, 11 Olney Loop, Olney, Montana. The annual meeting shall be held as the regular meeting in May.

5.2 SPECIAL MEETINGS - Special meetings of the Board may be called by the Chair or by a quorum of the Board.

5.3 PUBLIC NOTICE - All meetings are open to the public. Notice of meetings shall be provided to the public at least 48 hours in advance by, at a minimum, posting the meeting time, place, and proposed agenda next to the side entry to the District's fire hall. In case of emergency, notice of a special meeting may be waived.

5.4 QUORUM – A majority of Trustees in attendance at a meeting, physically or via electronic means, shall constitute a quorum for the transaction of any business with the exception of the issuance of warrants. Regardless of the number of Trustees in attendance, the affirmative vote of a minimum of three (3) Trustees is required to approve a motion, except that a minimum of two (2) Trustees may approve the issuance of warrants to pay the District's bills and other claims for payment.

5.5 RULES OF ORDER - Meetings shall be conducted using generally accepted principles of parliamentary procedure.

5.6 PUBLIC COMMENT - The Chair shall ensure that meeting agendas include an item allowing public comment on any matter that is not on the agenda but is within the jurisdiction of the Board. However, the Board shall not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on it. The Chair may set a time limit on individual comments on a given issue. Public comment received at a meeting must be incorporated into the official minutes of that meeting.

5.7 ORDER OF BUSINESS - Unless otherwise determined by the Chair, the order of business at regular meetings shall be:

- Call to Order
- Roll Call
- Approval of Minutes
- Claims and Bills
- Correspondence
- Committee Reports
- Unfinished Business
- New Business
- Department Report
- Public Comment
- Adjournment

SECTION 6 – Records

6.1 The Secretary shall record all proceedings of the District's Board meetings and maintain them in chronological order in a book or file provided for that purpose. In addition, all approved meeting minutes shall be submitted to the Flathead County Clerk and Recorder (7-1-204, MCA).

6.2 All policies adopted by the Board shall be made in written resolution form and shall be so noted in the minutes of the Board. Copies thereof shall be maintained in a written policy manual published for the benefit of the public, the Board, and the Members.

6.3 The District's budget, records, reports, notices, bulletins, memoranda, and official communications shall be kept on file in the District's office.

6.4 All non-confidential District records shall be open to inspection by the public by appointment. Appointments must be scheduled with the Secretary. When access to District records is granted, it shall be made in the presence of the Secretary or other designated District representative. Certain records, such as personnel files, are deemed confidential and shall not be open to public inspection.

SECTION 7 – Committees

Special committees may be appointed by the Chair for such purpose and duration as approved by the Board. The chair of a special committee shall be responsible for submitting to the Board a written report on all committee meetings, including the date, time and attendance, and a summary of committee findings and proposals. All committee meetings are open to the public and subject to the same notice requirements as regular meetings of the Board.

SECTION 8 – Code of Ethics and Conflicts of Interest

8.1 Trustees and Members shall adhere to the rules of conduct applicable to public officers and employees enumerated in 2-2-104 and 2-2-121, MCA.

8.2 A Trustee who may have a financial or personal interest in an item under consideration by the Board shall declare that he or she may have a conflict of interest. If the Board decides a conflict exists, that Trustee shall not participate in the discussion of, or the vote taken on, said item. Any disqualifications shall be entered in the minutes of the meeting.

SECTION 9 – Emergency Powers

In the event of a major disaster, flood, fire, riot, or other emergency so designated by the Board, the Chair shall have authority to act without the consent of the Board in order to preserve and protect the property and lives of persons within the District. All such actions shall be subject to ratification by the Board as soon as reasonably feasible.

SECTION 10 – Amendments

10.1 Any Trustee may propose, in writing, amendments to these by-laws at a regular meeting of the Board, or a special meeting called for that purpose.

10.2 SAVINGS CLAUSE - All by-laws, or parts of the by-laws, which conflict with or are superseded by subsequent amendments are repealed to the extent of such conflict and no further.

IN WITNESS WHEREOF, we the undersigned, being the duly elected or appointed and qualified trustees of the Olney Fire District, hereby adopt the foregoing by-laws, as amended and restated, this 9th day of November, 2016.

Paul Jeremiassen

Keith Kastner

Norma McBroom

Jason Rowles

Laurel Therrien