

SILVERTON FIRE DISTRICT BOARD POLICY MANUAL



Silverton Fire District
Board Manual

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POLICY 101: ADOPTING & REVISING POLICIES

Originated: January 10, 1989

Revised: January 11, 2022

Reviewed: March 14, 2023

PURPOSE

This policy has been created to outline the process for the adoption of new board policies and reviewing and revising current board policies.

BOARD GUIDELINES AND POLICIES

It is the policy of the Fire District Board to be governed by a set of policies. The policies and rules shall be adopted by the Board and made available to staff, citizens and others as public documents.

The policies and rules of the District Board will be drafted, adopted and amended with full consideration for the Board's desire to provide fire and life safety protection of the best obtainable quality for the residents of the District within the limitations of the District's ability to support it.

The Board of Directors, representing the people of the District, is the governing body which determines all questions of policy to be employed in the conduct of fire district business.

In the event that a board policy is found to be in conflict with the state or federal law or the rules and regulations of a high authority such policy is automatically null and void without board action and will be deleted from the accumulated body of policies, rules and regulations.

In the event of a disagreement over the application, extent or interpretation of a policy, the resolution of the conflict will be based on the majority opinion of the Board. If such an interpretation is deemed to have future significance, it is suggested that it be appended to the applicable policy as a board rule which will clearly specify the intent of the Board in interpreting the policy.

Board policies may also be based on pertinent statutes. In this context they are designed to explain, detail, or otherwise organize the application of a policy consistent with the statutes. Board policies may also be applied to remind the Board, staff, and public of the existence of applicable statutes.

Proposals regarding adoption of district policy or changes, deletions, additions or repeal may originate from any of several sources including a taxpayer, an employee or an employee organization, volunteer of the Fire District, a member of the Board, the Fire Chief, a consultant, a civic group, etc.

POLICY ADOPTION, CHANGES AND REVIEW

In its deliberations leading to the establishment or amendment of board policy, the Board's central concern will be for increased efficiency and effectiveness in carrying out its legally mandated tasks and general policies in the interest of the public good.

It will be the policy of the District Board to recognize that all board policies shall remain flexible and be subject to review and change.

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To maintain efficiency and to facilitate the quality of Board policy review, the following review schedule has been established:

- Policy series 100, 300 and 500 will be reviewed during odd numbered years
- Policy series 200, 400 and 600 will be reviewed during even numbered years

Policies to be reviewed will be done during the first, third and fourth quarter of the fiscal year. These policies will be included in the board packet for July, October and January (March is reserved for budget and fiscal year ending work product). The review will be completed during the quarter in which it was presented and suggestions for change will be provided to the Fire Chief during the next scheduled board meeting, i.e.; series 100 policies are presented to the Board in their packet in July. All 100 series policies will be reviewed during July, August and September. Approved changes will be presented at the October board meeting.

In order to provide consistency, stability and integrity to board policies, it is recognized that changes in policies, except in the case of emergency, shall be executed in a precise manner and without undo haste.

An emergency shall be defined as an unforeseen circumstance requiring immediate action so as to prevent diminishment of the welfare of the District.

New proposed policies will be in writing and a copy will be given to each board member. Prior to adoption or revision, a new policy will be discussed at a Board meeting and the agenda will indicate that a proposed policy will be discussed. A copy of the proposed policy will be posted in a conspicuous place in the District Administrative Office's for at least ten (10) days prior to the board meeting. Prior to adopting a policy the Board will consider all input received from the public, the Chief, staff, volunteers and other board members. If the Board determines that a specific new policy is of such urgency or of an emergency nature, the Board may, upon a majority vote, suspend the 10 day posting requirement.

A copy of each new approved policy will be posted for thirty (30) days in a conspicuous place in the District Administrative Office's.

After a policy is adopted and is later revised, the existing wording will be viewed as a "strikeout" with the draft revised wording to be "underlined" for clarification.

The revised document presented will be marked as "Draft". When the revision is adopted, all portions in "strikeout" will be removed from the document and the revised date will be added.

The Board shall provide for a regular procedure for the evaluation of the way in which the policies and rules are functioning, and for the revision of those standards as necessary or as needed to update them in keeping with changes or laws and rules of other agencies or by court decision.

The assembled policies of the Board, known collectively as the "Board Policy Manual", shall be the reference instrument for conducting the business of the Fire District Board and shall be considered binding upon the actions of the Board, within the latitudes of policy interpretation, until such time as they are repealed or changed by prescribed process or such circumstances prevail so as to demonstrate an emergency requiring immediate change or temporary suspension.

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**POLICY 102: MEMBERSHIP OF THE FIRE DISTRICT BOARD
OF DIRECTORS & THE BOARD RULES**

Originated: December 11, 2001

Revised: October 8, 2019

Reviewed: March 14, 2023

PURPOSE

This Board policy details how Board of Directors membership is achieved through election or appointment of a vacant position, required work session planning for new Directors and Director compensation/reimbursement for qualifying expenses.

MEMBERSHIP OF THE BOARD

The Board of the Silverton Fire Protection District # 2 shall consist of five (5) members serving four (4) year staggered terms. No person shall be eligible to be a Board member, who is not at the time of election or appointment an elector or property owner in the District. A firefighter, (volunteer or paid), or any other employee of the Silverton Fire Protection District # 2 shall not serve as a director of the District, pursuant to ORS 478.050.

Each Board member shall be identified by position number and will serve at large representing the District as a whole.

The election of Board members shall be conducted as provided by ORS 255 and others.

No person elected or appointed to the District Board shall be sworn in unless they are determined by the Board to meet the qualifications as set forth in ORS 478.050. If a question exists as to the eligibility of any candidate the Board will obtain an opinion from legal counsel prior to appointment.

Prior to assuming the duties as a Board member, the official must take an oath of office.

Unless filling a vacancy on the Board, the term of office will officially begin on July 1st.

The Fire Chief in cooperation with the Board President will schedule a work session for new Board members to acquaint them with the facilities, equipment, personnel and to provide copies and an overview of:

- Fire Board Polices;
- District Territory and Boundaries Map;
- District Membership Handbook

DIRECTOR'S REIMBURSEMENT

It will be a policy of the Board that Directors shall receive compensation for services as a member of the Board plus reimbursement for reasonable expenses actually incurred on Fire District business when presented for reimbursement and supported by appropriate documentation in accordance with generally accepted accounting procedures. Expenses incurred for lodging shall be covered at the actual cost of lodging for single or dual occupancy.

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Travel will be covered at current IRS rates when private autos are used or the actual cost where commercial transportation is provided.

Meals will be reimbursed at the actual cost so long as these are reasonable and prudent. Excessive expenditures may be denied reimbursement upon examination by and a majority vote of the Board.

It will be the responsibility of each Board member to prepare and present an account of expenses verified by receipts prior to reimbursement. Such reimbursement requests are to be considered public and will be attached to the monthly register of bills to be paid.

It will be the policy of the Board to keep all financial transactions strictly public in an effort to preserve the public trust.

VACANCIES ON THE BOARD

It will be the policy of the Board to declare a position on the Board vacant upon any occurrence set forth by ORS 236.010.

When a vacancy becomes available on the Board between elections, the vacancy shall be filled by appointment by a majority of the remaining Board members as provided by ORS 198.320(2). If a majority of the Board is vacant or if a majority cannot agree, the county court shall fill the position (ORS 198.320)(1). The appointee will serve until a successor can be elected at the next regular district election. Term limits for a vacant position(s) that have been filled shall be in compliance with ORS 198.320(2) (3).

New Board members shall take an oath of office prior to assuming the duties of the position.

It will be the policy of the Board to delegate to the Board President and the Fire Chief the responsibility to arrange for the appropriate orientation of newly selected Board Members.

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POLICY 103: PUBLIC MEETINGS

Originated: September 3, 2003

Revised: March 14, 2023

Reviewed: March 14, 2023

PURPOSE

This Board policy details the applicable requirements needed for conducting public meetings including; notice and location of public meetings, how preparation for meetings is conducted, meeting agenda formatting and distribution, conduct and decorum during meetings, executive sessions and meeting minutes.

APPLICATION

This policy applies to all meetings of the Board of Directors of the District, and to any meetings of subcommittees or advisory groups appointed by the Board if such subcommittees or advisory groups normally have a quorum requirement, take votes, and form recommendations as a body for presentation to the Board of Directors.

It will be the policy of the District Board to recognize itself as a policy making body that deliberates at regularly scheduled meetings and each board member shall make a diligent effort to be present and participate fully.

COMPLIANCE WITH LAW

It is the policy of the Fire Board that all meetings be conducted in accordance with Oregon Public Meetings Law, ORS 192.610-192.710, and 192.990, the decisions of the courts and with proper regard to “Due Process” procedures. In so doing, the Board will seek information from staff and other sources as appropriate, before decisions are made on policy and procedural matters.

LOCATION OF MEETING

All meetings shall be held within the geographic boundaries of the District. Exceptions to this would be training sessions held without any deliberative action and special meetings held within the geographic boundaries of an adjoining District attending the meeting. No meeting shall be held in any place where discrimination on the basis of race, creed, color, gender, age, national origin or disability is practiced. All meetings shall be held in places accessible to the handicapped.

REGULAR MEETING

Regular meetings of the Fire District Board shall be held on the second Tuesday of the month, at 7:00 P.M., at the Silverton Fire District Main Station, 819 Rail Way NE., Silverton, Oregon 97381. During the months of January, April, July, and October, the board will meet at the Scotts Mills fire station at 7:00 P.M., 490 3rd Street, Scotts Mills, Oregon, 97375. The Board reserves the right to change the meeting date, time, or place upon a specific action of the Board.

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MEETINGS HELD BY TELEPHONE

Meetings held by telephone or other electronic communication are subject to the Public Meetings Law if they otherwise qualify by virtue of their deliberative purpose and the presence of a quorum. ORS 192.670(1). Notice and opportunity for public access shall be provided when meetings are conducted by meetings held by telephone or other electronic means may be listened to by members of the public. ORS 192.670(2). The media shall be provided access to a listening location whenever executive sessions are conducted electronically, unless such executive sessions are exempt from media attendance pursuant to ORS 192.670(1) and 192.660(3).

SPECIAL MEETINGS

The Board shall hold special meetings at the request of the Board President or any two members of the Board or by request of the Fire Chief. If the Board President is absent from the District, special board meetings may be held at the request of the Vice-President. No special meeting shall be held upon less than forty-eight (48) hours' public notice.

EMERGENCY MEETINGS

Emergency meetings may be held at the request of persons entitled to call special meetings, upon less than 24 hours' notice in situations where a true emergency exists. An emergency exists where there are objective circumstances which, in the judgment of the person or persons calling the meeting, create a real and substantial risk of harm to the District which would be substantially increased if the Board were to delay in order to give 24 hours' notice before conducting the meeting. The convenience of Board members is not grounds for calling an emergency meeting.

At the beginning of any emergency meeting, the Director, or Directors calling such meeting, shall recite the reasons for calling such meeting, and the reasons the meeting could not have been delayed in order to give at least 24 hours' notice, which reasons shall be noted in the minutes. The Board shall then determine if the reasons are sufficient to hold an emergency meeting and, if not, shall immediately adjourn such meeting. Only business related directly to the emergency shall be conducted at an emergency meeting.

NOTICE OF MEETINGS

Notice of the time, place, and principal subjects to be considered shall be given for all meetings. For regular meetings, the notice shall be in the form of an agenda, which shall be sent to all Board members, local media, and to all persons or other media representatives having requested notice in writing of every meeting. The Agenda shall also be posted on Silverton Fire District's website (www.silvertonfire.com) as well as the following locations within the District:

Silverton Fire District (Station 1)
819 Rail Way NE
Silverton, OR 97381

Silverton Fire District (Station 8)
490 3rd St.
Scotts Mills, OR 97375

Written notice shall also be sent to any persons which the District knows may have a special interest in a particular action, unless such notification would be unduly burdensome or expensive. For special meetings, press releases shall be issued or phone calls made to wire services and other media; and

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interested persons shall be notified by mail or telephone. For emergency meetings, the District shall attempt to contact local media and other interested persons by telephone to inform them of the meeting.

All meetings of the Fire District Board are open to the public, except as provided for executive sessions. Notice of all meetings and a copy of the proposed agenda shall be sent to all persons making a request in writing and to the news media prior to the day of the meeting (ORS 192.610 – 192.690).

INTERPRETERS FOR THE HEARING IMPAIRED

The District shall comply with ORS 192.630(5) regarding the provision of interpreters for the hearing impaired at board meetings, in accordance with the following rules:

The District shall make a good faith effort to have an interpreter for hearing impaired persons provided at any regularly scheduled meeting if the person requesting the interpreter has given the District at least 48 hours' notice of the request, provided the name of the requester, the requester's sign language preference, and any other relevant information which the District may require. "Good faith efforts" shall include contacting the Oregon Disabilities Commission, or other state or local agencies that maintain a list of qualified interpreters;

If a meeting is held upon less than 48 hours' notice, the District shall make reasonable efforts to have an interpreter present.

The requirement for an interpreter does not apply to emergency meetings.

The Fire Chief shall be responsible for developing and maintaining a list of qualified interpreters, and shall have the responsibility for making the required good faith effort to arrange for attendance of an interpreter at any meeting for which an interpreter is requested.

PREPARATION FOR BOARD MEETINGS

DISTRIBUTION OF MATERIALS TO BOARD MEMBERS

The agenda and financial report shall be given to each member of the Board of Directors at least four (4) days prior to any regularly scheduled board meeting.

At the same time, the Fire Chief shall provide Board members detailed information relative to the Agenda, including existing board policy pertinent to agenda items.

DISTRIBUTION OF AGENDA TO THE PUBLIC

All meetings are to have at least a twenty-four (24) hour advance notice except as in the case of emergency (ORS 192.640). Board meeting notices are to be posted on the Silverton Fire District website, at the main fire station, the Scotts Mills fire station and posted at one or more locations convenient for review by district personnel and the public.

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BOARD MEETING AGENDA

MEETING AGENDA

The Fire Chief with the assistance of the President of the Board will prepare an agenda for all regular meetings of the board. Items of business may be suggested by Board Members, the Fire Chief or his/her designated deputy in his/her absence, or patrons of the district for consideration in the next meeting agenda.

The Fire Board will provide in the agenda of its regular meeting a specific time to hear the comments, concerns and suggestions from its citizens or from visitors with interests in the district. Any resident of the district may request that matters be placed on the meeting agenda. In order to ensure consideration at the next regular meeting, requests should reach the Board President or Fire Chief at least ten (10) days before the next regular meeting.

The agenda will minimally include, but not be limited to:

- Roll Call
- Call Meeting to Order
- Pledge of Allegiance
- Approval of Prior Board Meeting Minutes
- Open Forum
- Old Business
- Finance Officer's Report
- Chief's Report
- New Business
- Items Pending
- Adjournment

CONDUCT OF BOARD MEETINGS

PRESIDING OFFICER

The President shall preside at board meetings. In the President's absence, the Vice President shall preside. If both the President and Vice-President are absent, any other member of the Board may preside.

AUTHORITY TO CONDUCT MEETINGS

The President or other presiding officer at any board meeting shall have full authority to conduct the meeting. Meetings shall be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and timely manner. Any decision of the President or other presiding officer at the meeting may be overridden by a majority vote of the Board.

Robert's Rules of Order has been adopted as the official procedures for conducting board and committee meetings except where they are in conflict with other procedures adopted by the Board.

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PUBLIC PARTICIPATION

It is the intent of the Fire District Board to encourage attendance and participation at board meetings by all interested persons and residents of the district.

In the matter of motions before the Board, audience participation will be dependent upon the time available and the matter under discussion. The Board President may set a time limit on comments by an individual on any given issue.

In order to accomplish the tasks of the board in an orderly and expeditious manner the Board will attempt to limit repetitious testimony and discussion whenever possible as to not inconvenience those persons bringing business before the Board.

Persons failing to comply with reasonable rules of conduct outlined by the presiding officer, or causing any disturbance, may be asked or required to leave. Upon failure to do so, such persons become trespassers.

RECORDING OF VOTES

Votes shall be recorded. Any member may request that his or her vote be changed, if such request is made prior to consideration of the next order of business.

The “Ayes” and “Nays” upon votes taken shall be entered on the records on all questions called by the president. Any member may request that their vote be changed if such a request is made prior to consideration of the next order of business. Any member may request that a roll-call vote be taken on any question.

QUORUM REQUISITES

Three members shall constitute a quorum. If only a quorum is present, a unanimous vote is required to approve a motion.

VOTE EXPLANATIONS

Any Board Member may append onto the record, at the time of voting, a statement indicating the reasoning behind the vote, or the reason for abstaining or choosing not to participate interest in a Board matter and abstain from voting.

CONFLICT OF INTEREST

In accordance with ORS Chapter 244, members having an actual or potential conflict of interest must declare it. If the conflict of interest is actual, the member must abstain from voting. If the member’s vote is necessary to meet the minimum number of votes to take official action, and the issue is emergent to the district, the member may vote, but not participate in any discussion or debate on the issue related to the actual conflict of interest.

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ADJOURNMENT

The meeting shall be adjourned by a majority vote or as a result of the loss of a quorum.

EXECUTIVE SESSIONS

NOTICE

Notice for meetings called only to hold executive sessions shall be given in the same manner as notice for regular, special and emergency meetings set forth above, except that the notice need only indicate the general subject matter to be considered at the executive session, but it shall also set forth the statutory basis for calling the executive session.

NO FINAL DECISIONS

The Board shall not take any votes during any executive session, nor make any final decisions during any executive session. This policy, however, shall not prohibit full discussion of Board members' views during executive sessions.

PURPOSES

Executive sessions shall be held only for the purposes allowed by State statues (ORS 192.660(i)).

CONDUCT OF EXECUTIVE SESSION

The Board President or other presiding officer shall announce the executive session by identifying the authorization under ORS 192.660 for holding the session and by noting the subject of the executive session before going into closed session. Once the executive session has been convened, the Board President shall direct any representatives of the news media who are present not to report certain specified information from the executive session. In general, the extent of the non-disclosure requirement should be no broader than the public interest requires, and the news media will ordinarily be allowed to report the general topic of discussion in the executive session. Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board as a whole.

MINUTES OF MEETING

WRITTEN MINUTES

The Board shall keep written minutes of all of its meetings in accordance with the requirements of ORS 192.650. Minutes of public meetings shall include at least the following information:

- All members of the Board present;
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

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- Results of all votes, including the vote of each member by name;
- The substance of any discussion on any matter;
- Subject to ORS 192.410 - 192.505 relating to public records, a reference to any document discussed at the meeting.

MINUTES OF EXECUTIVE SESSIONS

Minutes of executive sessions shall be kept separately from minutes of public meetings. Minutes of executive sessions may be kept either in writing, in the same manner as minutes of public sessions, or by audio recording. If minutes of an executive session are kept by audio recording, written minutes are not required, unless otherwise provided by law. ORS 192.650(2).

DISCLOSURE OF EXECUTIVE SESSION MATTERS

If disclosure of material in the executive session minutes would be inconsistent with the purpose for which the executive session was held, the material may be withheld from disclosure. No executive session minutes may be disclosed without prior authorization of the Board. ORS 192.650(2).

RETENTION

Any audio recordings or written minutes of public Board meetings or executive sessions shall be retained by the District until such time as their disposal is authorized by the State Archivist pursuant to ORS 192.105.

AVAILABILITY TO THE PUBLIC

Written minutes of public sessions shall be made available to the public within a reasonable time after the meeting. ORS 192.650(1). Minutes are available at the office of the Main Station located at 819 Rail Way NE, in Silverton.

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POLICY 104: PUBLIC RECORDS

Originated: September 9, 2003

Revised: October 8, 2019

Reviewed: March 14, 2023

PURPOSE

The purpose of this Public Records Policy is to establish an orderly and consistent procedure for responding to public records requests; to establish the basis for a fee schedule designed to reimburse the District for the actual costs incurred in responding to public records requests; and to inform citizens of the procedures and guidelines that apply to public records requests.

COMPLIANCE WITH OREGON LAW

The Silverton Fire District recognizes that Oregon Public Records Law (ORS 192.410-192.505) gives members of the public the right to inspect and copy certain public records maintained by the District. The District also recognizes that certain records maintained by the District are exempt from public disclosure, or that disclosure may require balancing the right of the public to access the records against individual privacy rights, governmental interests, confidentially issues and attorney/client privilege. Additionally, when the District receives a request to inspect or copy public records, costs are incurred by the District in responding to the request. The purpose of this Public Records Policy is **(a)** to establish an orderly and consistent procedure for responding to public records requests; **(b)** to establish the basis for a fee schedule designed to reimburse the District for the actual costs incurred in responding to public records requests; and **(c)** to inform citizens of the procedures and guidelines that apply to public records requests.

POLICY

It is the policy of the District to respond in an orderly, consistent and reasonable manner in accordance with the Oregon Public Records Law to requests to inspect or receive copies of public records maintained by the District. When a request is submitted in writing, the District will respond within five business days acknowledging the receipt of the request. The District will have an additional ten business days to fulfill the request or issue a written response estimating how long fulfillment will take. The District is not subject to the response timeframe if the District is awaiting a response from the requester seeking clarification of the inquiry or if the requester has not agreed to pay in advance for requested record(s). Additional time may be needed and will vary based on the size and complexity of the request, availability of staff time and resources, and whether legal counsel needs to be consulted prior to disclosing the requested record(s).

PUBLIC RECORDS DEFINED

Oregon Public Records law defines a public record as:

“any writing containing information relating to the conduct of the public’s business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics.” ORS 192.410(4).

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TYPES OF PUBLIC RECORDS

A record may be handwritten, typed, photocopied, printed, microfilmed, and exist in an electronic form such as e-mail or a word processing document, or other types of electronic recordings.

Many public records requests are requests for information that would actually require the creation of a new public record. Public bodies are not obligated under Oregon's Public Records Law to create new public records where none exists in order to respond to requests for information. Although a public body may, if it chooses, create a new record to provide information, the public body does not have to create a new record and only has a duty to allow the inspection and copying of an existing public record.

The District is obligated to provide public records in the format in which they exist. If requested public records are in electronic form, the District will make arrangements to inspect the record with the appropriate device, such as a computer or tape recorder. The District is not obligated to provide a public record in another form, such as a written transcript. The District may provide the public record in an alternative format such as a transcript if it wishes and the person making the request fully reimburses the District for the costs of providing the record in such alternative form. This District will provide records in alternative format at no cost, if necessary to provide reasonable accommodation to persons with disabilities.

The minutes of the meetings of the Fire Board will be maintained by the fire district staff designee and shall provide for information as required by law (ORS 192.650 (1)) and board policies.

The Board secretary or designee will record all proceedings of the Fire Board meetings and file these in chronological order in books provided for that purpose. The official minutes of board meetings, including supporting documents, will be open for inspection by the public at the office of the Fire Chief during regular business hours. Minutes of executive meetings are not subject to this provision in accordance with ORS 192.660.

The Fire District budget, statistical compilations, reports, notices, bulletins, memoranda, minutes of meetings and official communications between governmental branches in whatever form are public records and access to them during normal business hours shall be granted to any citizen upon request.

In accordance with the public records law, certain records, such as executive meeting minutes and personnel records, are not included in the category of records to which the right of access is to be granted by the fire district.

Original minutes and records in any form of executive sessions will not be viewed, reviewed, or released without a written request and subsequent written authorization from the Board of Directors and Fire Chief upon advice from the district's attorney. Any and all cost incurred by the district to produce the requested documentation will be paid by the requesting party for actual costs of producing the records.

PUBLIC RECORDS EXEMPT FROM DISCLOSURE

There are numerous types of public records that are exempt from disclosure. Many of these exemptions may be found in ORS 192.501 and ORS 192.502. Others may be located in other Oregon statutes. A few specific exemptions worth special notice are as follows:

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Personal Safety Exemption - ORS 192.445(1): If an individual requests in writing that a public body not disclose the phone number or address of the individual, the public body is prohibited from disclosing the information if the safety of the individual or family member would be in danger.

Public Records Relating to Pending Litigation - ORS 192.501(1): If a public body is involved in litigation, or if litigation is reasonably likely in the future, the public records relating to the litigation are exempt from disclosure.

Archeological Sites or Objects - ORS 192.501(11): Information concerning the location of archeological sites or objects are exempt from disclosure, unless requested by the governing body of an affected Indian tribe.

Personal Discipline Actions - ORS 192.501(12): Public records of a discipline action or materials or documents supporting that action are exempt from disclosure.

Threatened or Endangered Species - ORS 192.501(13): Certain information regarding the habitat, location or population of any threatened or endangered species is exempt from disclosure.

Personal Privacy Exemption - ORS 192.502(2): Information of a personal nature, such as that kept in a medical or personal file, is exempt from disclosure if disclosure would be an unreasonable invasion of privacy, unless disclosure is in the public interest by clear and convincing evidence. Personal information includes home address, phone number, weight and age.

Public Employees Addresses, Dates of Birth and Telephone Numbers - ORS 192.502(3): The addresses, dates of birth and phone numbers of public employees and volunteers which are maintained by the public body in personnel files are exempt from disclosure.

Confidential Information Submitted by Citizens - ORS 192.502(4): Information submitted to a public body in confidence and not required to be submitted, where the information should reasonably be considered confidential, and the public body has in good faith obliged itself to keep the information confidential, is exempt from disclosure.

Records Deemed Confidential or Privileged under federal and state laws or regulations - ORS 192.502(8) & (9): Communications that are subject to attorney/client privilege, such as communications between District legal counsel and a District staff member are exempt from disclosure.

Social Security Numbers: No social security numbers will be disclosed without prior consultation with District legal counsel.

COMPLIANCE

The District shall fully comply with the Oregon Public Records Law, ORS 192.410-192.505.

Specificity of Request: A request for public records that are in the custody of the Silverton Fire District may be made by submitting a written request to the Fire Chief or his/her designee. The request may be submitted in person, by mail, by fax or by email to the Office Administrator who will coordinate requests received by the public. The request must:

- Include name and address of the person requesting the public record;
- Include telephone number or other contact information for the person requesting the public record; and

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- Include a detailed description of the record(s) requested to allow Silverton Fire District to search for and identify responsive records.
- Be dated and signed by the person requesting the public record.

Access: The District shall permit inspection and examination of its non-exempt public records during regular business hours in the District's offices, or such other locations as the Fire Chief may reasonably designate from time to time. Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained.

Certified Copies: Certified copies of non-exempt public records shall be furnished upon request and receipt of payment therefore.

FEES FOR PUBLIC RECORDS

In order to recover its costs for responding to public records requests, the following fee schedule from *Ordinance Number 07-01, adopted on March 13, 2007* by the District:

Copies of Public Records: Copies of public records shall be a minimum \$15.00 per copy page with each additional page to be .15 cents per copy for standard, letter size copies. Copies shall be certified for an additional charge of \$5.00 per copy (Certification document attached).

Copies of Sound Recordings: Copies of sound recordings of meetings shall be imposed such as are necessary to reimburse the District for its actual costs of producing the records per copy.

Copies of Maps and Other Nonstandard Documents: Charges for copying maps or other nonstandard size documents shall be charged in accordance with the actual costs incurred by the District.

Research Fees: If a request for records requires district personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the minimum fee shall be \$20.00 per hour and additional charges shall be in ¼ hour increments. The district shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying of the records in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.

Additional Charges: If a request is of such magnitude and nature that compliance would disrupt the District's normal operation, the District may impose such additional charges as are necessary to reimburse the District for its actual costs of producing the records.

Reduced Fee or Free Copies: Whenever the Fire Chief determines that furnishing copies of public records in the District's possession at a reduced fee or without costs would be in the public interest, the Fire Chief may so authorize ORS 192.440(4).

AUTHORIZATION REQUIRED FOR REMOVAL OF ORIGINAL RECORDS

At no time shall an original record of the District be removed from the District's files or the place at which the record is regularly maintained, except upon authorization of the Board of Directors or Fire Chief.

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ON-SITE REVIEW OF ORIGINAL RECORDS

If a request to review original records is made, the District shall permit such a review provided that research fees are paid in advance in accordance with paragraph F.4 above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.

UNAUTHORIZED ALTERATION, REMOVAL OR DESTRUCTION OF ORIGINALS

If any person attempts to alter, remove or destroy any District record, the District representative shall immediately terminate such person's review, and notify the attorney for the District and law enforcement.

PATIENT CONFIDENTIALITY

It is the responsibility of the District not to breach the confidentiality of a patient's medical records at any time. This applies to gaining medical information from the patient at the scene, written information on Patient Care Report Forms (PCRF), storing patient records and appropriate release of patient information and other applicable laws.

RELEASE OF PATIENT INFORMATION

The pre-hospital care report is considered privileged information and shall be treated as such. Access to same, upon completion, will be restricted to authorized staff only (treating medic personnel, EMS Officer, Training Officer, billing staff, supervising physician).

PHCR or detailed information concerning patient medical history shall not be copied except as required for CONFIDENTIAL quality improvement review EXCEPT that:

Copies may be provided to: upon receipt of a release form (see attached Patient Release of Information) to;

- *The patient (with identification)*
- *The patient's legal representative, upon written request/release signed by the patient*
- *The patient's legal guardian (with proof of guardianship and identification) or a written request from the legal guardian, along with proof of legal guardianship*
- *Person providing a subpoena for the record*

The District will cooperate within the above limits as much as possible to assist law enforcement investigative efforts; however, law enforcement agencies shall not be exempt from obtaining a subpoena for copies of the records. Law enforcement personnel may be given patient name, age, DOB, address, and relevant information verbally from the PHCR.

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**POLICY 105: DUTIES, RESPONSIBILITIES, & GOVERNANCE
OF THE BOARD**

Originated: October 14, 2014

Revised: March 14, 2023

Reviewed: March 14, 2023

PURPOSE

This policy is intended to outline and describe the responsibilities, authority and obligations Board members fulfill in the operation of the District. While some responsibilities are of a legal nature, others are not. Many duties overlap but the clear lines of responsibility and authority must be understood to prevent duplication of efforts and promote efficient operations.

DUTIES AND RESPONSIBILITIES

MEETING THE NEEDS OF THE DISTRICT

It is the policy of the Board of Directors to exercise those powers granted to it, and to carry out those duties assigned to it by law, in such a way as to best meet the needs of the District.

FORMULATION AND INTERPRETATION OF DISTRICT POLICY

Board Members only have the right and responsibility to participate in Board meetings and vote on District matters as part of the Board. The most important activity of the Board in performing this responsibility is the formulation and interpretation of District policies. To this end, the Board shall establish policy, reserving to itself all authority and responsibility not directly assigned to other District officers and personnel.

MANAGEMENT AND COMMUNICATION BETWEEN BOARD AND STAFF

The primary responsibility of the Board is to make policy level decisions for the District. Management of the daily operations and staff is the responsibility of the Fire Chief. Unless otherwise authorized by a quorum of the Board, no individual Board member may direct or order a staff member on any matter that relates to the daily operations or administrative activities of the District. Moreover, unless otherwise authorized by the Board, no individual Board member may order, direct, or conduct any review of personnel records of any staff member or any other record that is exempt under Public Records Law.

BOARD MEETING CONDUCT

The Board President shall preside at Board meetings. In the President's absence, the Vice-President shall preside. If both the President and Vice-President are absent, any other member of the Board may preside. Board members shall be respectful of one another and follow the direction of the Chair. They should avoid personal attacks and keep discussions on policy, not individuals. Meetings shall be conducted in such a manner as to provide a full and fair opportunity for discussion of the issues in an efficient and

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timely manner. Any decision of the President or other presiding officer at the meeting may be overridden by a majority vote of the Board.

BOARD MEMBERS AUTHORIZED BY OFFICIAL BOARD ACTION ONLY

Board members have no individual powers separate from the powers of the Board and have no authority to act individually without delegation of authority from a quorum of the Board. Likewise, no individual Board member may speak for or on behalf of the Board or District, except as authorized to do so by official Board action as recorded in the official minutes, guidelines, or policies of the District.

ETHICAL STANDARDS

Board members act as representatives of the citizens of the District. Therefore, Board members shall adhere to the highest ethical standards in the conduct of District business. As public officials they are required to comply with Oregon Ethics Laws. Each Board member should be provided with a copy of the Oregon Government Ethics Commissions *Guide for Public Officials*.

BOARD MEMBER EDUCATION

In order to effectively carry out their duties, Board members must be adequately informed. Members are encouraged to attend such conferences and other training programs as the Board may authorize.

DISCIPLINE

The Board has the right to enforce its rules and expect ethical and honorable conduct from its members. The Board will make every effort to resolve an issue by speaking to the individual privately. Should disciplinary action need to be taken, the following actions may be considered:

- A motion that the member must apologize;
- A motion that the member must leave for the remainder of the meeting;
- A motion to censure the member; or
- A motion to suspend a member's rights for a designated period of time.

GOVERNANCE

COMMUNICATIONS

- Develop regular channels of communication with Board members and staff.
- Encourage participation of staff members on appropriate committees.
- Invite non-Board members, other local governments, and groups to Board or committee meetings or other types of Board sponsored assemblies to explore and develop approaches to common concerns.
- Recognize that certain information obtained at Board meetings may be non-public and confidential making disclosure a breach of trust.
- Respect the opinion of other members and accept the principle of majority rule in Board decisions.

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FINANCIAL

- Approve the annual budget.
- Monitor District finances and the budget, setting policy or taking action to ensure the fiscal integrity of the organization.

POLICIES, OBJECTIVES, AND PLANS

- Abide by and become familiar with all laws and policies governing the operation of the District.
- Approve policies for the organization.
- Recognize that the Fire Chief should have full administrative authority for properly discharging the duties of managing the operation within the limits of the established Board policy. The Board's basic function is policy making – not administrative.
- Develop and approve long-range plan of growth and development for the District as needed.
- Approve specific important projects.
- Approve any significant departure from established plans or policy.
- Receive and pass on committee or other planning body recommendations.
- Ensure that program objectives are assigned to the proper planning or implementing subgroups.
- Where applicable, bring other local governments or community groups into the planning and decision-making process.
- Approve contracts binding the District.
- Approve major changes in the District's organization or structure, including addition of positions to the organizational chart.
- Approve Board plans of action.
- Pass District resolutions, or adopt ordinances.

MANAGEMENT

- Select the District President and other Board officers.
- Hire the Fire Chief.
- Define the duties and responsibilities for the President, Fire Chief, Officers, and major committee chairpersons.
- Select legal counsel and consultants for the Board.
- Approve contracts for professional services required by and for the Board.
- Authorize officers or Board agents to enter into contracts or to sign other written instruments and to take financial actions.
- Approve the plan, form, and amount of management compensation, that is, salaries, bonuses, vacation, travel, and so on.
- Evaluate the performance of the Fire Chief annually.
- Approve the form and amount of reimbursement for Board members.
- Approve programs for management development.
- Provide advice and consultation to management on matters within the purview of the Board's responsibilities.

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EMPLOYEE RELATIONS

- Approve any employee compensation plans including wages and benefit packages.
- Insist that personnel complaints go through a proper chain of command. If not resolved, only then should the Board get involved.
- Do not allow personnel problems, other than problems with the Fire Chief, to be brought into Board considerations.

CONTROL

- Identify types of information needed by the Board to analyze effectively the District's directions and achievement. Create a process for collecting and analyzing information.
- Realize that the citizens within the boundaries of the District are the true "owners" of the District.
- Review and assess the organization's performance against objectives, resources, plans, policies, and services rendered.
- Identify obstacles, sense-changing needs, and propose new directions or goals.
- Ensure that the District is in compliance with all federal, state, and local laws.

BOARD OF DIRECTORS

- Motivate Board members to accept positions of leadership and responsibility.
- Appoint, change, or abolish committees of the Board.
- Define powers and responsibilities of committees of the Board.
- Do not make commitments on any matter that should come before the Board as a whole.
- Recognize that an individual Board member has no legal status to act for the entire Board.
- Realize that if a quorum of the Board meets to make a decision or to deliberate, then the meeting is considered a public meeting and must comply with all of the requirements of the Oregon Public Meetings Laws.
- Discussions on matters of overall policy outside of regular Board meetings can violate the open meetings law.

PUBLIC ACCOUNTABILITY

- Keep the public informed on all District matters.
- Spend the District's money with prudence and trust.
- Place the needs of the public above the ambitions of the Board or the District.

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POLICY 106: BOARD MEMBER ETHICS & CONFLICTS OF INTEREST

Originated: February 1, 2016

Revised:

Reviewed: March 14, 2023

PURPOSE

The purpose of this policy is to establish ethical standards of conduct for all district public officials in accordance with Oregon Government Ethics law.

FINANCIAL GAIN

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for him or herself, relative or household members, or for any business with which the Board member, a household member or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement.

GIFTS

No public official shall solicit or accept a gift or gifts with an aggregate value in excess of \$50 in a calendar year from any single source who could reasonably be known to have a financial interest in the official actions of that public official. The \$50 gift limit applies separately to the Board member, and to the Board member's relatives or members of household, meaning that the Board member and each member of their household and relative can accept up to \$50 each from the same source/gift giver.

A gift is defined as something of value given to a public official, for which the official does not pay an equal value. Gifts of entertainment are included in the \$50 gift limit.

This does not mean that an official cannot receive any gifts. The law only restricts gifts from sources that have an administrative or legislative interest in the public official's actions, and does allow the public official to receive up to \$50 worth of gifts from each source. A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the decision or vote of a person acting in the capacity of a Board member. In addition, unlimited gifts may be accepted from a source that does not have a legislative or administrative interest in the public official, and the public official may accept unlimited gifts from specified relatives.

CONFLICT OF INTEREST

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member's vote, official action or judgement would be thereby influenced.

No Board member will attempt to use or use for personal gain any confidential information gained through his/her official position or association with the District.

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If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the Code of Ethics for public officials as stated in Oregon Law.

Oregon Government Ethics law identifies and defines two types of conflicts of interest: actual conflict of interest and potential conflict of interest.

The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.”

A public official is met with an actual conflict of interest when the public official participates in action that would affect the financial interest of the official, the official’s relative or a business with which the official or a relative of the official is associated.

A public official is met with a potential conflict of interest when the public official participates in action that could affect the financial interest of the official, a relative of that official or a business with which the official or the relative of that official is associated.

A public official must announce or disclose the nature of a conflict of interest. The way the disclosure is made depends on the position held. The following public officials must use the methods described below:

- **Potential Conflict of Interest:** Following the public announcement, the public official may participate in official action on the issue that gave rise to the conflict of interest. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.
- **Actual Conflict of Interest:** Following the public announcement, the public official must refrain from further participation in official action on the issue that gave rise to the conflict of interest.

If a public official is met with an actual conflict of interest and the public official’s vote is necessary to meet the minimum number of votes required for official action, the public official may vote. The public official must make the required announcement and refrain from any discussion, but may participate in the vote required for official action by the governing body. These circumstances do not often occur. This provision does not apply in situations where there are insufficient votes because of a member’s absence when the governing body is convened. Rather, it applies in circumstances when all members of the governing body are present and the number of members who must refrain due to actual conflicts of interest make it impossible for the governing body to take official action.

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POLICY 201: PERSONNEL

Originated: January 10, 1989

Revised: August 10, 2021

Reviewed: November 8, 2022

PURPOSE

This Board policy outlines the Board responsibilities as it pertains to the designation, definition and the funding of District positions. This policy also describes the responsibility of the Chief/Administrator as it pertains to hiring personnel as well as determine pre-conditional hiring requirements.

BOARD PERSONNEL GUIDELINES AND POLICIES

The Silverton Fire District shall comply with Federal Equal Employment Opportunity (EEO) guidelines. If any portion of this policy is found to be in direct conflict with any Federal or State law, or applicable Civil Service regulation, at the time a position is being filled, that portion of the policy shall be void.

The Chief/Administrator of the Silverton Fire District shall be responsible for:

- Determining the qualifications required for each position, with consideration given to federal and state laws, which include knowledge base, skill certification and physical ability.
- Administering the advertising for, interviewing and hiring of personnel for positions with firefighting duties, volunteer or otherwise, and other district employees as necessary to ensure the intentions of the Board of Directors are met.
- Acting as personnel officer for the district, ensuring that during the hiring process, each new employee is made aware of district rules and regulations as determined by the Board of Directors.
- Writing, maintaining, and updating a job description for each paid and volunteer position.
- Performing background investigations on each employee as needed. The investigations shall include but not be limited to driving records and reference checks.

The district may require from the applicant, as a precondition of employment, a certificate from a physician that attests to the applicant's physical ability to perform the tasks associated with the position as well as a district sponsored physical performance exam. The district may require the applicant to submit to the following as conditions of employment:

- Employment reference check and verification of education information
- Driving record check, if the position requires driving
- Pre-employment drug test if the position includes firefighting or EMT duties.
- A criminal history background check
- A credit history check

If hired, the district will require the applicant to prove that he/she is legally authorized to work in the United States.

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The district may keep a list of qualified applicants on file and may select prospective employees from that list without going through the process of advertising that the position is open for a period of one year from the date of the most recent hire.

The district may not refuse employment to any individual because a family member is currently employed by the district unless it would place the individual being hired in a position that either might be exercising authority over the other.

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POLICY 202: EXAMINATIONS FOR PERSONNEL

Originated: May 9, 1989
Revised: November 11, 2003
Reviewed: November 8, 2022

PURPOSE

To ensure that Fire District personnel are not placed in a position which might be a hazard to themselves or others, a physical examination prior to appointment to a position with the Fire District shall be required. This appointment shall be contingent upon the passing of the physical examination, and the individual shall be re-examined periodically to ensure their physical capabilities.

PROCEDURE

- Within one year of appointment to a position with the district, regardless of career or volunteer, the candidate shall submit himself/herself to a physician of personal choice for examination. This examination shall be for the purpose of determining the individual's fitness to participate in activities as prescribed by the district.
- If the individual does not have a physician of personal choice to administer the examination, the district's physician advisor shall be the administrator of the examination.
- All charges associated with the examination shall be borne by the district.
- All personnel, including those presently employed by the district at the time this policy was written, shall participate in an examination process based upon a three-year cycle as determined by the Fire Chief. If it is deemed necessary, this cycle may be shortened to guarantee the fitness of an individual.
- Personnel who are expected to perform emergency functions shall notify the Fire Chief when health conditions arise or are discovered that may limit their capability of performing those functions.

RECORDS

Medical records and certificates of fitness shall be maintained by the Fire Chief, and shall be considered confidential, unless otherwise authorized in writing by the individual being examined.

Reference: Oregon Occupational Safety and Health Code, Oregon Administrative Rules, Chapter 437, Division 151, FIRE FIGHTERS, effective as amended through September 1, 1988.

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POLICY 203: EMPLOYEE ASSISTANCE PROGRAM

Originated: May 9, 1989
Revised: November 10, 2020
Reviewed: November 8, 2022

POLICY STATEMENT

The District cares about the health and well-being of its employees both volunteer and career and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

The District shall provide initial assistance to those employees, both career and volunteer, who require the professional services of a certified counselor or registered psychologist. This may also include members of the employee's immediate family, if such assistance is deemed appropriate by the Fire Chief. Such assistance will ensure that the District's interests are protected, as well as showing the District's concern for the employee's welfare. Additional information can be located in the District's Member Handbook, Chapter IX. Benefits; Section E. Public Safety Employee Assistance Program (EAP).

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POLICY 204: HARASSMENT

Originated: November 21, 1989

Revised: December 10, 2019

Reviewed: November 8, 2022

PURPOSE

The purpose of this policy is to clearly establish the Silverton Fire Districts commitment to provide a work environment free from harassment, to define discriminatory harassment and to set forth the procedure for investigating and resolving internal complaints of harassment. This policy applies to all employees, elected officials, board or commission members, volunteers, interns and any other person whose interaction occurs in the course of accomplishing the work of the organization.

POLICY

Discrimination, harassment and retaliation are not acceptable. Discrimination, harassment or retaliation of an applicant, contractor, vendor, customer, board member, supervisor, manager, volunteer, resident volunteer or employee by a supervisor, management employee or co-worker on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law is explicitly in violation of State and/or Federal law and will not be tolerated by the Silverton Fire District.

It is critical that all employees treat all other employees with dignity and respect. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training.

Employees, volunteers, resident volunteers, supervisors or management employees found to be participating in any form of job-based harassment or retaliating against any other employee shall be subject to disciplinary action up to and including termination from employment.

DEFINITIONS

Verbal Harassment

Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law, whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features, sexual rumors, and race-oriented stories.

Physical Harassment

Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law. This includes pinching, patting, grabbing, inappropriate behavior in or near Silverton Fire District facilities or facilities where Silverton Fire District events are being conducted, or making explicit or implied threats or promises in return for submission to physical acts.

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Visual Forms of Harassment

Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law. This applies to posted material and/or material maintained in or on Silverton Fire Districts equipment or personal property in the workplace.

Sexual Harassment

For the purposes of this policy, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Under Oregon Law sexual assault is defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

COMPLAINT PROCESS

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religion, color, sex, age, national origin, physical or mental disability, marital or familial status, political affiliation, sexual orientation, veteran status, or membership in any other group protected by law.

If any person feels they are the victim of any form of harassment, they should inform the person(s) participating in this behavior that he/she finds it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate the complaint process as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.

Filing a Preliminary Complaint

Any applicant, contractor, vendor, customer, board member, supervisor, manager, volunteer, resident volunteer or employee who alleges to be a victim of discriminatory workplace harassment should contact the Fire Chief or designee, either verbally or in writing, within ten (10) calendar days or within four years of the alleged incident. In the event the complaint is against the Fire Chief, the complaint must be submitted to the Board President verbally or in writing within ten (10) calendar days or within four years of the alleged incident.

Review of Preliminary Complaint

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with the Fire Chief. If unable to reach the primary contact, the complaint can be directed to the Assistant Fire Chief. Upon notification of a harassment complaint, the Fire Chief or designee has ten (10) calendar days to conduct an initial investigation to make a preliminary determination as to whether there is merit to the complaint. If no merit is found, the Fire Chief or designee may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties. In the case of a complaint filed against the Fire Chief, the Board President will conduct the initial investigation to make a determination.

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Formal Complaint

If after an initial investigation is conducted, there is no resolution and/or no conciliation of the preliminary complaint, a formal written complaint can be filed by the complainant. This written complaint must document the event(s), associated date(s), potential witnesses, and must be signed and returned to the Fire Chief within five (5) days or within four years of the alleged incident. Upon receipt of the formal written complaint, the Fire Chief or designee will contact the alleged harasser(s) who will be informed of the basis of the complaint, will be given a copy of the written complaint, and will be provided an opportunity to respond. The response shall be in writing, addressed to the Fire Chief and received by the Fire Chief, within ten (10) calendar days after being notified of the complaint. Concurrently, a formal investigation of the complaint may be commenced. The same process will be observed by the Board President for any formal complaints made against the Fire Chief.

Review of Response and Findings

Upon receipt of the response, the Fire Chief may further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s) and any other persons determined by the Fire Chief to possibly have relevant knowledge concerning the complaint. This may include other victims of similar conduct.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant and the alleged harasser(s) within twenty (20) calendar days from the receipt of the response. Following receipt of a complaint or concern, management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. If an employee would like the follow-up to discontinue the follow-up process a request must be submitted in writing to the Fire Chief.

The same process will be observed by the Board President for any formal complaints made against the Fire Chief.

External Complaint Options

The District encourages concerns or complaints are brought to the organization, however, this may not be the choice of the employee. Please reach out to the preferred choice to determine the appropriate timelines.

- Oregon Bureau of Labor and Industries - https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx
- Civil or Criminal Action - In these circumstances, a Notice of Claim must be provided in accordance with ORS 30.275.
- Employment Agreements - No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of agreement and, upon request, will be provided at least seven (7) days to change their mind.

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Additional Employee Support Services

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The District provides the following for additional assistance:

Public Safety EAP
(888) 327-1060
publicsafetyEAP.com

DISCIPLINARY ACTION

If harassment is determined to have occurred, the Fire Chief, or Board President for complaints filed against the Fire Chief, shall take prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant.

RETALIATION

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination. The Fire Chief will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.

CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State and local law.

FALSE COMPLAINTS

Any complaint made by an employee of the Silverton Fire District regarding job-based harassment which is conclusively proven to be false, shall result in discipline of the complainant up to and including termination. This section is not intended to discourage employees from making complaints regarding job-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.

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POLICY 205: HEALTH CARE BENEFITS FOR RETIREES

Originated: February 12, 1991

Revised: July 10, 2007

Reviewed: November 8, 2022

PURPOSE

To provide retiring Fire District Employees with continuing health care coverage till eligibility for Medicare, and contribute thereto based upon the date of hire and the years of service.

POLICY

District Staff employees working one-half time or more who retire from the District with date of hire “on or before January 01, 2001,” shall, upon retirement from the Silverton Fire District, be entitled to contribution by the District of 90% of the premium for that retiree under the District’s group health care policy until eligibility for Medicare.

District Staff employees with date of hire after January 01, 2001, and prior to July 01, 2007 shall be entitled upon retirement from the Silverton Fire District to a contribution by the District of 10% of the premium required for that retiree under the District’s group health care policy until eligibility for Medicare.

District Staff employees with a date of hire on or after July 01, 2007 shall not be entitled to retirement health care benefits under this policy.

As used in this policy:

“Date of hire” shall mean the date the employee first reports or reported for work with continuous service therefrom to retirement date without a break in service;

“Retirement” shall mean retirement under ORS 238.280 but shall also include retirement for disability or medical reasons under PERS.

“District Staff Employee” shall mean all District employees working one-half time or more for the Silverton Fire District.

VOLUNTEERS

District volunteers are not entitled to retirement health care benefits under this policy.

NO VESTING OF RIGHTS

Nothing herein shall be construed to vest any rights in any District employee as this policy may be modified, changed or terminated at any time without prior notice to the affected employees or retirees.

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**POLICY 206: EMPLOYEE HRA VEBA MEDICAL EXPENSE
PLAN**

Originated: May 8, 2012
Revised: July 13, 2021
Reviewed: November 8, 2022

PURPOSE

This policy describes the Voluntary Employees' Beneficiary Associations (VEBA) administrative process as it pertains to eligibility and contributions

The Silverton Fire District ("Employer") has adopted the HRA VEBA plans offered and administered by the Voluntary Employees' Beneficiary Association Trust for Public Employees in the Northwest (collectively the "Plans"); the **Standard HRA Plan**, which shall be integrated with the Employer's or another qualified group health plan and to which the Employer shall remit contributions on behalf of eligible employees who are enrolled in or covered by such qualified group health plan and any other contributions that may be permitted by applicable law from time to time; and the **Post-separation HRA Plan** to which the Employer may remit contributions on behalf of eligible employees, including eligible employees who are not enrolled in or covered by the Employer's or another qualified group health plan, and which shall provide benefits only after a participant separates from service or retires. Employer shall contribute to the Plans on behalf of all non-represented employees ("Group") defined as eligible to participate in the Plans. Each eligible employee must submit a completed and signed Enrollment Form to become an eligible participant and become eligible for benefits under the Plans.

Contributions on behalf of each eligible employee shall be based on the following selected funding sources/formulas:

Direct Employer Contribution. Eligibility is limited to full time, benefits eligible employees. Beginning with the July 1, 2021 payroll, the District shall contribute \$200 per month to each eligible employee's HRA VEBA account until such time as the employee is no longer eligible per the terms of the plan and/or the employer's written agreement.

The employer's HRA VEBA plan contribution methods and funding amounts will be reviewed annually, prior to the start of the next benefit year. The employer reserves the right to modify plan eligibility, contribution methods and contribution amounts in compliance with any applicable state or federal laws and other IRS guidance as it pertains to maintaining HRA plan compliance.

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POLICY 207: WHISTLEBLOWER PROTECTION

Originated: November 8, 2016

Revised:

Reviewed: November 8, 2022

PURPOSE

To provide reporting procedures should a District employee become aware of improper government action in accordance with Oregon Revised Statute 659A.200 to 659.224.

OVERVIEW

The employee may provide the information to in addition to his/her supervisor, another District manager, a state or federal regulatory agency, a law enforcement agency or an attorney licensed to practice law in Oregon if confidential communication is made in connection with the alleged violation. Attorneys employed by the District may report violations of law to the Attorney General, subject to rules of professional conduct. All such issues will be investigated in a timely manner to determine if fault exists and institute any appropriate corrective measures. Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed, for goods not delivered; and other fraudulent financial reporting. For any employee wishing for more information, additional details can be obtained from the Fire Chief.

The employee must exercise sound judgement to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing may be subject to corrective action up to and including termination.

Whistleblower protections are provided to maintain confidentiality and to prevent retaliation. While identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide accused individuals their due course, the privacy of the individual making the report will be protected as much as possible. The District will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Fire Chief or designee immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is substantiated.

All allegations of illegal and dishonest activities will be promptly submitted to the Fire Chief or designee who is responsible for investigating and coordinating corrective action.

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POLICY 301: FIXED ASSETS & INVENTORY CONTROL

Originated: December 11, 1984

Revised: November 14, 2017

Reviewed: November 10, 2020

PURPOSE

The purpose of the fixed asset and inventory control policy is to provide control and accountability over property owned by the Fire District if said property meets or exceeds the monetary and/or useful life threshold.

PROPERTY MONETARY AND USEFUL LIFE

All items, either owned by the District, or loaned or furnished to the District, having an individual unit value of \$5000.00 or more and/or a useful life of 10 years or more are to be covered by this policy as Fixed Assets. Such assets shall be categorized as indicated below:

TEN (10) YEARS: Staff Vehicles, Misc. Equipment

TWENTY FIVE (25) YEARS: Brush, Rescue, Engine

THIRTY (30) YEARS: Ladder, Tenders

FIFTY (50) YEARS: All stations and buildings

Other items which have a useful life of 10 years or more and have an individual unit value of less than \$5000.00 may be grouped by like item, and the group may be accounted for as inventory.

PROPERTY IDENTIFICATION

A District identification number shall be assigned and if possible, affixed or engraved, to each item. If an item or group of items cannot be effectively tagged, because of size, material, incompatibility, etc., then a number shall be assigned to those items without affixing an identification tag or engraving.

When a property item or group of items is received by the District, before the item(s) is placed in service, the following will occur: proper identification number shall be assigned, the item(s) tagged or engraved, the item(s) recorded by location, classification, description, acquisition cost, replacement cost and date. This information will be known as the Fixed Asset and Inventory Control. The item(s) will then be entered into the fixed asset and inventory control and placed into service.

PROPERTY ACCOUNTABILITY

Accountability shall be maintained by records kept by the Fire Chief or his/her designee. The records shall be verified at least once each budget year by physical inventory of all property in the District's possession. This inventory shall be completed by June 30th of each year. Each year the Fire Chief shall report the status of the District fixed assets to the Board of Directors in writing during the report of the

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annual independent audit. This report shall include all new additions, any deletions and any missing items.

If any items are found to be missing during the yearly inventory, the Fire Chief shall be notified of the loss in writing and shall undertake appropriate action to determine the location or disposition of the item.

If any item of property is disposed of, the Fire Chief shall be notified and provide the following information for the inventory accounting system:

- Disposition of the property and reason,
- Date disposed of
- Dollar amount of revenue from the disposal action.

If any property items are located which are not tagged or properly inventoried, these items shall be tagged immediately and the appropriate entries made in the fixed asset program.

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POLICY 302: PURCHASING

Originated: December 15, 1987

Revised: November 11, 2003

Reviewed: November 10, 2020

PURPOSE

In order for the District to continue to provide a high level of service to our taxpayers, it is imperative that we continually strive for lower costs in every area of our operation.

Purchasing is an important activity where it is mandatory that the responsibility for buying materials and services be assigned to staff skilled in negotiating, cost reduction and other purchasing techniques.

SCOPE

This policy applies to all purchase and purchase-related documents prepared or processed within the District.

RESPONSIBILITIES

The Fire Chief has the responsibility for the procurement of all goods and services, the processing and sale of goods and services, and to either provide the services for such procurement and processing or give functional directions to others delegated the authority to perform such services.

Only those persons delegated by the Chief are authorized to commit the District for materials, equipment, supplies and services.

Purchasing personnel are to seek to obtain and purchase all goods at the lowest possible total end-use cost, considering the guidelines of prices, service, quality and delivery.

BIDS/REQUEST FOR PROPOSAL (RFP)

The District reserves the right to reject any and all bids/RFP, waive informalities and to contract as the best interests of the District may require. In all cases State purchasing Law must be followed.

When requesting bids/RFP, a minimum of three suppliers is acceptable, providing the purchaser is familiar with the market and prices of the material in question. In the case of proprietary items, more than one price is often not possible and should be so noted.

APPROVAL REQUIREMENTS

At the request of the Board of Directors of the District, all designated purchasing personnel shall obtain Board approval prior to committing the District to Capital Outlay purchases in excess of \$2,500. In situations where Board action is not possible at a regular session, the purchaser shall poll as many of the Board as is possible for permission to make the purchase, and so note this action at the next regular Board session. The Fire Chief is authorized to make all purchases as approved in the budget.

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POLICY 303: REIMBURSEMENT FOR DISTRICT SERVICES

Originated: June 14, 1988
Revised: November 11, 2003
Reviewed: November 10, 2020

PURPOSE

In order for the District to request cost recovery for services rendered under ORS 478.310.

SCOPE

The Silverton Fire District may be requested to provide firefighting or other public safety services outside the limits of the District, or within an area of the District where no taxes or assessments are levied by the District. These services may include, but are not limited to, the following:

- Incidents involving an aircraft crash;
- Incidents on roadways, waterways or railroad right-of-ways against which no taxes or assessments for fire protection are levied by the District;
- Incidents in areas of close proximity to the District for which no service is provided by any other fire protection district.

Costs incurred in providing such services may be recovered from the responsible party in accordance with applicable State laws (ORS 478.310).

The "Responsible Party" is the person(s), party or property receiving the direct fire or safety services as a result of the incident.

The District, when responding apparatus, equipment and/or Staff pursuant to paragraph I of this policy, shall be paid the reasonable charge for the service, including repairs and depreciation, as well as the hourly equipment and Staff charge used in accordance with a State Fire Service Mobilization Plan.

COST RECOVERY AND RELATED CHARGES

Cost Recovery for service may be waived if the responsible party is, at the time of the incident, a resident of the District, or owner of taxable real property within the District that is currently being taxed.

Charges assessed pursuant to paragraph I shall be separate of any charges for services provided by any ambulance service involved in the same incident.

No charges shall be submitted for Mutual Aid or Automatic Aid provided to another District, City or Fire Department, or to the Oregon Department of Forestry, pursuant to the agreements where the District has agreed not to make charges for such services, or where the District has agreed cost recovery to another or different charge for such services.

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RELATED INFORMATION

The District shall make every possible attempt to gather pertinent information regarding each incident for timely cost recovery purposes. All information shall be considered confidential under Policy # 104.

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POLICY 304: PUBLIC CONTRACTING

Originated: July 12, 2005

Revised:

Reviewed: November 10, 2020

PURPOSE

It is the policy of the Silverton Fire District in adopting the Public Contracting Regulations to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by promoting impartial and open competition. The District will use clear and complete solicitation methods denoting contract specifications and requirements. These practices and methods will be in full compliance of the contracting authorities described in ORS Chapters 279A, 2798, and 279C.

DEFINITIONS

Formal competitive selection procedure; procedures for public contracting as required by ORS 2798.050(1) (competitive sealed bids or competitive sealed proposals for goods and services), or ORS 279C.335(1) (competitive bids for public improvements) or, for personal service contracts, the same formal procedures required for the selection of goods and services pursuant to ORS 2798.060 (competitive sealed proposals).

Formal competitive selections process; the process of using formal competitive selection procedures for the procurement of goods and services or for public improvements contracts.

Personal service contracts; include contracts for services that require specialized technical, artistic, creative, professional or communication skills or talent, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the service depends on attributes that are unique to the service provider, other than contracts for an architect, engineer, land surveyor or provider of related services as defined in ORS 279C.100.

LOCAL CONTRACT REVIEW BOARD

The Silverton Fire District Board of Directors are designated as the Local Contract Review Board under the Oregon Public Contracting Code. The Local Contract Review Board may delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, and through Resolution.

CONTRACTING AGENCY

The Fire Chief or his/her designee is designated as the Board of Director's "Contracting Agency" for purposes of contracting powers and duties assigned to the Silverton Fire District.

MODEL RULES

Except as modified herein, or by subsequent resolution, the Model Rules, Divisions 46, 47, 48 and 49, adopted by the Attorney General under ORS 279A, 2798, and 279C, as they now exist, and as they may

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be amended in the future, are hereby adopted as the Silverton Fire Districts public contracting rules. Words and phrases used by these rules that are defined in ORS sub-chapters 279A, 2798, and 279C and in the Model Rules, has the same meaning as defined in ORS sub-chapters 279A, 2798, and 279C and the Model Rules.

PUBLIC CONTRACTING AUTHORITY

The Fire Chief or his/her designee has the contracting authority and responsibilities as follows:

The Fire Chief or his/her designee is authorized to:

- Enter into agency contracts not to exceed \$25,000 without additional authorization of the Local Contract Review Board. Contracts exceeding \$25,000 for public improvements identified and that has been approved by the Board through the budgetary process, will be deemed to be approved by the Local Contract Review Board.
- Recommend that the Local Contract Review Board approve or disapprove contract awards in excess of \$25,000 or to change orders or amendments to contracts of more than \$25,000.
- Adopt forms, computer software, procedures, and administrative policies for all purchases consistent with this policy.

All contracting will conform to approved purchasing procedures adopted by the Board of Director's / Local Contract Review Board.

The Fire District will plan purchase requirements sufficiently in advance so that orders that apply can be placed in economical quantities.

The Fire Chief or his/her designee will process requisition forms and negotiate purchases on the most favorable terms in accordance with adopted resolutions, state laws (including the Oregon Public Contracting Code), policies and procedures.

FORMAL COMPETITIVE SELECTION PROCEDURES-EXEMPTIONS

All public contracts will be based upon formal competitive selection requirements of ORS 2798/050(1) or ORS 279C.335(1), except as expressly provided in this subsection, or by subsequent resolution. The following classes of public contracts are hereby exempted from the formal competitive selection or requirements of ORS 2798.050(1) and ORS 279C.335(1):

- Any contract exempted by the State of Oregon Public Contracting Code or Model Rules,
- Any contract expressly exempted from formal competitive selection procedures adopted by ordinance or resolution of the Local Contract Review Board pursuant to ORS 279B.085,
- Purchases through federal programs pursuant to ORS 279A.180,
- In the event of an emergency involving an immediate hazard to the public health, safety or welfare, the Fire Chief or his/her designee may secure necessary goods and/or services without a

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formal competitive selection process, provided that the Local Contract Review Board, at a regularly scheduled meeting within 30 days of the procurement, is furnished with a full report of the circumstances and costs of the materials and/or services secured;

- Contracts for goods or services, or a class of goods or services which are available from only one source. To the extent reasonably practical, the Fire Chief or his/her designee with the sole source to obtain contract terms advantageous to the Fire District. Sole source contracts for goods or services, or classes of goods or services, which are available from only one source which exceeds \$5,000, but do not exceed \$25,000, must be approved by the Fire Chief or his/her designee. Sole source contracts for goods or services, or classes of goods or services, which are available from only one source, which exceeds \$25,000 must be approved by the Local Contract Review Board. The determination of a sole source must be based on written findings that may include:
 - That the efficient utilization of existing goods requires the acquisition of compatible goods or services;
 - That the goods or services required for the exchange of software or data with other public or private agencies are available from only one source;
 - That the goods or services are for use in a pilot or experimental project;
 - Other findings that support the conclusion that the goods or services are available from only one source,
 - Sole source contracts for goods or services, or classes of goods or services, which are available from only one source which exceeds \$5,000, but do not exceed \$25,000, must be approved by the Fire Chief or his/her designee. Sole source contracts for goods or services, or classes of goods or services, which are available from only one source which exceeds \$25,000 must be approved by the Local Contract Review Board.
- Contracts for products, services or supplies if the value of the contract does not exceed \$5,000. Any procurement of goods or services not exceeding \$5,000 per item may be awarded in any manner deemed practical or convenient by the Fire Chief or his/her designee, including by direct selection or award. A contract awarded under this section may be amended to exceed \$5,000 only upon approval of the Board and in no case may exceed \$6,000. A procurement may not be artificially divided or fragmented so as to constitute a small procurement under this selection;
- Contracts of the purchase of copyrighted materials where there is only one supplier available within a reasonable purchase area for such goods,
- Contracts for the purchase of advertising, including that intended for the purpose of giving public or legal notice.
- Contracts for the procurement of banking services,
- Contracts for the purchase of services, equipment or supplies for maintenance, repair or conversion of existing equipment if required for efficient utilization of such equipment,

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- Contracts for the purpose of investment of public funds for the borrowing of funds,
- Contracts for the purchase of goods or services, where the rate or price for the goods or services being purchased is established by federal, state or local regulating authority,
- Contracts that do not to exceed \$25,000 for the purchase of goods, materials, supplies and services. For contracts for the purchase of goods, materials, supplies and services that are more than \$5,000, but that does not exceed \$25,000, a minimum of three competitive written quotes will be obtained. The Fire Chief or his/her designee will keep a written record of the source and amount of quotes received. If three quotes are not available, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes.
- Contracts not to exceed \$25,000 for public improvements, including contracts for services of architects, engineers, land surveyors and related services, if the following conditions are met:
 - The contract is for a single project and is not a component of or related to any other project;
 - When the amount of the public improvement contract is more than \$5,000, but does not exceed \$25,000, a minimum of three competitive written quotes will be obtained. The Fire Chief or his/her designee will keep a written record of the source and amount of quotes received. If three quotes are not available, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes;
 - The Fire Chief or his/her designee will award the contract to the prospective contractor whose quote will best serve the interests of the Agency, taking into account price and other applicable factors, such as experience, specific expertise, availability, project understanding, contractor capacity and contractor responsibility. If the contract is not awarded on basis of lowest price, the Fire Chief or his/her designee will make a written finding of the basis for the award.

EXCEPTIONS FOR CONTRACTS PROVIDED BY STATUTE

The following types of contracts are not required to be competitively bid under ORS 279A.025:

- Contracts for purchase of real estate (ORS 273 and 276),
- Contracts made with other contracting agencies or federal government (ORS 279A.200-279A.225 and OAR 137.046.0400),
- Contracts made with qualified nonprofit agencies providing employment opportunities to the disabled,
- Grants,
- Contracts between Fire Districts/Departments for fire protection equipment if the following requirements are met:
 - Recipient make a written request for the equipment,
 - Equipment is surplus,

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- Total fair market value received does not exceed \$50,000 per year,
- Transfer holds a public hearing, with 14 days written notice published in a newspaper of general circulation,
- Transfer is in writing in the public interest.
- Contracts between \$5,000 and \$75,000 for a single project if the results would be a cost savings to the District (OAR 125-301-0012).

NOTICE OF PUBLIC CONTRACTS

Notice of public improvement contracts or contracts for the purchase of goods or services with cost of more than \$25,000 will be published in a general local publication and may be published electronically where the Fire Chief or his/her designee finds that such publication is likely to be cost effective as provided in ORS 279C.360

DISPOSAL OF SURPLUS PROPERTY

The Fire Chief or his/her designee will have the authority to dispose of surplus property owned by the Fire District by any means determined to be in the best interests of the Agency, including but not limited to, transfer to other departments, government agencies, nonprofit organizations, sale, trade, auction, or destruction, provided however, that disposal of personal property having residual value of more than \$5,000 will be subject to authorization by the Local Contract Review Board.

PERSONAL SERVICE CONTRACTS

Personal service contracts will be used to retain the services of independent contractors (other than contracts for an architect, engineer, land surveyor or provider of related services as defined in ORS 279C.100). Nothing in this section will apply to the employment of regular Agency employees.

PROCEDURES FOR PERSONAL SERVICES CONTRACTS

Personal service contracts are subject to the rules established by this section:

- Unless otherwise approved by the Fire Chief or his/her designee, all personal service contracts will require the contractor to defend, indemnify, and hold harmless the Fire District, its officers, agents and employees against and from any and all claims or demands for damages of any kind arising out of or connected in any way with the contractor's performance there under and will include a waiver of contractors' right to ORS 30.285 and ORS 30.287 indemnification and defense.
- Unless otherwise approved by the Fire Chief or his/her designee, personal service contracts will contain a provision requiring the person or entity providing the service to obtain and maintain liability insurance coverage in at least the amount of the Fire Districts tort liability limits, naming the Fire District as an additional named insured, during the life of the contract.

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- All personal service contracts will contain all contract provisions mandated by state law. These provisions may be incorporated in the personal service contract by reference unless otherwise provided by law.
- The formal competitive selection procedures described in this section may be waived by the Fire Chief or his/her designee when an emergency exists that could not have been reasonably foreseen and requires prompt execution of a contract to remedy the situation that there is not sufficient time to permit utilization of the formal competitive selection procedures
- Personal service contract proposals may be modified or withdrawn at any time prior to the conclusion of discussions with an offeror.
- For personal service contracts that are anticipated to cost \$5,000 or less, such contracts must be memorialized by a formal purchase order.
- For personal service contracts that are anticipated to exceed \$5,000, but not exceed \$25,000, at least three competitive written quotes from prospective contractors who will appear to have at least minimum qualifications for the proposed assignment, will be solicited. Each solicited contractor will be notified in reasonable detail of the proposed assignment. Any or all interested prospective contractors may be interviewed for the assignment by the Fire Chief or his/her designee or by an interview committee.
- For personal service contracts that are anticipated to cost in excess of \$25,000, the Fire Chief or his/her designee will make the following determinations:
 - That the services to be acquired are personal services;
 - That a reasonable inquiry has been conducted as to the availability of Fire District personnel and resources to perform the services required under the proposed contract.
 - All personal service contracts exceeding \$25,000 will be based upon formal competitive selection procedures, except as expressly provide in this subsection, or by subsequent resolution. For personal service contracts that are anticipated to cost in excess of \$25,000 per year, the Fire Chief or his/her designee will follow the formal competitive selection procedures for formal competitive sealed proposals as found in the Model Rules, OAR 1377-047- 0260.

PERSONAL SERVICES CONTRACTS, EXEMPTIONS FROM FORMAL COMPETITIVE SELECTION PROCEDURES

Contracts for personal services are exempt from formal competitive selection procedures if any of the following conditions exist:

- The contract amount is anticipated to be \$25,000 or less.
- Contract amendments, which in the aggregate change the original contract price or alters the work to be performed, may be made with the contractor if such change or alternation is less than twenty-five percent (25%) of the initial contract, and are subject to the following conditions:
- The original contract imposes binding obligation on the parties covering the terms and conditions regarding changes in the work; or

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- The amended contract does not substantially alter the scope or nature of the project.
- The Fire Chief or his/her designee finds that there is only one person or entity within a reasonable area that can provide services of the type and quality required.
- The contract for service is subject to selection procedures established by the State or Federal Government.
- The contract is for non-routing or non-repetitive type legal services provided by attorneys outside of the normal Agency legal representation.

PERSONAL SERVICES CONTRACTS-SCREENING CRITERIA

The following criteria will be considered in the evaluation and selection of a personal service contractor for personal service contracts:

- Specialized experience in the type of work to be performed.
- Capacity and capability to perform the work, including any specialized services within the time limitations for the work.
- Educational and professional records, including past records of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable.
- Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of designing or techniques peculiar to it, where applicable.
- Cost of the services.
- Any other factors relevantly to the particular contract.

PERSONAL SERVICES CONTRACTS-SELECTION PROCESS

The following rules will be followed in selecting a contractor for personal services:

- Personal service contracts less than \$5,000 may be awarded in any manner deemed practical including by direct selection or award by the Fire Chief or his/her designee. A personal service contract awarded under this section may be amended to exceed \$5,000 only upon approval of the Fire Chief or his/her designee and in no case may exceed \$6,000. A personal service contract may not be artificially divided or fragmented
- For personal service contracts that exceed \$5,000, but do not exceed \$25,000, the Fire Chief or his/her designee will award the contract to the offeror whose quote or proposal will best serve the interest of the Fire District, taking into account the relevant criteria found in this resolution. The Fire Chief or his/her designee will make written findings justifying the basis for the award.

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- For personal service contracts that will cost \$25,000 or more, the Fire Chief or his/her designee will award the contract based upon the formal competitive selection processes found in the Model Rules. The Fire Chief or his/her designee will make written findings justifying the basis of the award.
- The Fire Chief or his/her designee conducting the selection of a personal service contract will negotiate a contract with the best-qualified offeror for the required services at a compensation determined in writing to be fair and reasonable.

DECLARATION OF EMERGENCY

This resolution being necessary for the immediate preservation of the public peace, health and safety for the reason that the Oregon Public Contracting code is effective on March 1, 2005, and this resolution is needed to implement its provisions, an emergency is declared to exist and this resolution will take effect immediately upon passage and approval of the Board of Directors.

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POLICY 305: INTERNAL FINANCIAL CONTROLS

Originated: February 12, 2008

Revised:

Reviewed: November 10, 2020

PURPOSE

Internal Financial Controls are absolutely necessary for maintaining a secure and reliable accounting system. Internal Financial Controls, when strictly followed, can protect the financial integrity of the District records and protect against mismanagement of District funds.

AUTHORIZATION

Each of the five (5) members of the Board of Directors shall be authorized signers to allocate District funds. The Board of Directors shall also elect by positive vote exempt District staff employee(s) as an authorized signer(s) to allocate District funds. The District will not at any time allow any District employee who prepares District funds for disbursement to be an authorized signer of funds.

MULTIPLE SIGNATURES

A minimum of two authorized signatures will be required to sign all District checks. The common practice for signing District checks shall be one Board member and one staff employee. Upon rare occasions it may be necessary for authorized staff signers to distribute District funds without a Directors signature for timely payment of invoices. If this takes place a Director will be notified as soon as possible.

VERIFICATION OF RECEIPTS

No invoices shall be paid without written proof that the goods or services stated on the invoice have been received by the District. If no written proof exists, the District shall request written proof from the issuer of the invoice.

ACCOUNTS PAYABLE (AP)

The District office manager will manage and maintain accounts payable (AP) to take advantage of any discounts available and pay them in a timely manner. The AP will be reviewed by at least one exempt District staff employee and one Director. All precautions must be taken to ensure proper management of District funds and audit security controls.

DEPOSITS

All deposits of funds should be reviewed by an employee other than the depositor of funds to ensure that funds are placed in the proper District accounts.

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PETTY CASH/CASH TRANSACTIONS

During office hours, petty cash funds will be kept in the District safe until needed. It will be monitored always while in use and will not be left unattended. Petty cash funds require full documentation including the purpose of the expenditure and who was present during the transaction. All cash transactions, if possible, should always involve more than one individual to ensure that cash is properly recorded and deposited.

CHECK STOCK

All general, payroll and other checks will be locked in the District safe. This includes both signed and un-signed checks. Checks or cash will be secure at all times.

BANK STATEMENT

Bank Statements received will be reviewed by least one exempt District staff employee before reconciliation of accounts by the District Office Manager.

REVIEW OF FUNDS AND EXPENDITURES

The District Board of Directors shall at a minimum, at the regular monthly meeting, review the Districts funds and expenditures.

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POLICY 401: COMMUNICABLE DISEASE (RESCINDED)

Originated: September 12, 1989

Revised: November 11, 2003

Reviewed: September 8, 2020

Policy 401 was rescinded by the Board of Directors on November 10, 2020. Communicable disease guidelines can now be found within the District's Operational Guidelines.

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POLICY 403: SUBSTANCE ABUSE (RESCINDED)

Originated: May 12, 1992
Revised: November 11, 2003
Reviewed: September 8, 2020

Policy 403 was rescinded by the Board of Directors on November 10, 2020. Substance abuse guidelines can now be found within the District's Operational Guidelines.

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POLICY 501: LAW ENFORCEMENT LIAISON (RESCINDED)

*Originated: March 10, 1987
Revised: November 11, 2003
Reviewed: September 8, 2020*

Policy 501 was rescinded by the Board of Directors on November 10, 2020. Law enforcement liaison guidelines can now be found within the District's Operational Guidelines.

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POLICY 502: LOSS PREVENTION & SAFETY

Originated: September 12, 1989

Revised: November 10, 2020

Reviewed: November 10, 2020

PURPOSE

The safety and health of all volunteers, fulltime paid staff and members of the Board of Directors are a shared goal of all who work for this district. The district's policy is that all volunteers, fulltime paid staff and members of the Board of Directors share responsibility for taking reasonable steps to engender a safe and healthful workplace.

OVERVIEW

The district has a safety committee consisting of volunteers and fulltime paid staff. The goal of the committee is to assist in identifying hazards and unsafe work practices, mitigating obstacles to accident prevention, and evaluating the district's safety program.

The district expects all volunteers, fulltime paid staff and members of the Board of Directors to participate in the following LCP efforts by:

- Striving to achieve zero accidents and injuries;
- Taking reasonable steps to improve safety and health policies and procedures at the district;
- Assisting loss control efforts aimed at identifying and mitigating industrial hygiene and/or safety hazards;
- Identifying reasonable and appropriate mechanical and physical safeguards;
- Conducting reasonable safety and health inspections;
- Training workers as needed in safe work practices and procedures;
- Identifying and providing personal protective equipment (PPE) as appropriate to specific job tasks and training employees in proper care and use of PPE;
- Using appropriate PPE;
- Reporting hazards, unsafe work conditions, and on the job near misses/accidents;
- Assisting in the investigation into the cause of on the job injuries, and in the identification of reasonable methods to prevent similar occurrences;
- Supervising workers in safe work practices
- Enforcing applicable safe work rules
- Disciplining and retraining workers that fail to work safely
- Participating in and supporting safety committee activities
- Reviewing the district's safety and health program annually or as needed

Because Board Policies are used administratively, i.e.: purchasing, budgeting, health care benefits, etc., they do not address the bullet points as listed in this Loss Control Program. Operational Guidelines have been established to ensure that the Loss Control Program is followed. These Operational Guidelines are periodically reviewed and changes are made if needed or required by local, state or federal law.

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POLICY 503: HAZARD COMMUNICATION (RESCINDED)

Originated: March 9, 1993
Revised: November 11, 2003
Reviewed: September 8, 2020

Policy 503 was rescinded by the Board of Directors on November 10, 2020. Hazard communication guidelines can now be found within the District's Operational Guidelines.

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**POLICY 504: FIRE COMPANY WARNING LIGHTS
(RESCINDED)**

Originated: April 12, 1994
Revised: November 11, 2003
Reviewed: September 8, 2020

Policy 504 was rescinded by the Board of Directors on November 10, 2020. Fire company warning light guidelines can now be found within the District's Operational Guidelines.

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POLICY 505: COURT ORDERED COMMUNITY SERVICE

Originated: September 11, 2001

Revised: November 11, 2003

Reviewed: November 10, 2020

PURPOSE

The purpose of this policy is to provide a guideline for the staff of the Silverton Fire District to integrate person(s) who have been assigned Community Service by local judiciatures so they can obtain the requirements set forth by the court without compromising the integrity of the Silverton Fire District or the safety of the staff and volunteers.

AUTHORITY

The Fire Chief or his/her designee will have the authority to accept or deny any request for community service under the guidelines set forth in this policy.

GUIDELINES

After a request of community service has been obtained from an individual or by the representative of the courts, a date and time shall be set for an interview of the person(s) requesting to complete required community service time. The interview shall consist of the following:

- Name of person(s) that have requested community service.
- All documents from the courts pertaining to community service.
- Reason for community service.
- Number of hours of community service to be served and arrangements of time(s) and date(s) to complete the requirements of community service.
- Proof of Insurance coverage information for the person(s) that need to complete community service.

For the protection of the Silverton Fire District, employees, and volunteers, all requests for community service will be denied if the reason for community service is of a nature of theft, violence, arson, or the need for detailed supervision of any kind. The Silverton Fire District will not be responsible for or provide insurance coverage while person(s) are within the court ordered community service program through the Silverton Fire District. The Fire Chief or his/her designee may terminate any person(s) community service request at any time if it is not in the best entrust of the Fire District or the general intent of the community service program. Person(s) requesting community service must comply with all the above guidelines or the request for community service will be denied.

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**POLICY 506: HAZARDOUS ENERGY LOCK-OUT & TAG-OUT
(RESCINDED)**

Originated: September 11, 2001

Revised: November 11, 2003

Reviewed: September 8, 2020

Policy 506 was rescinded by the Board of Directors on November 10, 2020. Hazardous energy lock-out and tag-out guidelines can now be found within the District's Operational Guidelines.

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**POLICY 507: RESPIRATORY PROTECTION PROGRAM
(RESCINDED)**

Originated: March 2011

Revised:

Reviewed: September 8, 2020

Policy 507 was rescinded by the Board of Directors on November 10, 2020. Respiratory protection guidelines can now be found within the District's Operational Guidelines.