

# Ketchum Fire District

Meeting of the Ketchum Fire District Commissioners  
Thursday February 20<sup>th</sup>, 2025, 3:00pm  
107 Saddle Rd, Ketchum Idaho 83340



---

## Agenda

---

### **PUBLIC PARTICIPATION INFORMATION**

Public information on this meeting is posted outside the Ketchum Fire Station.  
We welcome you to watch Fire District Meetings via live stream.

If you would like to comment on a public hearing agenda item or view the live stream, please select the best option for your participation:

- Join us via Microsoft Teams (please mute your device until called upon)

Meeting ID: 228 122 411 154

Passcode: J7Th7qd9

- Address the Commission in person at the Fire Station
- Submit your comments in writing at [feedback@ketchumfire.org](mailto:feedback@ketchumfire.org)  
(by noon the day prior to the meeting)

*This agenda is subject to revisions. All revisions will be underlined*

---

**CALL TO ORDER:** Board President Pete Schwartz

**ROLL CALL:** Pursuant to Idaho Code Section 74-204(4), all agenda items are action items, and a vote may be taken on these items.

**COMMUNICATIONS FROM THE COMMISSIONERS:**

1. Public Comments submitted

**PUBLIC COMMENT:**

**CONSENT AGENDA:** ALL ACTION ITEMS – The Commission is asked to approve the following listed items by a single vote, except for any items that a commissioner asks to be removed from the Consent Agenda and considered separately.

1. Recommendation to approve meeting minutes of January 29<sup>th</sup>, 2025 – Fire Clerk Kat Penberthy
2. Recommendation to approve Ketchum Fire District Commissioner Policy Manual – Fire Chief Seth Martin
3. Authorization and Approval to Open a Banking Account with a financial institution – Fire Chief Seth Martin
4. Recommendation to approve modified Board Meeting Schedule – Fire Chief Seth Martin
5. Recommendation and approval to set Fire District budget year – Fire Chief Seth Martin
6. Recommendation and approval to set Fire District budget type – Fire Chief Seth Martin

**NEW BUSINESS:**

1. Appointment of Interim Fire Chief for the Ketchum Fire District
2. Recognition of promotion and badge pinning for Captain David O'Donnell – Fire Chief Seth Martin
3. Chief's Report – Seth Martin

**ADJOURNMENT:**



# Disclosure of communications

Everything involving a decision should be done on the record and in a public setting.

## Seth Martin

---

**From:** Pete Schwartz <Pete@altitude-insulation.com>  
**Sent:** Tuesday, February 11, 2025 2:47 PM  
**To:** feedback  
**Subject:** FW: Interview with Prothman

I'd like to consider this under the definition of "Deliberation" as defined by Idaho Open Meeting Law.

-Pete

---

**From:** Tom McLean <tom.mclean@tomclean.org>  
**Sent:** Tuesday, February 11, 2025 10:59 AM  
**To:** Pete Schwartz <Pete@altitude-insulation.com>  
**Subject:** Interview with Prothman

Commissioner Schwartz,

I wanted to make sure you were aware of the interview with Warren Merritt of the Prothman group on the 18th (North Co) and 19th(South Co) of Feb. The schedule is blank with the exception of Commissioner Rebecca Rusch representing Smiley Creek Fire District. I would be happy to marshal a list of attendees for your approval for positions recommended by Prothman. The interviews are to develop a list of candidates to meet the interests of the fire districts, a vetting process if you will. I believe Chief Martin is looking to be impartial in the process due to his interest so may not be leading the charge on this. I attached the conversation Warren had with Chief Batemen last month.

Hi Ron.

Thank you for your time on the phone. I will travel to Hailey/Ketchum and be available for stakeholder (SH) interviews on February 18th and February 19th. We discussed conducting meetings in the North on January 18th, and at Station 3 on February 19th; I will attend the 3:00 PM Board meeting where I can meet the Commissioners and share information about the process as you deem necessary.

We briefly discussed including the following folks in the SH interview process over the two days:

You, Jade, the two Local VP's, the three (3) new Commissioners for Ketchum Fire District, the Mayor of Ketchum (or another City Councilmember?), two (2) or three (3) BC South commissioners, a Captain and firefighter from each BC South and Ketchum, administrative staff and others (?). I am thinking the 18th can be a longer day (until 6 or 7pm) depending on flights out of Hailey on the 19th. \* I did not mention that I would like some gender diversity within the stakeholders and I would like to talk with at least one member who is a paramedic since you are an ALS transport agency. I got on-line and could not determine if Ketchum was an ALS as well.

The interviews are one-on-one (sometimes I meet with the Local members in a small group so I get one message from Labor) and all interviews are confidential. We can begin at 0800 hours on February 18th and go all day as needed (until 6 or 7 pm) with a short lunch break and most of the day on the 19th, culminating with the 3pm meeting with the Board. I am going to research flights to see if I can catch a flight out on the 19th since Station 3 is so close to the airport.

I am really looking forward to working with you and all the stakeholders that will be a part of this important process. Please do not hesitate to reach out if you have any questions.

Best Regards,

Warren

Warren A. Merritt  
Prothman Company  
(206) 696-4751

These are considered 'starter questions' to get the discussion going when I meet with the individual stakeholders. Please share with them..

What kind of leadership qualities are you looking for in your next fire chief?

What kind of background and experience do you believe your next fire chief should have?

Is there specific education and training you feel is necessary for the new chief to have to be successful?

What will the new Chief do on a regular basis that will make you feel valued as a member of your organization?

What do you think are important traits of a successful chief officer and how will that help take your department to the next level of success?

What challenges or opportunities do you foresee that the new Fire Chief will need to be aware of?

# Consent Agenda



All items on consent agenda are considered Action Items.



Commissioners are asked to approve the listed items by a single vote, except for any item or items that a commissioner would like to be considered separately.



The Board President should ask if any commissioner would like to pull consent items before entertaining a motion on the agenda items.



# KETCHUM FIRE DISTRICT

## FIRE COMMISSIONER MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

**Recommended Motion:**

**Reasons for Recommendation:**

- 
- 
- 

**Policy Analysis and Background (non-consent items only):**

**Financial Impact:**

**Attachments:**

- 
- 
-

## MINUTES OF THE KETCHUM FIRE DISTRICT

15:00 swearing in of the Ketchum Fire District fire commissioners Susan Scovel, Pete Schwartz and Rachel Williams as commissioners of the Ketchum Fire District

**Establish quorum:** Susan Scovel, Peter Schwartz, Rachel Williams present

**Action item:** Nominations of board members:

Susan Scovel nominates Peter Schwartz to be the board Chair- Scovel and Williams voted in favor

Pete Schwartz nominates Susan Scovel to be the board Secretary. Williams and Schwartz vote in favor

Susan Scovel nominates Rachel Williams to be the Treasurer. Scovel and Schwartz vote in favor

**Call board meeting to order:** Commissioner Susan Scovel calls the meeting to order Wednesday January 29th at Ketchum Station 1 107 Saddle Rd Ketchum ID 83340 at 15:00

**Open Session for Public Comment:**

Pete Schwartz opens meeting for public comment

Public comment provided by Neil Bradshaw, Tom McLean, Jay Bailet and Lara McLean

**Chiefs Report- Seth Martin**

Chief Martin provided an overview of the Ketchum Fire Department, asked for questions at the end. No questions were asked.

**Action item:** Establish Regular Meeting Place and Location

Pete Schwartz motions to set meetings for 3rd Thursday of each month at 15:00, Susan Scovel 2nds, Rachel Williams votes in favor.

**Action item:** Appoint Commissioner to JPA Advisory Group

Pete Schwartz motions to appoint a commissioner to JPA advisory group.

Chief Martin speaks on item to explain what this group does

The group of fire agencies that have been meeting to figure out the roadmap to consolidation.

Commissioner Williams asked how often they meet

Usually every Thursday at 2pm as often as we can, not as frequently as we would like

Pete Schwartz nominates Rachel Williams to sit on the JPA advisory committee. Susan Scovel seconds, Schwartz and Scovel vote in favor

**Final Business**

Review the draft of bylaws

Chief Martin explains what the bylaws are and that the ones for the Ketchum Fire District modeled after the BC South Fire District

Ketchum Fire District Meeting Minutes

January 29<sup>th</sup> 2025

Page | 1

The document compiles the majority of the statutes on fire district meetings, the procedures for those meetings, the open meetings styles- disclosures, etc. Open records, budget process, and high level view of what a personnel policy is.

**Meeting Adjourned**

Pete Schwartz motioned for meeting to adjourn at 15:40. Rachel and Susan voted in favor.

Attest:

X

---

Kat Penberthy, Fire Clerk

APPROVED:

X

---

Pete Schwartz  
Chairman

X

---

Susan Scovel  
Secretary

X

---

Rachel Williams  
Treasurer

X

---

Date





# KETCHUM FIRE DISTRICT

## FIRE COMMISSIONER MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

### Recommended Motion:

### Reasons for Recommendation:

- 
- 
- 

### Policy Analysis and Background (non-consent items only):

### Financial Impact:

### Attachments:

- 
- 
-

**KETCHUM FIRE DISTRICT  
COMMISSIONER HANDBOOK  
(JANUARY 2025)**



## TABLE OF CONTENTS

<b>I.</b>	<b>FORMATION, CONSOLIDATION, ANNEXATION, AND DISSOLUTION .....</b>	<b>1</b>
A.	FORMATION .....	1
1.	<i>Petition: (I.C. § 31-1402 and § 31-1403).....</i>	<i>1</i>
2.	<i>Hearing: (I.C. § 31-1404).....</i>	<i>1</i>
3.	<i>Election (I.C. § 31-1405, § 31-1406, § 31-1407).....</i>	<i>2</i>
B.	CONSOLIDATION OF DISTRICTS.....	3
C.	ANNEXATION.....	5
1.	<i>Territory in Same County (I.C. § 31-1411).....</i>	<i>5</i>
2.	<i>Territory in Adjoining County (I.C. § 31-1412).....</i>	<i>5</i>
3.	<i>Inclusion, Annexation, or Withdrawal of Area in Cities. (I.C. § 31-1429).....</i>	<i>7</i>
D.	DISSOLUTION.....	8
<b>II.</b>	<b>FIRE PROTECTION DISTRICT BOARD OF COMMISSIONERS .....</b>	<b>9</b>
A.	AUTHORITY .....	9
1.	<i>Government Subdivision (I.C. § 31-1416).....</i>	<i>9</i>
2.	<i>Powers and Duties of the Board (I.C. § 31-1417).....</i>	<i>9</i>
B.	FIRE PROTECTION COMMISSION.....	10
1.	<i>Appointment and Oath (I.C. § 31-1408).....</i>	<i>10</i>
2.	<i>Qualifications/Term/Vacancies (I.C. § 31-1409).....</i>	<i>10</i>
3.	<i>Election of Commissioners (I.C. § 31-1410).....</i>	<i>11</i>
4.	<i>Temporary Inability of Commissioner (I.C. § 31-1418).....</i>	<i><b>Error! Bookmark not defined.</b></i>
5.	<i>Compensation/Expenses/Liability (I.C. § 31-1421).....</i>	<i>12</i>
<b>III.</b>	<b>FINANCE .....</b>	<b>13</b>
A.	BUDGET .....	13
1.	<i>Budget and Hearing (I.C. § 31-1422).....</i>	<i>13</i>
2.	<i>Budget Details.....</i>	<i>14</i>
3.	<i>Budget Certification (I.C. § 63-803(3)).....</i>	<i>15</i>
4.	<i>Tax Exemptions (I.C. § 31-1425).....</i>	<i>15</i>
a.	<i>Public Utilities (I.C. § 31-1425(1)).....</i>	<i>15</i>
b.	<i>Unimproved Real Property (I.C. § 31-1425(2)).....</i>	<i>16</i>
5.	<i>Levy (I.C. § 31-1423).....</i>	<i>16</i>
6.	<i>Duties of County Commissioners (I.C. § 31-1424).....</i>	<i>17</i>
7.	<i>Duties of County Clerk.....</i>	<i>17</i>
8.	<i>Financial Reporting. (I.C. § 31-1415).....</i>	<i>17</i>
B.	DEBT .....	19
1.	<i>General Debt Limitations.....</i>	<i>19</i>
2.	<i>Fire District Indebtedness Prohibited (I.C. § 31-1427).....</i>	<i>20</i>
<b>IV.</b>	<b>AGREEMENTS.....</b>	<b>21</b>
A.	JOINT POWERS (I.C. § 67-2328).....	21
B.	COOPERATIVE (I.C. § 31-1430).....	21
C.	INTERAGENCY (I.C. § 67-2332).....	22
D.	EXTRA-TERRITORIAL (I.C. § 31-1431).....	22

<b>V. PERSONNEL MATTERS .....</b>	<b>23</b>
A. STANDARD OPERATING PROCEDURES (SOP's) / PERSONNEL POLICY .....	23
1. Purpose: .....	23
2. Factors to Take Into Account when Developing SOP's. ....	24
3. Task Force Teams. ....	24
4. Needs Assessment. ....	24
5. SOP Development. ....	24
6. Standard Operating Procedures Manual. ....	24
7. Sample Job Responsibilities. ....	25
8. Other Resources. ....	26
B. PERSONNEL POLICY .....	26
C. COLLECTIVE BARGAINING .....	26
1. Introduction. ....	26
2. Statutory and Legal Framework. ....	27
3. Mechanics and Strategy. ....	29
4. Chronology. ....	31
5. Key Topics. ....	34
<b>VI. DISTRICT REQUIREMENTS .....</b>	<b>34</b>
A. OPEN MEETINGS .....	34
1. Public Policy: .....	34
2. What Triggers a Meeting? .....	34
3. Decision .....	35
4. Deliberation .....	35
5. Governing Body .....	35
6. General Procedure .....	37
7. Process: .....	37
8. Amendments .....	37
9. Tabling a Motion .....	38
10. Meeting Minutes—Records .....	38
11. Abstaining from Voting .....	38
12. Explaining the Vote .....	39
13. Agenda Requirements .....	39
14. Violations, Penalties, and Curing .....	40
B. OPEN RECORD .....	41
1. Scope of the Open Records Act. ....	41
2. Records Request. ....	42
C. ETHICS .....	43
1. Gifts to Public Servants (I.C. § 18-1356) .....	43
2. Using Public Position for Personal Gain (I.C. § 18-1359) .....	44
3. Required Action in Conflicts (I.C. § 59-704) .....	44
D. PURCHASING AND PROCUREMENT REQUIREMENTS .....	45
1. Public Works Construction Bidding (I.C. § 67-2803, § 67-2805, § 67-5711C) .....	45
2. Exemption to Public Works Construction Bidding (Chapter 19, Title 54, Idaho Code) .....	45
3. Public Procurement of Goods and Services Bidding (IC § 67-2803, § 67-2806) .....	45
4. Exemptions to Public Procurement of Goods and Service Bidding (Chapter 28, Title 67) .....	46
5. Design-Build Contracts (I.C. § 67-2309, § 67-5711C) .....	46

E. FEES.....46

- 1. Fees for Services (I.C. § 63-1311) .....46
- 2. Advertisement and Hearing Required for Fee Increase of 5% or More (I.C. § 63-1311A) .....47
- 3. Fee for Responding to Fire or Emergency Outside of Tax District (I.C. § 31-1430).....47

F. MISCELLANEOUS.....47

- 1. International Fire Code (I.C. § 41-253).....47
- 2. State Fire Marshal (I.C. § 41-254).....47

# **I. FORMATION, CONSOLIDATION, ANNEXATION, AND DISSOLUTION**

## **A. FORMATION**

A Fire Protection District may be created and organized when 25 or more holders of title to lands either not less than 1,000 acres or of at least \$500,000 assessed value (and not within an existing fire protection district) follow the steps below:

### **1. Petition: (I.C. § 31-1402 and § 31-1403)**

Create a petition to the board of county commissioners that is: signed by at least 25 holders of title to land, plainly and clearly designates the proposed boundaries, and contains the name of proposed district, and a map of the proposed district.

Prior to publishing the notice of hearing outlined in the following sections, the petitioners shall deposit with the board of county commissioners a sum sufficient to defray the cost of publication and election, as determined by the board of county commissioners. If a district does get approved and organized, then the petitioners shall be reimbursed the amount of their deposit from the first tax monies collected by the district.

### **2. Hearing: (I.C. § 31-1404)**

a. Notice: After the petition is presented to the board of county commissioners and filed by the clerk, the board of county commissioners shall set a public hearing not earlier than 4 weeks nor later than 6 weeks after the presentation and filing of the petition. This notice shall be published each week for three successive weeks previous to the hearing in a newspaper in the county. The notice shall state the proposal to form a fire protection district, the proposed boundaries of the fire protection district, and that anyone within the proposed district may appear at the hearing and offer testimony pertaining to the organization of the district, its boundaries, and including or excluding any real estate from the district.

b. Hearing: After the hearing, and considering all testimony, commissioners shall enter into the record an order either granting or denying said petition, with or without modification, and shall fix the boundaries in any order granting the petition. These boundaries, when fixed, shall become the boundaries of the district when it gets organized and a map showing those boundaries as finally fixed shall be prepared and filed in the office of the clerk.

If the district is situated in two or more counties each board of county commissioners shall coordinate the hearing date and public notice so that only one hearing be held. Unless otherwise agreed, the hearing shall be held in the county with the largest land area in the proposed district, and the boards are authorized to act in a joint manner for this purpose.

3. Election (I.C. § 31-1405, § 31-1406, § 31-1407)

- a. Election Notice: (I.C. § 31-1405) After entering an order fixing the boundaries, the clerk shall publish a notice of election to be held under I.C. § 34-106, for the purpose of determining whether or not a fire protection district shall be created and organized under this chapter. The notice shall: plainly and clearly describe the boundaries of the proposed district, state the name of the proposed district as contained in the petition, and state that a map of the proposed district is on file in the office of the county clerk.

The first publication of the notice shall be not less than fifteen (15) days prior to the election, and the second notice shall be not less than five (5) days prior to the election, in a newspaper published in the county where the proposed district is situated. The notice shall require electors to cast ballots containing the words "... fire protection district ...," "yes", or "... fire protection district..." "no". No person shall vote in the election unless they are: qualified electors under the general election laws of Idaho, and residents of the proposed fire protection district.

- b. Conduct of Election: (I.C. § 31-1406) The election shall be conducted in accordance with Title 34, Idaho Code (general election statutes). The board of county commissioners shall establish as many precincts as necessary, and define their boundaries. The county clerk shall appoint election judges under Title 34, and the results shall be certified, canvassed, and declared by the board of county commissioners.
- c. Canvass and Validity: (I.C. § 31-1407)

Immediately after any election for voting upon the organization of a fire protection district, the judges of that election shall forward the election results to the clerk of the board of county commissioners. Said board of county commissioners shall meet within ten (10) days to canvass said votes.

If, upon canvas, ½ or more are ‘no’, then a record of that fact is ordered and all proceedings in regard to organizing the district are void.

If more than ½ are ‘yes,’ then the board of county commissioners shall declare the territory organized under the name designated in the petition.

After said election, the validity of the proceedings shall not be affected by any defect in the petition or the number of qualifications of the signers, and in no event shall any action be commenced or defense made affecting the validity of such organization after six (6) months from and after making the order provided for in this section. Such board of commissioners shall cause one copy of said order, certified, to be filed in the office of the county recorder of the county in which said district is situated and shall transmit to the governor one certified copy. From and after the date of filing of said order of the board of county commissioners declaring the territory organized as a fire protection district, the organization of such district shall be complete.

If the district is situated in two or more counties, the boards of county commissioners shall coordinate the canvass of the votes and make one joint announcement. **If a majority of the votes cast in any county are against the formation of the district, such rejection shall void the organization of the district in all counties.**

## B. CONSOLIDATION OF DISTRICTS

1. If a fire protection district board determines it would be advantageous to consolidate with one or more fire protection districts, it prepares a consolidation agreement that provides:
  - The name of the proposed consolidated district
  - That all property of the districts to be consolidated shall become the property of the consolidated district
  - That all debts of the districts to be consolidated shall become the debts of the consolidated district.
  - That the existing commissioners of the districts to be consolidated shall be the commissioners of the consolidated district until the next election, to be held according to I.C. § 31-1410. The number of commissioners, and their terms of service in the various subdistricts shall be as detailed in I.C. § 31-1413(1)(d).
  - That the employees of the consolidated fire protection district shall be selected from the employees of the fire protection districts being



consolidated, which employees shall retain the seniority rights under their existing employment contracts.

2. After each of the fire protection district boards involved approve the proposed consolidation agreement, the boards of each district shall hold a public hearing not less than 10 days nor more than 30 days after approval, with the time and place publicly noticed not less than five days prior to the hearing. Any person supporting or objecting to the proposed consolidation shall be heard. At the close of the public hearing, the board shall approve or reject the proposed consolidation. If each board approves the consolidation agreement, the agreement becomes effective and the consolidation is complete 30 days after approval. However, if within 30 days, a petition signed by 25% of the qualified electors of one of the fire protection districts objecting to the consolidation is filed with the secretary of the district, an election shall be held under I.C. § 31-1405. The question shall be “consolidation of ...fire protection district” – yes, or no. If more than one half of the votes are yes, the consolidation agreement shall become valid. If more than one half of the votes are no, the agreement shall be void and not take effect. No new consolidation shall be proposed for six months following the date of the election.
3. Upon the consolidation agreement becoming effective, the board of the consolidated fire protection district shall file a certified copy of the agreement with the county recorder of each county in which such district is situated and shall comply with the provisions of I.C. § 63-215 regarding the legal description and boundary maps of the consolidated district.
4. A consolidation agreement shall not take effect unless the provisions of I.C. § 31-1423 (2) (b) regarding levy rates and required elections for those levy rates have been complied with.

#### Consolidation Election Procedure under I.C. § 31-1414:

Any two or more fire districts may, in the discretion of the fire district commissioners, or shall upon a petition signed by 10% or more of the electors in the last general election residing in each of the fire protection districts proposed for consolidation, conduct an election as provided in I.C. § 31-1405, Idaho code, at which the ballot question shall be “Shall ...fire protection districts be consolidated?” At least one public hearing shall be held by the boards of fire district commissioners prior to the election.

If a majority of the votes cast in each district proposed for consolidation are in favor of consolidation, the districts shall be deemed consolidated and a consolidation agreement as outlined above shall be entered into by the fire protection district boards involved. A consolidation agreement

entered into under provisions of this section shall not be subject to the objection election provided in I.C. § 31-1413 above.

If two districts are proposed for consolidation and less than a majority votes in favor in any one of the districts, the consolidation shall not become effective. If more than two districts are proposed for consolidation, the consolidation may proceed with respect to the districts in which a majority voted in favor of such consolidation.

## C. ANNEXATION

### 1. Territory in Same County (I.C. § 31-1411)

Fire protection districts may annex both contiguous and non-contiguous territory into the district. If the territory to be annexed is non-contiguous and not in an existing fire protection district, it must be at least 40 contiguous acres. If the territory to be annexed is in an existing fire protection district, the owners of that territory must both demonstrate they are likely to receive improved response from the other district and obtain written approval from the FPD Board of the FPD in which the territory is already located. Once these conditions are satisfied, there are two methods by which territory in the same county may be annexed.

- Petition of 75% of owners (or contract purchasers) and resolution of FPD board after following public notice and hearing process set forth in I.C. § 31-1411.
- If more than 25% do not join petition and the FPD board determines by resolution that annexation will be in the best interests of the district, then the territory may be annexed by election as provided in I.C. § 31-1405, with the affirmative vote of the majority of qualified electors in the additional territory, following the procedures in sections 31-1402 through 31-1406, Idaho Code.

If the annexation is approved, the FPD Board shall make an order to that effect and certify the same, containing an accurate legal description of the territory to be annexed, to the board of county commissioners in the county in which the district is located.

### 2. Territory in Adjoining County (I.C. § 31-1412)

Fire protection districts may annex contiguous or non-contiguous territory wholly within an adjoining county. Non-contiguous territory must consist of at least 40 contiguous acres. Proceedings for annexation are the same as for creating and organizing a fire protection district, with the following exceptions and modifications:

- a. Proceedings may be initiated by two or more property owners of contiguous lands totaling at least 100 acres, or 100% of holders of title to lands aggregating not less than 100 acres.
- b. A petition such as required by I.C. § 31-1403 shall be filed with the **FPD board of the district into which annexation is sought**. The petition shall accurately describe the boundaries of the territory to be annexed and name and describe the fire protection district into which annexation is sought. The petition shall be accompanied by a map showing the boundaries of the original district, the proposed territory to be annexed, and showing the intervening county line.
- c. An election is *not required* when such petition includes a certification that 100% of the holders of title to the property have joined the petition *and* that there is no electorate present in the property to be annexed.
- d. The fire protection board shall follow the notice and public hearing requirements of I.C. § 31-1411, and if it approves the annexation proposal, issues a written resolution consenting to the annexation. After such approval, the petitioners proceed through the next steps.
- e. The petition, such as described above and as required by I.C. § 31-1403, shall be filed with the **board of county commissioners of the county** in which the proposed territory is located. An election is not required when such petition includes a certification as above: 100% of holders of title and there is no electorate present. A certified copy of the FPD board resolution consenting to the annexation must accompany the petition.
- f. The notice of hearing on the petition by the board of county commissioners shall state that certain territory is proposed to be annexed and that any taxpayer within the boundaries of the territory proposed to be annexed may offer objections at the time and place specified. After conducting a public hearing, if the petition is granted, the board of county commissioners shall enter an order fixing the boundaries of the annexed territory, directing the clerk of the board to have a map prepared. Certified copies of the order and the map are then sent to the clerk of the board of commissioners of the county in which the original fire protection district is located.
- g. An election shall be conducted by the county clerk in the county where the territory to be annexed is situated, subject to the provisions of I.C. § 34-106, in the territory proposed to be annexed. The notice of the election shall accurately describe the boundaries of the territory to be annexed, state the name of the district to which annexation is sought, and that a map showing the boundaries of the district and the territory to be annexed is on file in the office of the clerk of the local board of county

commissioners. The ballot question will be “In favor of annexation to...Fire Protection District” and “Against annexation to ... Fire Protection District” with the voter indicating his choice by a cross (X). Again, this election is not required if 100% of the property owners of the new territory joined the petition and have certified that there is no electorate present in the property to be annexed.

- h. The territory to be annexed shall constitute one election precinct and the voter’s oath shall include a statement that the voter resides within the boundaries of the territory to be annexed. The returns of the election shall be canvassed by the board of county commissioners of the county in which the territory to be annexed is situated, and if more than one half of the voters approve, the board shall by order declare the territory to be part of the fire district to which annexation is sought. Certified copies of that order shall be transmitted to the fire protection board of the original district, the board of county commissioners of the county in which the original district is situated, and shall be filed in the office of the county recorder.
- i. At the first meeting of the board of fire protection commissioners following the annexation of property from another county, the board shall resubdivide the district into three subdivisions as nearly equal in population as practicable. Not more than one fire protection district commissioner shall reside in each subdistrict. If, because of resubdistricting, two or more commissioners reside in the same subdistrict, they shall draw lots to determine who shall remain in office. The remaining commissioners on the board shall appoint, as necessary, persons to fill vacancies created as a result of annexation, as outlined in I.C. § 31-1409.
- j. Certified copies of the appointments of secretary and treasurer of the district shall be filed with the clerk of the board of county commissioners and with the tax collector of each county in which any district is situated and all taxes levied by the district shall be certified to, and extended, collected and remitted by, the proper officers of the county in which is situated the property subject to the levy.

3. Inclusion, Annexation, or Withdrawal of Area in Cities. (I.C. § 31-1429).

Any area within the limits of any city may, with the consent of the governing boards of the city and the respective fire protection district (by ordinance or resolution), be included within the limits of a fire protection district when formed, or later be annexed into a district. Any area in any city within the limits of a fire protection district, shall, upon the consent of the governing boards of such city and fire protection district (by ordinance or resolution), be withdrawn from such fire district.

#### D. DISSOLUTION

Fire protection districts may be dissolved without election if:

- A petition (conforming to form and content required under I.C. § 31-1434) is signed by *all* the property owners within the fire protection district is made to the board of county commissioners and
- A public hearing is held by the board of county commissioners allowing any taxpayer, resident, or creditor to offer any objections.
- If at the hearing no protests to the dissolution are received, the commissioners shall enter an order dissolving the district.
- If there are protests to the dissolution at the hearing, the commissioners shall within 30 days enter an order either granting or denying the dissolution.

Fire protection districts may be dissolved if

- At least 25% of the property owners petition the board of county commissioners for dissolution (such petition conforming in form and content to requirements in I.C. § 31-1434)
- The board of county commissioners hold a public hearing (such hearing conforming to public notice requirements in I.C. § 31-1434)

If the county commissioners, after considering all testimony at the hearing, make a sufficient factual finding that the majority of residents will receive no benefit by continuing the existence of the district, they enter an order granting the petition. If the county commissioners are unable to make such factual finding, they enter an order denying the petition. After the order granting or denying the petition has been entered, the clerk of the board of county commissioners shall publish notice of an election to be held in the fire protection district to determine whether such district shall be dissolved. Such election shall be conducted as provided in I.C. § 31-1406 and § 31-1407. If a majority of electors vote to dissolve the district, the board of county commissioners shall, after certifying the results of the election, enter an order upon the minutes dissolving such fire protection district and such district shall be dissolved.

Disposition of district property upon dissolution: The property of such district shall remain the property of the county in which such district is located and any money remaining in the district's fund shall be expended in the maintenance and repair of the highways of such district, whether in incorporated or unincorporated territory of such district.

If the district is situated in two or more counties, each board of county commissioners shall coordinate the hearing date and the publication notice so that only one hearing need be held. Unless otherwise agreed to by each board of county commissioners involved, the hearing shall be held at the administrative offices of the district, and the boards of county commissioners are authorized to act in a joint manner for such purpose. If an election is called, the boards of

county commissioners shall provide that the election be held on the same day in each county (superceded by new election law) and the boards shall coordinate the canvass and make one joint announcement. If a majority of votes in any county are against the dissolution, such rejection shall void the dissolution in all counties.

## **II. FIRE PROTECTION DISTRICT BOARD OF COMMISSIONERS**

### **A. AUTHORITY**

#### **1. Government Subdivision (I.C. § 31-1416).**

Fire protection districts are government subdivisions of the state of Idaho. Its powers as specified under title 31, chapter 14, Idaho Code may only be exercised by the fire protection board or by agents and officers acting under their authority, or authority of law.

#### **2. Powers and Duties of the Board (I.C. § 31-1417).**

A board of fire protection commissioners shall have discretionary powers to manage and conduct the business and affairs of the district. The discretionary powers shall include, but not be limited to, the following:

- a. To sue and be sued.
- b. To purchase, hold, sell and convey real property, make such contracts, and purchase, hold, sell and dispose of such personal property as may be necessary or convenient for the purposes of this chapter.
- c. To levy and apply such taxes for purposes under its exclusive jurisdiction as are authorized by law, and to approve the annual district budget by resolution of the board.
- d. To make and execute all necessary contracts.
- e. To adopt such rules and resolutions as may be necessary to carry out their duties and responsibilities.
- f. To hire, pay, promote, discipline and terminate district employees, contractors and agents, or delegate such powers.
- g. To set compensation and benefit levels for employees, commissioners, contractors and agents.
- h. To appoint members of district appeals boards and investigatory boards for the purpose of handling personnel matters or disputes concerning fire code enforcement issues, and to appoint other boards or committees that commissioners deem necessary for carrying out the purposes and policies of this chapter.
- i. To enforce the fire code and rules adopted by the state fire marshal pursuant to chapter 2, title 41, Idaho Code.
- j. To charge and collect reasonable fees for services provided to residents of the fire protection district or city, in accordance with the provisions of sections 63-1311 and 63-1311A, Idaho Code.

## B. FIRE PROTECTION COMMISSION

### 1. Appointment and Oath (I.C. § 31-1408).

There shall be at least three (3) fire protection commissioners in each district, who shall constitute the fire protection board. The first fire protection commissioners of such fire protection district shall be appointed by the board of county commissioners. If the district is to be situated in two (2) or more counties, the boards of county commissioners from those counties shall coordinate a joint public meeting whereby the appointment shall be made by a majority of all county commissioners present at the joint public meeting. If the county commissioners cannot agree on the appointment of a commissioner, all the interested persons who received the highest and equal number of votes shall have their names placed in a container. The county commissioner with the most continuous length of service shall draw one (1) name from the container. The person whose name is drawn shall then be appointed to fill the vacancy. The certificate of such appointment shall be made in triplicate: one (1) certificate shall be filed in the office of the county recorder of the county, one (1) with the clerk of the board of county commissioners, and one (1) with the assessor and tax collector of the county. Every fire protection commissioner and appointed officer shall take and subscribe the official oath, which oath shall be filed in the office of the board of fire protection commissioners. If thirty-three percent (33%) of the area or population in the fire protection district is situated in two (2) or more counties, not more than two (2) of the appointed fire protection district commissioners shall be from the same county.

The oath of office of fire protection commissioners and appointed officers shall be taken before the secretary or the president of the board of the fire district at the first regularly scheduled board meeting in January succeeding each election.

### 2. Residence Qualifications/Term/Vacancies (I.C. § 31-1409).

Subdistricts: At the meeting of the board of county commissioners at which the fire protection district is declared organized, as provided by section [31-1407](#), Idaho Code, the county commissioners shall divide the fire protection district into three (3) subdivisions, as nearly equal in population, area and mileage as practicable, to be known as fire protection commissioners subdistricts one, two and three. Not more than one (1) of the fire protection district commissioners shall be a resident of the same fire protection subdistrict, except that any commissioner appointed by the board of county commissioners under section [31-1408](#), Idaho Code, shall not be disqualified from the

completion of the initial term for which the commissioner was appointed because of the subdistrict in which the commissioner resides. The first commissioners appointed by the board of county commissioners shall serve until the next fire protection district election, at which time their successors shall be elected.

Term: The term of office for fire protection commissioners shall commence on the second Monday of January succeeding each general election. Commissioners appointed or elected must be electors residing within the fire protection district for at least one (1) year immediately preceding their appointment or election.

Vacancy: If more than fifty percent (50%) of the elected official seats on a fire protection district board of commissioners are vacant, any remaining member of the fire protection district board of commissioners, or any elector of the fire protection district, may petition the board of county commissioners of the county or counties in which the subdistrict vacancies are situated to make such appointments as are necessary to fill the vacancies on the fire protection district board of commissioners. The vacancies shall be filled by the board or boards of county commissioners within sixty (60) days of receiving a written petition. Any fire commissioner so appointed shall serve out the remainder of the term for the commissioner last serving in the vacant seat to be filled and shall be a resident of the same fire protection commissioners subdistrict.

3. Election of Commissioners (I.C. § 31-1410).

Date: On the first Tuesday following the first Monday of November, of the next odd-numbered year, following the organization of a fire protection district, three (3) fire protection district commissioners shall be elected. Every odd-numbered year thereafter, an election shall be held for the election of fire district commissioners as described in this section. For commissioners whose offices expire in 2012 and in any even-numbered year, such commissioners shall remain in office until the next election in an odd-numbered year. The county clerk shall have power to make such regulations for the conduct of such election as are consistent with the statutory provisions of Chapter 14, Title 34, Idaho Code.

Changing Sub-District Boundaries: Every district shall be divided into at least 3 sub-districts. The board of fire district commissioners may revise subdistricts when it deems it necessary due to significant shifts in population. Provided however, of the commissioners comprising the board, not more than one (1) commissioner shall be an elector of the same fire protection commissioners subdistrict. The revision of subdistricts shall not disqualify any elected commissioner from the completion of the term



for which he or she has been duly elected. Notice of revised fire protection commissioner subdistricts shall be provided to the county clerk of the county or counties in which the changes occur by means of a resolution that includes a map depicting the revised subdistrict boundaries.

Staggered Terms: The district commissioners shall serve staggered terms.

Write-In Candidate: In any election for fire protection district commissioner, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a subdistrict to be filled, it shall not be necessary for the candidate of that subdistrict to stand for election, and the board of the fire protection district shall declare such candidate elected as commissioner, and the secretary of the district shall immediately make and deliver to such person a certificate of election.

Certification by County Clerk: The results of any election for fire protection district commissioner shall be certified by the county clerk of the county or counties of the district and the results reported to the district.

4. Compensation/Expenses/Liability (I.C. § 31-1421).

The fire protection board shall fix commissioner benefits and compensation for the fiscal year. Compensation for performing district business shall not exceed one hundred dollars (\$100) per day. If a city, county, state or federal declaration of emergency or disaster exists within the boundaries of the fire protection district, the board may set special compensation for commissioners by a resolution that shall be applied to commissioner compensation only upon a majority vote of the board and shall continue only for as long as the city, county, state or federal declaration of emergency or disaster remains in effect within the boundaries of the fire protection district. District business shall include time spent preparing for and attending regular and special board meetings and meetings of committees established by the board. Additional compensation, if approved by a majority of the fire protection board, may be calculated for commissioners who attend county or state agency meetings, educational classes, seminars, and other miscellaneous district business. Commissioners may also participate in the district's employee benefit package in the same manner as employees or volunteers. Any proposed commissioner benefits and annual compensation shall be published as a separate line item in the annual budget of the fire protection district.

Reimbursement of Expenses. Reimbursements of travel and costs shall be established by the board and shall either be direct reimbursement or per diem.

Annual Compensation. The board shall fix the annual compensation and benefits to be paid to the other officers, agents and employees of the fire district, which shall be paid out of the treasury of the fire district.

District Liability. The district shall be liable and responsible for the actions and omissions of the commissioners, officers, agents and employees of the district, when the commissioners, officers, agents and employees are performing their duties within the course and scope of their employment with the district, and on behalf of the district.

A fire protection district is subject to the Idaho Tort Claims Against Governmental Entities Act, Chapter 9, Title 6, Idaho Code.

Non-Liability for Delay in Reporting Fires (I.C. § 31-1436) No person, corporation, partnership or association which is authorized by any city fire department, fire protection district or by any volunteer fire company to receive any report of fire or which agrees to receive and transmit the report to the fire department, fire protection district or volunteer fire company, shall be liable in any civil action for damage to property or persons, including death, caused by delay in reporting or failure to report the fire, unless the delay or failure is the result of the gross negligence of the person, corporation, partnership or association.

### **III. FINANCE**

#### **A. BUDGET**

##### **1. Budget and Hearing (I.C. § 31-1422)**

- a. A public hearing must be held and the budget must be adopted by the board of commissioners prior to certifying a tax levy to board of county commissioners.
- b. Notice (I.C. § 63-802):
  1. No later than April 30 of each year, the district shall set and notify the county clerk of the date and location set for the budget hearing of the district.
  2. Failure to comply with providing notice to the county clerk will result in the district's inability for some budget increases.

- c. Notice of the public hearing must be posted at least 10 days prior to date of the meeting which the hearing will be held. The location of the notice must be in a conspicuous place and determined by the board. Notice is generally posted where regular or special meeting agendas are posted.
- d. A copy of the hearing must be published in the newspaper during the 10 day period before the hearing. It must specify the place, hour, and day of such hearing, as well as the place where a full copy of the budget can be examined prior to the hearing. A full copy of proposed budget must all be published as part of the publication.
- e. The fiscal year for a fire district can either commence on the first day of October or the first day of January of each calendar year, as established by resolution of the district board of commissioners.

2. Budget Details.

- a. Expenditures. The budget should describe salaries, benefits, and details of the other expenses. It is recommended to have a tabulation which compares the last two years expenditures on these items with the expenditures of the fiscal year to date and the budget request for the ensuing year. These are examples of specific line item expenditures:

- Postage
- Telephone and communication
- Utilities
- Education/Training
- Supplies
- Freight
- Publication
- Professional services
- Dues and membership
- Travel expense
- Custodial and cleaning services
- Repair and maintenance
- Contracts
- Miscellaneous

The clerk or treasurer should review all contracts to be sure they are also budgeted and review for any potential increase. Also included in the expenditures are line item expenditures for any capital improvement costs such as: buildings and structures, building improvements, equipment, repairs, maintenance, and new infrastructure or repair.

- b. Revenues. The budget should also contain the amount of anticipated revenue from property taxes and other sources. Estimating revenue can be a little tricky and there are a few different ways to calculate revenue.

With a good estimate for assessed value, the treasurer multiplies the assessed value times the tax rate for each fund to get property tax revenues. The budget officer may then make some adjustments in the estimate such as an estimate of uncollected taxes, late charges, and interest.

OR

The treasurer can make their first revenue estimates after the completion of the first nine or ten months of the fiscal year. In making these estimates they: Estimate revenue for the current fiscal year that will be completed in the next two or three months; and use this revenue estimate for the current fiscal year for their revenue estimate for the next year.

- c. Carry over (I.C. § 31-1428). The carryover should also be considered when determining revenue. The board of commissioners of a fire protection district may accumulate fund balances at the end of a fiscal year and carry over those fund balances into the ensuing fiscal year budget for equipping and maintaining the district. A “fund balance” is the excess of the assets of a fund over its liabilities and reserves.

3. Budget Certification (I.C. § 63-803(3)).

The district must certify its annual budget to the board of county commissioners not later than the Thursday prior to the second Monday of September of each year.

4. Tax Exemptions (I.C. § 31-1425).

- a. Public Utilities (I.C. § 31-1425(1)).

All public utilities are exempt from taxation by fire districts. The board of fire protection commissioners may enter into an agreement with a public utility for the purpose of affording protection provided by the fire district to all, or such portion, of the property of the public utility as may be agreed upon. Any such agreement must be signed by both the fire district and public utility.

Copies of the any agreement must be filed with the county clerk and the state tax commission. The agreements are considered in effect until canceled by either party.

**Important to note** I.C. § 63-802(2) for a change in levy rates if an agreement is entered.

b. Unimproved Real Property (I.C. § 31-1425(2)).

The board of county commissioners, upon recommendation of the board of fire protection commissioners, may be an ordinance enacted no later than the second Monday of July, exempt all or a portion of the unimproved real property within the district from taxation, and may exempt all or a portion of the taxable personal property within the district from taxation. Any ordinance of the board of county commissioners granting an exemption from taxation under the provisions of this section must provide that each category of property is treated uniformly. Notice of intent to adopt an ordinance which exempts unimproved real property shall be provided to property owners of record in substantially the same manner as required in section 67-6511(2)(b), Idaho Code, as if the ordinance were making a zoning district boundary change.

5. Levy (I.C. § 31-1423).

- a. The board of commissioners of each fire protection district may levy a tax upon all taxable property within the boundaries of such district (currently 0.24%) of market value for assessment purposes, to be used to defray the cost of equipping and maintaining the district. A resolution approved and entered on the minutes of a fire district meeting is required. The secretary of the district must transmit certified copies of the levy to the county auditor and county assessor. The taxes will be collected pursuant to I.C. § 63-812.
- b. The levy cannot exceed 3% debt limitation in I.C. § 63-802.
- c. There are further restrictions when 2 or more districts consolidate, review I.C. § 31-1423(2).
- d. The levy rate can be increased if a public utility elects to be provided fire protection. See I.C. § 63-802(2). In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's

taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

- e. For further resource: [https://tax.idaho.gov/pubs/EPB00109\\_05-31-2019.pdf](https://tax.idaho.gov/pubs/EPB00109_05-31-2019.pdf)

6. Duties of County Commissioners (I.C. § 31-1424).

- a. Shall levy all taxable property not exempt from taxation within each district at the rate set by fire district.
- b. Shall certify the levy to the county auditor and extend on the rolls of the county, as other county taxes are extended.
- c. Shall levy and collect in the same manner as the state and county taxes.

Other relevant statute: I.C. § 31-3903: The Board of Commissioners determine how ambulance services shall be operated and is empowered to make expenditure from the ambulance service fund for the purchase to lease of real property, construction of buildings, acquire necessary equipment, and pay necessary salaries. In smaller districts, this Chapter will interact with the authority under ambulance services. *See also* AGREEMENTS.

7. Duties of County Clerk.

- a. Conduct elections for the districts.
- b. Provides value and tax information to the district.
- c. Provides information to the Idaho State Tax Commission

8. Organization of Board/Meetings/Financial Reporting. (I.C. § 31-1415).

Board: Immediately after qualifying, the board of fire protection commissioners shall meet and organize as a board, and at that time, and whenever thereafter vacancies in the respective offices may occur, they shall elect a president from their number, and shall appoint a secretary and treasurer who may also be from their number, all of whom shall hold office during the pleasure of the board, or for terms fixed by the board. The offices of secretary and treasurer may be filled by the same person. Certified copies of all such appointments, under the hand of each of the commissioners, shall be forthwith filed with the clerk of the board of county commissioners and with the tax collector of the county.

Meetings: As soon as practicable after the organization of the first board of fire protection commissioners, and thereafter when deemed expedient or necessary, such board shall designate a day and hour on which regular meetings shall be held and a place for the holding thereof, which shall be within the district. Regular meetings shall be held at least quarterly. The minutes of all meetings must show what

bills are submitted, considered, allowed or rejected. The secretary shall make a list of all bills presented, showing to whom payable, for what service or material, when and where used, amount claimed, allowed or disallowed. Such list shall be acted on by the board. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business. All fire protection districts shall meet the financial audit filing requirements as provided in section [67-450B](#), Idaho Code. All meetings of fire protection boards shall be noticed and run in accordance with the open meeting law provided for in [chapter 2, title 74](#), Idaho Code, inclusive. All records of fire protection districts shall be available to the public in accordance with the provisions of public records law as provided for in [chapter 1, title 74](#), Idaho Code.

**Financial Reporting:** The Government Accounting Standards Board (GASB) has the responsibility of establishing accounting and financial reporting standards at the state and local level. Authoritative guidance on the application of generally accepted accounting principles (GAAP) can be found in the GASB's *Standards and Codification of Governmental Accounting and Financial Reporting Standards*. In addition, the Government Finance Officers Association's *Governmental Accounting, Auditing, and Financial Reporting* (using the GASB 34 Model) provides an excellent resource for understanding and implementing the GASB's Standards.

All fire protection districts are required to meet the financial audit filing requirements set forth in I.C. § 67-450B. The district must include the costs of this audit and filing requirements in its budget.

- a. Audits must be performed by an independent auditor.
- b. Must file 2 copies with legislative council within 10 days of receiving report.
- c. Depending on the district's annual budget, I.C. § 67-450B requires audits either annually or biennially or none at all.

The principles to be followed by the district in recording transactions and preparing financial statements are set by the Governmental Accounting Standards Board (GASB). GASB recommends every governmental entity should prepare a comprehensive annual financial report (CAFR). The CAFR is the district's official annual financial report. It must include an introductory section, financial section, and statistical section.

The next level of reporting is the general-purpose external financial statements (GPEFS). It includes management's discussion and analysis, basic financial statements with notes, and required supplementary information. The minimum standard for fair

presentation in conformity with generally accepted accounting principles is the GPEFS. For most districts, GPEFS are currently issued as part of their audit.

While the GPEFS or CAFR may be prepared by your outside auditor, the financial statements are still the responsibility of the district. The outside auditor will either verify the statements prepared or prepare the necessary statements depending on the requirements in your contract. The financial statements prepared by the outside auditor are based on the county's year-end general ledger balances adjusted for any necessary compliance with GASB statements. The unadjusted ledger balances are used by the district to prepare the annual report.

General Resource Guidance: <http://idcounties.org/wp-content/uploads/2018/08/IAC-Budgeting-Manual-2017.FinalDraft.7.6.18-1.pdf>

## B. DEBT

### 1. General Debt Limitations.

Cities, counties, school districts, and other governmental entities often borrow money to finance capital improvements, such as schools, fire stations, street construction, water and sewer system upgrades, and other capital costs, by the issuance of bonds, which are then repaid over a period of years. This is called “debt financing.” There are several reasons why a governmental entity may choose to use debt financing as opposed to paying all the costs on a current basis. It may not have enough current funds on hand to pay the costs. Even if it does, it may actually be more cost-effective to borrow money at tax-exempt rates and keep its cash surpluses invested at higher rates. Borrowing over a term of years, as opposed to raising all the money in one year, reduces the financial impact on the taxpayers.

As a general rule, a governmental entity must have the approval of the voters in order to incur an indebtedness extending beyond the current fiscal year. (There are exceptions for “ordinary and necessary expenses,” and for “refunding” of existing indebtedness.) If the debt to be incurred is for “general obligation” debt payable from the levy of a special property tax, or if it is for revenue bonds for airports, recreational facilities, or off-street parking facilities, then the approval of two-thirds of the qualified electors voting at a special bond election held for this purpose is required. In the case of revenue bonds for water or sewer improvements, however, the approval of a simple majority of those voting is sufficient to authorize the indebtedness. (Revenue bonds are payable solely from the revenues produced by the project being financed, not from property taxes.) Except



in certain emergency situations, bond elections (except school district bond elections, which may be held at any time), can be held only on four specified dates during the year (4th Tuesday in May and first Tuesday after the first Monday in November). Bond elections are noticed and conducted in the same manner as other elections.

Once the required voter approval has been obtained, the governing body must determine how the bonds will be sold. Most general obligation bonds must be sold at public competitive sale, by sealed bid, with the bonds being sold to the bidder offering the lowest overall interest rate. Most revenue bonds may be sold either by sealed bid or by negotiated private sale. As a general rule, bonds which are sold to an agency of the Federal Government (such as the U.S. Department of Agriculture, which often finances local government projects in rural areas) may be sold without competitive bid.

Most Idaho local governmental bonds bear interest which is exempt from federal and State of Idaho income taxation. This makes the bonds attractive to investors and usually results in a lower interest rate on the bonds than would otherwise be available. The requirements which must be met in order for the interest to be tax-exempt can be very complex, however. It is usually prudent for the governmental entity to retain the services of a bond counsel (an attorney who specializes in the legal requirements applicable to government debt) and a financial advisor before commencing the bond election and bond issuance process.

2. Fire District Indebtedness Prohibited (I.C. § 31-1427).

- a. In first year after organization, the district can incur an indebtedness not to exceed in the aggregate a sum equal to one cent (\$0.01) on each one hundred dollars (\$100) of market value for assessment purposes of all taxable property within the district.
- b. If a district board determines that that the interest of said district and public interest or necessity require incurring an indebtedness exceeding the income and revenue provided for the year for the purposes of:
  - (1) Acquiring, purchasing, constructing, improving and equipping lands, building sites and buildings together with the necessary appurtenant facilities and equipment; and
  - (2) Acquiring and purchasing suitable equipment and apparatus necessary to provide fire protection.

The board shall have the power and authority to issue general obligation coupon bonds not to exceed in the aggregate at any

time two percent (2%) of the market value for assessment purposes of the taxable property in the district.

- c. The board shall provide for the issuance of such bonds by ordinance which set forth all the purposes, objects and things required under I.C. § 57-203, and make provision for the collection of an annual tax sufficient to (a) constitute a sinking fund for the payment of the principal thereof within thirty (30) years from the time of contracting said bonded indebtedness and (b) to pay the interest on such proposed bonds as it falls due.
- d. An election must be held. The aforesaid ordinance shall also provide for holding an election with the notice in compliance with section [34-1406](#), Idaho Code.
- e. The voting at such election must be by ballot and the ballot used shall be substantially as follows: “In favor of issuing bonds to the amount of ..... dollars for the purpose stated in Ordinance No. ....” and “Against issuing bonds to the amount of ..... dollars for the purpose stated in Ordinance No. ....” If at such election two-thirds (2/3) of the qualified electors voting at such election, assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purposes, objects, and things provided in said Ordinance No. ...., such bonds shall be issued in the manner provided by Chapter 2, Title 57, Idaho Code, the municipal bond law of the state of Idaho.

Bonds issued pursuant to the provisions of this section and the income therefrom shall be exempt from taxation except transfer and estate taxes.

#### **IV. AGREEMENTS**

##### **A. JOINT POWERS (I.C. § 67-2328).**

- 1. Public agencies may enter into agreements with one another for joint or cooperative action which includes, but is not limited to, joint use, ownership and/or operation agreements. Appropriate action by ordinance, resolution, or otherwise is necessary prior to the agreement taking effect.
- 2. The agreement shall contain: duration, the organization composition of the entity created by the agreement and the powers delegated, purpose, manner of financing and a budget, procedure for termination, administrative process, and how joint property is managed.

##### **B. COOPERATIVE (I.C. § 31-1430).**

Cooperation and Reciprocating Use of Firefighting Forces and Apparatus of Districts and Cities

1. Fire protection districts have same powers as any political subdivision of the State of Idaho, including, authority to enter into intra-agency and mutual aid agreements with other political subdivisions and municipalities in Idaho and in other states for the purpose of protecting life and property against loss by fire and for all other purposes of Chapter 14, Title 31, Idaho Code.
2. A district is authorized to charge a reasonable fee for responding to a call for emergency assistance to person or property outside of the taxing authority of the district. A mechanics lien (I.C. § 45-507) will be filed against the property.
3. Fire districts may charge reasonable fees for services provided to residents of the district in accordance with I.C. §§ 63-1311-1311A. Such fees must be reasonably related to the actual cost of service.

C. INTERAGENCY (I.C. § 67-2332)

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform, including, but not limited to joint contracting for services, supplies and capital equipment, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.

D. EXTRA-TERRITORIAL (I.C. § 31-1431)

Contracts Between Districts and Property Owners Outside The District

1. Fire districts may contract to provide fire protection services for property owners whose property is outside the district boundaries (including outside the State of Idaho) These contracts must be consistent with these statutory requirements:
  - a. Made at the discretion of the board (boards not obliged to enter into them)
  - b. The house and outbuildings on the property must be no more distant from the fire station (or building housing fire equipment) than the district's fire station is from the most distant point on the district boundary
  - c. All contiguous land must be included unless those portions would be more distant than the specified distance
  - d. Contracts are for one (1) year, 12:01 AM Jan 1<sup>st</sup> through midnight Dec. 31<sup>st</sup>.
  - e. Must be for monetary compensation that:

- (1) Is paid in advance.
- (2) Takes into consideration the cost of the service, including administrative and legal costs of preparing and reviewing contracts.
- (3) Takes into consideration the distance from the fire station to the protected property.
- (4) Is not less than the amount that would be levied were the property inside the district.

For property outside the State of Idaho, the fire district board determines the assessed value of the property as though it were located in Idaho.

## **V. PERSONNEL MATTERS**

### **A. STANDARD OPERATING PROCEDURES (SOP's) / PERSONNEL POLICY**

*“According to the National Fire Protection Association (NFPA), a standard operating procedure is “an organizational directive that establishes a standard course of action.” In other words, SOPs are written guidelines that explain what is expected and required of fire service personnel in performing their jobs.”*

*-Developing Effective Standard Operating Procedures,  
FEMA, FA-197, December 1999.*

#### **1. Purpose:**

Standard Operating Procedures (“SOP”) are created in order to ensure personnel perform common tasks in a specific manner to promote continuity and consistency throughout the District. SOP’s provide a clear understanding of the department’s expectations. They allow for predicted outcome to a task. SOP’s define the organizations goals and written polices based on the standards of practice and local needs.

The SOP’s are designed to create a protocol for all roles and responsibilities of each position within the District. Failure to comply with this protocol can result in disciplinary action or review. Due to this type of format, it is recommended that the SOP’s integrate the personnel policy for the organization. This is in order to avoid conflict with the procedures set forth in the SOP and a separate personnel policy.

Having an established process also allows everyone to understand their responsibilities and expectations. This is important from an employment perspective but also protects the district from legal liability. SOP’s provide a clear process that should be followed. Courts tend to assess liability based on factors such as: systems in place to maintain SOP’s; compliance

with regulatory requirements and national standards; adequacy of training and education; procedures in place to monitor performance/standards of service; and local demands.

2. Factors to Take Into Account when Developing SOP's.

- a. By-laws;
- b. Mission Statement;
- c. Strategic Plans;
- d. Mutual Aid Agreements;
- e. Regional SOP's;
- f. Laws, regulations, and standards;
- g. Risk Management plans
- h. Accountability

3. Task Force Teams.

When dealing with emergency response, there are several groups that will play a vital role in providing input on a workable and efficient SOP. A task force team should be created to draft the SOP, this should include (if relevant) representatives from: fire commissioner, wildland fire groups, medical/EMS, technical response, general administration, and maintenance, and any other group that plays a key role with emergency services in the local area of the district.

4. Needs Assessment.

The task force should conduct a needs assessment prior to drafting or amending the SOP's. This should include a change in laws, regulations, or standards, recent case law, revisions to mutual aid agreements or other outside agreements, demographic changes, or other local needs and changes.

5. SOP Development.

After the needs assessment is completed, the task force should share the assessment with the fire commissioners, fire chief and staff, and analyze and select alternatives. The SOP should be drafted, reviewed, and approved. The SOP should be tested and reviewed from time to time to make changes as needed.

6. Standard Operating Procedures Manual.

- a. Administrative Procedures.

- (1) This should include: organizational management, job descriptions, facilities, equipment and supplies, finance, training, information management, performance monitoring, inspections, and risk management.
- (2) If the SOP includes the personnel policy it should include: general policies, employee classification, rules of personnel conduct, employment start-up, employee compensation and benefits, personnel evaluation and discipline, drug testing policy, and separation from employment.

b. Operational Procedures.

This should include: chain of command, command procedures, designation of division and groups, general emergency operations and response, radio procedures, disaster operations, technical rescues, safety procedures, uniform requirements, use of district property, reports, and emergency incident accountability.

7. Sample Job Responsibilities.

Fire Chief: The Fire Chief is appointed by the Commissioners of the Fire Protection District. He is responsible for planning, directing and evaluating the organization, general administration and efficient operation of the Department. He is also responsible for external affairs of the Department in conferring with other governmental agencies, and community groups.

Assistant Fire Chief: In the absence of the Fire Chief, the Assistant Fire Chief will exercise the authority and assume the responsibilities of the Fire Chief. The Assistant Chief will also be responsible for assisting the Chief with training, fire prevention and supervision of firefighting and emergency medical and rescue activities.

Captains: These are positions appointed by the Fire Chief. The Captains perform fire ground or training duties under the direction of the Chief or Assistant Chief.

Lieutenant: These are positions appointed by the Fire Chief. The Lieutenants perform fire ground or training duties under the direction of the Captains and will assist all higher ranking officers with their duties as requested.

Firefighter: The firefighter will be actively involved in fire suppression, rescue and emergency medical treatment, as well as maintaining equipment and facilities in a response readiness condition. Shall be physically capable to perform firefighting, EMS, and rescue duties.

EMT: Shall be physically capable of performing EMT duties. Must be State of Idaho certified.

Paid on Call Volunteers: These members are physically capable of performing all functions of an EMT or firefighter and can assist around the station in coordination with the full time crews.

8. Other Resources.

Further resources for drafting SOP's can be found at:  
<https://www.usfa.fema.gov/downloads/pdf/publications/fa-197-508.pdf>

B. PERSONNEL POLICY.

1. As stated in the section above, it is recommended to have the personnel policy contained within the SOP's. If the district chooses to maintain a separate policy, the district should ensure there are no inconsistencies between the SOP, including the grievance process or investigations with the personnel procedure.

2. A Personnel Policy may contain:  
*(The district should avoid discrepancies between the Personnel Policy and the CBA)*

- a. Employee Information
- b. Compensation
- c. Schedule
- d. Performance Management
- e. Dress Code
- f. Benefits and Eligibility
- g. Overtime/Comp time
- h. On-Call
- i. Leave—sick, bereavement, unpaid, etc.
- j. Vacation
- k. Grievance/Conflict resolution
- l. Formal Complaint process
- m. Disciplinary
- n. Discrimination/Harassment
- o. Accident Reporting
- p. Alcohol and Drug Use Testing
- q. Use of District Equipment

C. COLLECTIVE BARGAINING

1. Introduction.

Labor unions and collective bargaining are topics that arouse passion, frustration, and confusion. It certainly makes sense that employees who

seek to organize and collectively bargain must be dissatisfied with their current situation and/or supervisors. On the other hand, collective bargaining offers an opportunity for many Idaho fire districts to confront and resolve an array of challenging and sometimes neglected issues. Many of the negative preconceptions about collective bargaining are misplaced. We hope through these materials to advance the theme that collective bargaining offers an opportunity for any fire district to improve and be even more effective and efficient in addressing employment and organizational issues.

2. Statutory and Legal Framework.

The Idaho law on collective bargaining is sparse. The statutory provisions are located at Idaho Code title 44, chapter 18. There are differences between the Idaho statutory scheme, the federal scheme in statutes like the National Labor Relations Act, and the law in neighboring states like Washington or Montana, which for various reasons tend to be far more “union friendly” than Idaho.

Roughly half of the Idaho statutes address relatively broad concepts, such as:

- firefighters have a right “to bargain collectively” through a “bargaining agent” (I.C. § 44-1802)
- the topics of collective bargaining are “wages, rates of pay, working conditions and all other terms and conditions of employment” (*Id.*)
- “organization” chosen shall be “sole and exclusive” agent unless recognition is withdrawn by majority of firefighters vote (I.C. § 44-1803)
- the parties shall bargain in good faith (I.C. § 44-1804)
- any agreement actually negotiated shall constitute the contract (I.C. § 44-1807)
- strikes are prohibited during the term of a negotiated contract (I.C. § 44-1811)

There are other provisions which provide a few basic procedural foundations that are rarely, if ever, disputed in well-conducted negotiations. It is the exception, not the rule, where the procedural “sharp corners” in the Idaho statutes come into play. In practice, these apparent strict requirements are often waived or modified through agreement of the parties. These provisions in the Idaho Code include:

- governmental authorities shall “meet and confer...with representative[s] of the bargaining agent within ten (10) days after receipt of written notice....” (I.C. § 44-1804).



- the bargaining agent must serve “written notice...of request for collective bargaining on the corporate authorities at least ninety (90) days before the last day on which money can be appropriated” whenever “wages, rates of pay, or any other matter requiring appropriation of money...are included as a matter of collective bargaining....” (I.C. § 44-1808).
- “minimum standards” for paid firefighters are described (I.C. § 44-1812). While these standards or related topics are typically within the range of issues addressed in collective bargaining, this section seems oddly placed and has little to do with collective bargaining procedures otherwise covered in chapter 18.
- where the parties are unable to reach “an agreement on a contract” within thirty (30) days from their “first meeting” then “any and all unresolved issues shall be submitted to a fact finding commission” (I.C. § 44-1805)

The “teeth” of the Idaho scheme is “fact finding,” so it is important to focus on the statutes outlining that process. The most important thing to recognize is that the “teeth” are not particularly threatening – the ultimate outcome of the fact finding process is a non-binding written “recommendation” from the fact finding commission. I.C. § 44-1810. The basic procedural details are relatively straightforward. I.C. § 44-1806. A three-member commission conducts fact finding, with one member chosen by each party. The third member, who is the chair, is selected by the first two members, or in the absence of their agreement, appointed by the director of the department of labor. The parties equally share any expenses incurred by the commission. The commission conducts a hearing, where the parties “are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.” I.C. § 44-1809. Each fact finding is potentially unique, but these hearings tend to be structured, but less formal than court proceedings. The focus is typically on letting each party present its “case” and relatively liberal evidentiary standards are the norm. A fact finding hearing can typically be conducted in a day or two. As noted above, after the hearing the commission renders a written recommendation, which is presumably intended to provide the parties with guidance and/or renewed momentum in reaching an agreement on any unresolved issues.

There is little Idaho case law on collective bargaining or union issues. However, the Idaho Supreme Court has stated that the Idaho collective bargaining statute “should be interpreted consistently” with the National Labor Relations Act and that “case law as it has developed under the NLRA, although not binding, is persuasive in the application of the Idaho Collective Bargaining Act.” *Int’l Assoc. of Firefighters, Local 672 v. City of Boise*, 136 Idaho 162, 170, 30 P.2d 940 (2001). The court, in reaching this conclusion, reasoned that the Idaho act “follows” the basic outline of the NLRA and addresses parallel purposes. This reasoning is debatable.

Certainly any labor rights statute will address broad and important public interests such as the right to organize, collectively bargain, conduct public business, and resolve disputes. The NLRA otherwise markedly differs from the Idaho statute, such as by defining and prohibiting “unfair labor practices” (29 U.S.C. § 158) and by creating the National Labor Relations Board to oversee and enforce allegations of unfair labor practices, which it may do by ordering an employer to cease and desist specified practices as well as ordering “affirmative action” such as reinstatement of discharged employees. 29 U.S.C. § 160. To say that decisions arising under the NLRA might be persuasive interpreting the Idaho statute is akin to using technical manuals for a bulldozer to fix a broken shovel because both implements are designed to move dirt. Regardless, the Idaho law is what it is, and wise officials/practitioners will seek to apply the strengths provided them under the Idaho Act to their best advantage in reaching an agreement, while avoiding the likely erosion, if not outright reversal, of this strength that is at risk in litigation.

3. Mechanics and Strategy.

The statutes and legal rules only broadly shape the presentation of issues. An effective understanding of the collective bargaining process requires detailed or more nuanced understanding of certain strategies and dynamics of the bargaining process.

a. Good Faith Duty.

It is uniquely important for elected officials and management representatives to understand and abide by the duty to bargain in good faith. Allegations questioning the fulfillment of this obligation are far more likely to target management. There is no precise definition of “good faith” and what constitutes good faith, or the lack thereof, will be determined by the unique circumstances of any case. The failure to negotiate in good faith can include:

- failure to recognize the union
- interference in the union’s relationship with its members
- discrimination
- failure to meet in a timely fashion
- failure to provide reasonably requested information
- surface bargaining
- regressive bargaining
- repudiation of tentative agreement
- threatening or making unilateral changes to subjects of negotiation

For management, collective bargaining is often like playing golf, where competence and even success is defined not by heroic efforts but by a consistent ability to avoid mistakes. A successful management negotiating team must make it a first priority to avoid even the suggestion of any of the above or similar practices throughout the bargaining process. Conversely, it is essential to recognize that good faith does not compel any party to agree to any particular proposal or make any particular concession. An effective awareness of the concept of good faith and the bargaining process in general recognizes the give and take nature of the process, and the importance of deciding when/where to exercise one's right to stand firm on an issue.

b. "Collective" Interests.

There is common perception that collective bargaining is an adversarial process. Certainly in some instances it has been or will be. However, in Idaho and in the fire services industry it is important to appreciate the broader incentive for all involved to conduct a respectful and solution-oriented bargaining that will hopefully allow all participants to better know and appreciate each others' perspective and result in a mutually-supported outcome. Fire protection is a public service, performed at public expense, where lives and property are at risk. Some participants on either side of the negotiating process may want to "win" at the psychological and/or financial expense of their "opponent," but this dynamic is almost always a recipe for future dispute or disaster. Good negotiators can help create an atmosphere where the parties can have a frank and firm presentation of the issues without threatening that differences will become personal or interfere with district operations.

c. There Will Be An Agreement.

The Idaho statute arguably embodies the principle that the parties will see the wisdom in reaching their own agreement. This seems the best explanation of the legislature's choices in creating a process which does not address misconduct and provides no mechanism, other than the parties themselves, to conclusively resolve disputed issues. From management's perspective, it seems best to work within this framework and avoid the possibility of "outside the box" judicial involvement. A position as a fire fighter offers many advantages in an ever challenging job market. Where an organization like the IAFF is involved, a typical Idaho fire district offers little prospect of precedent-setting issues and relatively few members, thus revenue, which is conducive to the

union seeking a fair but efficient process. None of this means that either side should capitulate or agree to risky provisions in an irrational haste to reach an agreement. Rather, there are many important underlying factors for both sides that militate in favor of reaching a mutually acceptable solution, and this reality should help shape everyone's view in conducting the negotiating process.

d. Negotiating Sessions.

The parties should give some thought to the overall structure of the negotiating sessions as well as the mechanics within any given session. Many of these factors are often addressed in the ground rules. Things like the size of the negotiating team, the roles of team members, the manner of presentation, the number and spacing of sessions, whether or not to keep audio recordings, the manner of addressing/recording tentative agreements, and the procedure for and utilization of caucuses can all affect the negotiating process.

4. Chronology.

It is helpful to review a basic timeline of the bargaining process.

a. Certification Rumors.

In many instances management will become aware of the possibility that employees are considering forming a local union chapter or otherwise organizing for purposes of collective bargaining. Even at this stage it is important to err on the side of caution, and particularly to avoid contact or communications that might later be characterized as violating good faith or related duties.

b. Formal Notice and Request for Recognition.

The notice referred to in I.C. § 44-1804 will usually be short and concise, often citing the statute as a formal notice identifying the bargaining agent and requesting to meet and confer for collective bargaining purposes. It is highly unlikely that there will be a reasonable basis to contest the appointment of the bargaining agent or otherwise avoid initiating the bargaining process. It is essential that the recipient(s) of the notice immediately advise governing board members, management staff, and the district's legal counsel. While the statute arguably says the district must not only recognize but "meet and confer" within the bargaining agent within ten (10) days of receiving the notice, it is our experience that there are

logistical and strategic reasons to avoid meeting so quickly. If the union insisted on having a meeting within ten (10) days it might be hard to avoid doing so, but typically the parties will find a more logical and mutually agreeable time to meet. Such an agreement will be facilitated by the district's immediate and sincere response to the notice. It would hardly bode well for the district to unnecessarily complicate the first, relatively simple step in the formal bargaining process.

c. Initial Session.

The initial negotiating session should be timely and well planned. In advance of the first actual meeting the parties will often identify their chief negotiators and at least generally address topics like the time, date and location for the first meeting, the participants at that meeting, some basic ground rules or expectations framing the process, or similar topics. A good portion of the first actual meeting is often spent "breaking the ice" and addressing ground rules, which are often put in writing and agreed to before addressing other topics. It is important here to strike a positive and open-minded tone, and to avoid even the suggestion of intimidation or reluctance to freely negotiate. To the extent management has strength under the Idaho statutory process, this strength is best reflected through action, not words. This session often will, and probably should, include a candid discussion about the number/frequency of negotiating sessions and the parties' expectations about the overall duration and nature of the process.

d. Subsequent Sessions.

The real work will occur through a series of negotiating sessions. In our experience successful negotiations involve an evolutionary process that takes time. The thirty (30) day period implied in the Idaho statutes is an unrealistic timeframe in which to expect negotiations to culminate. We typically try to address this topic at the initial session, and make clear our view that it is important the parties focus on achieving an agreement and that such an agreement is unlikely, if not impossible, within the timeframes outlined in the Code. In a successful process, the parties will make regular, consistent progress. Things rarely proceed in ideal fashion, and one or both parties may have to assess roadblocks arising during the process.

e. Fact Finding.

In one variation of the process at least one of the parties will decide that an agreement on one or more key issues is unlikely, and will decide to move the process into fact finding. The basic procedures are outlined above. Fact finding probably exists in a conceptual continuum somewhere between open negotiations and arbitration. In other words, it is a loss of some control from management's perspective, but in the worst case should result in no more than the commission's adverse, non-binding recommendation. The parties will typically take fact finding seriously, putting on a "case" through legal counsel. Fact finding will thus involve a meaningful expenditure of energy and money, and should not be taken lightly.

f. Tentative Agreement.

"Tentative agreement" refers not only to agreement on individual concepts or articles, but also to the acceptance by the negotiating teams to an overall contract. Like "good faith," tentative agreement is not susceptible to a universal or inflexible definition. It is not only possible but advisable to define and/or describe "tentative agreement" in the written ground rules. Both parties need to be ready to have a meaningful discussion of any topics presented, however it can also be important to know when one's team simply hasn't had time to formulate a position. It is better to call a caucus or table an issue rather than attempt a move forward prematurely and create the perception of tentative agreement. Again, the legitimacy of these decisions is contextual, and the absence of at least occasional firm proposals or consistent efforts to dodge/delay can lead to frustration and possibly allegations of bad faith from the other party. One approach is to formally track tentative agreement on an article-by-article basis. So long as each side understands the importance of this process, it should help each party maintain consistent views of the status of the negotiation and help avoid confusion or lingering controversy that can blow up and severely threaten productive negotiations.

g. Formal Approval.

Once the negotiating teams have reached a tentative agreement on the overall contract, the governing authorities for both the district and the union will have to formally adopt/ratify the contract. The obligation to act in good faith continues in this process. The impediments in the ratification process will be inversely proportional to the involvement/awareness of the

commissioners/members during the negotiation process. For this reason, it may be advisable to have the entire board serve on the district's negotiating team.

h. Contract Expiration and Renegotiation.

A contract will often address the timing and basic procedures for subsequent contracts. It is important that the parties understand and anticipate this process, avoid plowing old ground, and efficiently move forward into any new contracts.

5. Key Topics.

Many elements of a collective bargaining agreement should be routine and uncontroversial. It is common practice to start with these topics to build some momentum in the negotiating process. Other topics present a much wider range of options, with some presenting varying degrees of priority/risk for each party. Some of the important topics include:

- a. Prevailing/Management Rights
- b. Union Business
- c. Hiring/Staffing
- d. Promotions
- e. Injury Leave/Limited Duty
- f. Discipline and Discharge
- g. Settlement of Disputes
- h. Hours of Work
- i. Leave
- j. Benefits
- k. Wages/Rates of Pay

## **VI. DISTRICT REQUIREMENTS**

### **A. OPEN MEETINGS**

1. Public Policy:

It is policy of this state that formation of public policy is public business and shall not be conducted in secret. I.C. § 74-201.

2. What Triggers a Meeting?

Section 74-202(6) defines "meeting" to mean "the convening of a governing body of a public agency *to make a decision or to deliberate*

toward a decision on any matter.” (Emphasis added.) “Decision” is then defined by section 74-202(1) to include: “... any determination<sup>1</sup>, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting *at which a quorum is present*. (Emphasis added.)

What triggers a conversation for purposes of the Open Meetings Act?

- 2 or more decision-makers; and
- “deliberation”; and “decision”

3. Decision

Any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

4. Deliberation

The receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature.

5. Governing Body

Members of any public agency which consists of two (2) or more members with the authority to make decisions for or recommendations to a public agency regarding any matter.

*“All meetings of a governing body of a public agency shall be open to the public.”* Idaho Code § 74-203(1)

Note that this does not require any discussion or preliminary decision making. Even the receipt of information relating to a “decision” — i.e., a measure on which the governing body will have to vote — amounts to deliberation, and therefore triggers the definition and requirements of a “meeting” under the Open Meeting Law.

An informal conference or caucus permits crystallization of secret decisions to a point just short of ceremonial acceptance. There is

---

<sup>1</sup> The term “deliberation” is defined by section 74-202(2) and means “the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature which do not specifically relate to a matter then pending before the public agency for decision.”



rarely any purpose to a nonpublic, pre-meeting conference except to conduct some part of the decisional process behind closed doors. Only by embracing the collective inquiry in discussion stages, as well as the ultimate step of official action, can an open meeting regulation frustrate these evasive devices. As operative criteria, formality and informality are alien to the law's design, exposing it to the very evasions it was designed to prevent.

*Sacramento Newspaper Guild v. Sacramento County Board of Supervisors*, 69 Cal. Rptr. at 487 (Cal. App. 1968).

**Everything involving a decision should be done on the record and public.** There should be no email traffic or side bar conversations amongst the members regarding an upcoming decision to be voted on. There may be times your neighbor or constituent approaches you and wants to discuss the issue. If at all possible, let them know that this must be done on the record and encourage them to attend the hearing or provide written comments. If the conversation cannot be avoided, DO NOT give your opinion, let them provide input, and at the scheduled hearing, provide the board or commission with this information. This is to ensure that everybody has received the same information prior to making a decision. All meetings may be conducted using telecommunications devices. There is a requirement that one commissioner must be present at the noticed meeting location or the clerk must be present—all else can be present electronically (phone, Skype, etc.) Idaho Code § 74-203(5).

### **All forms of Communication are Subject to Open Meetings Requirement**

- Email (private or public email)
- Texting
- Instant Messaging
- Facebook
- LinkedIn

Be very careful about providing your input on a specific issue or future decision. As a decision-maker you should not form an opinion until all the information has been provided. If you make a statement that even implies that you are predisposed towards a decision, you are likely ethically required to recuse yourself. As a decision-maker you are now held to the ethical standards of a judge. The United States Supreme Court has cited to the American Bar Association's Code of Judicial Conduct that reads, "A judge shall avoid impropriety and the *appearance of impropriety*." ABA Annotated Model Code of Judicial Conduct, Canon 2 (2004) (emphasis added). Further, the test for appearance of impropriety is "whether the conduct would create in reasonable minds a perception that the judge's

ability to carry out judicial responsibilities with integrity, **impartiality** and competence is impaired.” *Caperton, et al. v. A.T. Massey Coal Company, Inc., et. al.*, 129 S.Ct. 2252 (2009), *citing* Canon 2A, Commentary (emphasis added).

6. General Procedure

It is really easy to start omitting what is seen as “formal” procedure when going through the discussion and voting processes. As a public entity, and you being a public servant, it is vital that you respect the formal process of a meeting. This is to ensure that everyone is guaranteed a right to debate and speak and due process is followed. However, below is a brief review of general and specific procedures that can cause some confusion among boards and commissions.

Once a motion is made, the motion is made open for discussion. At this time, everyone has the opportunity to debate and provide input. This is also the time that amendments to the motion can be made and voted on. (amendments are addressed in the next section). **This is also the only time for each member to explain why they are rejecting or supporting the motion.**

Once a thorough debate has been completed, anyone (including the Chair) may call the question. Normally, there is a unanimous approval, however, if any member objects and wants to continue to debate, then the debate continues unless the motion to call the question is seconded and approved by 2/3 vote. This is to guarantee that everyone has an opportunity to speak without being shut down by a mere majority vote. Once the call has been approved, the motion is voted upon.

7. Process:

- Open the Meeting
- Agenda Item Introduced
- Motion Made
- Debate/discussion
  - Amendments may be added
- Call the Question
- Vote

8. Amendments

Making an amendment to a motion is one of the most commonly exercised actions by a member. A “Friendly Amendment”<sup>2</sup> is often used to describe an amendment offered by someone who is in sympathy with the purposes of the main motion, in the belief that the amendment will either improve

---

<sup>2</sup> Section 12 of Robert’s Rules of Order.

the statement or effect of the main motion, presumably to the satisfaction of its maker, or will increase the chances of the main motion's adoption. Regardless of whether or not the maker of the main motion "accepts" the amendments, it must be opened to debate and voted on formally (or adopted unanimously) and is handled as same rules of general amendments.

Amendments must be debated on and voted. Voting on the amendment has the effect to accept the amendment to the main motion. If accepted, then an additional vote on the newly amended main motion is necessary. Amendments can be amended. Amendments to amendments cannot be amended.

EX: Andy makes a motion. Bob makes amendment to Andy's main motion. Connie makes amendment to Bob's amendment. Dan CANNOT make an amendment to Connie's amendment.

9. Tabling a Motion

An issue that the commission does not believe can move forward because issues are outstanding or additional information is needed, can be tabled to a later date. The commission may motion to table the issue to a later date but the date must be a date certain.

10. Meeting Minutes—Records

The meeting minutes should reflect what was **done** at the meeting, not what was **said** at the meeting. Accordingly, it is unnecessary to provide statements at the meeting. It is also unnecessary to read the entire substance of exhibits or other information into the record minutes so long as the information is provided as part of the record. The meeting minutes should be signed by secretary or clerk.

11. Abstaining from Voting

Voting isn't just a right of membership; it's your duty to vote when you have an opinion about a matter being decided. Although it is the duty of every member who has an opinion on a question to express it by his vote, he can abstain, since he cannot be compelled to vote. No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization. (Note: this should not be used to avoid voting generally.) It is inappropriate to abstain because the question is highly controversial.

The phrase "abstention votes" is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a

consequence, there can be no such thing as an “abstention vote”. In the usual situation, where either a majority vote or a two-thirds vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is either a majority or two thirds of the votes cast. On the other hand, if the vote required is a majority or two thirds of the members present, or a majority or two thirds of the entire membership, an abstention will have the same effect as a “no” vote. Even in such a case, however, an abstention is not a vote.

12. Explaining the Vote

A member has no right to “explain his vote” during voting, which would be the same as debate at such a time. A member’s decision to approve or reject a motion regarding Planning and Zoning decisions should be explained and there is a benefit to explain why members are voting the way they do but it is not appropriate to do so while voting. **This should be done during the discussion/debate.** Then debate closes and the vote is made without any debate. Furthermore, any individual member may not provide a concurring or dissenting opinion. If you disagree or agree for other reasons than the majority, say so during the discussion prior to voting. This is all on record and it will be memorialized. No further action is necessary.

Once familiar with the process and general rules, it really isn’t that difficult. If you ever have a question or concern another great resource is the Idaho Attorney General website manuals:

<https://www.ag.idaho.gov/content/uploads/2018/04/OpenMeeting.pdf>

13. Agenda Requirements

An agenda is required for each meeting. (I.C. § 74-204(4)).

Regular Meetings (I.C. § 74-204(1)). - No less than a five (5) calendar day meeting notice and a forty-eight (48) hour agenda notice shall be given, unless otherwise provided by statute.

Special Meetings (I.C. § 74-204(2)). - Shall not be held without at least a twenty-four (24) hour meeting and agenda notice, unless an emergency exists.

Executive sessions (I.C. § 74-204(3)). - A twenty-four (24) hour meeting and agenda notice shall be given if an executive session only will be held. Notice must state reason and specific provision of law authorizing the executive session.

Notice for meetings and agendas must be posted electronically if the entity maintains an online presence through a website or social media platform.

Amending Requirements: More than 48 hours before the start of a Regular meeting (or more than 24 hours before a Special meeting), the agenda may be amended simply by posting a new agenda. If the agenda is amended at the start of the meeting, there must be a motion and the amendment must be in “good faith” effort was made to include in the original agenda notice, all items known to be probable items of discussion and “good faith” reason the item was not included in original agenda.

14. Violations, Penalties, and Curing

Violation of Open Meeting Law (Notice, Outside Deliberation, etc.)

- Once realized, STOP!
- At next meeting, put on the record the entire conversation, expressly note that no decision was made
- IF a decision was made, contact legal counsel for further guidance to determine whether a violation occurred.
- All decision made in violation are null and void.
- If notice violation, put on next agenda
- Make note of violation and that action was null and void
- Either:
  - Ratify prior motion if need to but go through entire process (it’s a do-over)
  - Nullify Action entirely

2015 Amendments-Harsher Penalties I.C. § 74-208

Failure to comply with the provisions of Idaho Code §§ 74-201 – 74-207 renders the action null. Any member who participates in a meeting that violates these provisions will be subject to a civil penalty.

- up to \$250 regardless if unintentional
- up to \$1500 for “knowingly” participating
- up to \$2500 if have previous violation within last 12 months

Opportunity to Cure Violations

Curing the violation procedures can be found under I.C. § 74-208(7)(a). A violation may be cured by a public agency upon:

- The agency’s self-recognition of a violation; or

- Receipt by the secretary or clerk of the public agency of written notice of an alleged violation. A complaint filed and served upon the public agency may be substituted for other forms of written notice.

Upon notice, the governing body has fourteen (14) days to respond publicly and either acknowledge the violation and state an intent to cure or state that it has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation for purposes of proceeding with any enforcement action.

Following the public agency's acknowledgment of a violation pursuant to paragraph(a)(i) or (a)(ii) of this subsection, the public agency shall have fourteen (14) days to cure the violation by declaring that all actions taken at or resulting from the meeting in violation of this act void. I.C. § 74-208(7)(b).

All enforcement actions shall be stayed during the response and cure period but may recommence at the discretion of the complainant after the cure period has expired. A cure as provided in this section shall act as a bar to the imposition of the civil penalty provided in subsection (2) of this section. A cure of a violation as provided in subsection (7)(a)(i) of this section shall act as a bar to the imposition of any civil penalty provided in subsection (4) of this section.

## B. OPEN RECORD.

*“Every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.”* I.C. § 74-102(1).

### 1. Scope of the Open Records Act.

“*Public Records*” includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.

“*Writing*” includes, but not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

*“Exempt Records”*

- Investigatory Records
- Personal Information: sex, race, birth, address
- Trade Secrets/Proprietary Information
- Bids and Appraisals
- Licensing Exams
- Draft Legislation
- Uniform Securities Act
- Total List found at I.C. §§ 74-104 – 74-112

Due Diligence—consult your attorney. Some records must still be made accessible but have parts missing or redacted.

2. Records Request.

a. Rights of Requester:

- Right to Examine
- Right to Copy
- Right to Certified Copy
- Reasonable comfort and facility
- Limited Inquiry as to Requester’s Information

b. Duties of District:

- Reasonable Hours/Location
- May Require written request and Identification verification
- Establish fees
- Records Protection
- Limited restriction on use of information
  - I.C. § 74-120(1)(a), Not for compiling Mailing/Telephone list (internal use is okay)
  - I.C. § 49-203, Motor vehicle/driving records

c. General Request Procedure:

- (1) Request should be in writing/form.
- (2) Response-Have 3 working days to: grant/deny/partial deny/extend
- (3) Can get an extension up to 10 working days.
- (4) Determine Fee/Cost-fee schedule? (copies/time spent/deposit required). No Fees: No fee for first 2 hours of labor OR first 100 copy pages (color copies not incl.)
- (5) Denial or Partial Denial-Written notice

- Attorney review
- statutory basis for denial.

d. Fee Schedule:

- by Resolution of Agency
- Actual copy costs
- Labor cost must be based on lowest paid administrative staff
  - Must have fee schedule to enforce fees
  - Should provide fee costs upon initial response to requester
  - Must itemize fees
  - Can require deposit of estimate paid in advance
  - Requester CANNOT avoid cost by multiple requests
- EXEMPTION to the fee schedule: Significant contribution to public understanding (media uses this one a lot); Agency makes determination

e. Enforcement I.C. §§ 74-115-117.

- (1) Petition to district court in county where the records are held
- (2) Petitioner seeks a compel to grant request
- (3) Court review—may require public official to show good cause reason for denial
- (4) Expedited process in court
- (5) If found frivolous court can award attorneys fees
- (6) PENALTY: Deliberate or Bad Faith refusal=up to \$1,000 fine

For further resources review the Attorney General’s manual:  
<https://www.ag.idaho.gov/content/uploads/2018/04/PublicRecordsLaw.pdf>

C. ETHICS

*Bribery and Corruption Act*, chapter 13, title 18, Idaho Code  
 Misdemeanor Penalties

1. Gifts to Public Servants (I.C. § 18-1356)(2)

Officials concerned with government contracts and pecuniary transactions. No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any



pecuniary benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim or transaction.

2. Using Public Position for Personal Gain (I.C. § 18-1359).

- Don't use public property or funds for personal gain.
- Don't solicit, accept, or receive pecuniary benefit for acts that are required as part of public position. Can receive trivial benefits not to exceed (\$50.00).
- Don't use or disclose confidential information gained in the course of or by reason of official position or activities with the intent to obtain a pecuniary benefit for himself or other interested person or entity OR in order to harm the entity.
- Don't enter into self-interested contracts, for the exception see I.C. § 18-1361.
- Don't appoint or vote for appointment of any person related within the second degree to any position which receives compensation out of public funds.

3. Penalties (I.C. § 18-1360)

Any public servant who violates the provisions of this chapter, unless otherwise provided, shall be guilty of a misdemeanor and may be punished by a fine not exceeding one thousand dollars (\$1,000), or by incarceration in the county jail for a period not exceeding one (1) year, or by both such fine and incarceration. In addition to any penalty imposed in this chapter, any person who violates the provisions of this chapter may be required to forfeit his office and may be ordered to make restitution of any benefit received by him to the governmental entity from which it was obtained.

4. Required Action in Conflicts (I.C. § 74-404)

Public officials cannot take any formal action or make a formal decision on matters where a conflict of interest and has failed to disclose such conflict. A public official may seek legal advice from the district's attorney to determine whether a real or potential conflict of interest exists. An elected public official must disclose the nature of the conflict of interest prior to acting on a matter and is subject to any rules of the body of which he is a member. The public official may be excused from voting on the issue of conflict.

Exception I.C. § 74-405: If the officer is not compensated for his services, he is not prohibited from having an interest in a contract made or entered

into by the board of which he is a member IF he strictly follows the procedure set forth in I.C. § 18-1361A, including it be competitively bid, etc.

Further Resources:

<https://www.ag.idaho.gov/content/uploads/2018/04/EthicsInGovernment.pdf>

#### D. PURCHASING AND PROCUREMENT REQUIREMENTS

1. Public Works Construction Bidding (I.C. § 67-2803, § 67-2805, § 67-5711C).
  - a. \$0-50,000: No bid required.
  - b. \$50,000-\$200,000: Semi-formal bidding. Must issue at least three (3) written requests for bids. Must give at least three (3) days for a response, unless an emergency exists. Objections must be submitted no later than 1 day prior to bid. Accept low bid or reject all bids.
  - c. \$200,000 and above: Formal bidding—Category A and B. Cat A: open to all licensed contractors. Publication required. Written objects must be allowed three (3) business days prior to bid. Cat B: Pre-qualified contractors. After pre-qualification, the bidding process is the same as Cat A.
2. Exemption to Public Works Construction Bidding (Chapter 19, Title 54, Idaho Code).
  - a. Sale of installation of any finished productions, material or articles of merchandise.
  - b. Duly licensed architects, licensed engineers, and land surveyors.
  - c. Less than \$10K for construction, alteration, or repair
  - d. Less than \$50K for construction, alteration, or repair so long as no statement of interest was received from a licensed public works contractor per I.C. § 67-2805.
3. Public Procurement of Goods and Services Bidding (IC § 67-2803, § 67-2806).
  - a. \$0-50,000: No bid required.
  - b. \$50,000-\$100,000: Semi-formal bidding. Must issue at least three (3) written requests for bids. Must give at least three (3) days for a response, unless an emergency exists. Objections must be submitted no later than 1 day prior to bid. Accept low bid or reject all bids.

- c. \$100,000 and above: Publish bid at least 2 weeks in advance of bid opening. Make bid specifications available; written objections are allowed. May request a security/bond. Can reject all bids if able to purchase on open market for cheaper.

4. Exemptions to Public Procurement of Goods and Service Bidding (Chapter 28, Title 67).

- a. Personal property already competitively bid.
- b. Payment of Wages.
- c. Personal or professional services performed by independent contractor.
- d. Procurement of insurance.
- e. Cost of joint power participation.
- f. Emergency expenditures.
- g. Procurement of travel and training.
- h. Procurement of repair for heavy equipment.
- i. Procurement of software maintenance, support and licenses of existing system or platform that was already bid in compliance to state law.

5. Design-Build Contracts (I.C. § 67-2309, § 67-5711C)

A fire protection district may use design-build contracts for the construction, repair or improvement of public works, public buildings, public places or other work. A design-build contract is a contract between a public entity and a nongovernmental party in which the nongovernmental party contracting with the public entity agrees to both design and build a structure . . . or other item specified in the contract. I.C. § 67-2309; *See also* § 67-5711A.

E. FEES

1. Fees for Services (I.C. § 63-1311)

- a. Notwithstanding any other provision of law, the governing board of any taxing district may impose and cause to be collected fees for those services provided by that district which would otherwise be funded by property tax revenues. The fees collected pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered.
- b. No charge, other than property taxes shall be included on a tax notice unless the taxing district placing such charge has received approval by the board of county commissioners to place such charge on the tax notice and meets the criteria set forth in section 63-902, Idaho Code.

2. Advertisement and Hearing Required for Fee Increase of 5% or More (I.C. § 63-1311A)

The district must give notice as set forth in this statute and hold a public hearing prior to approving a fee increase that is in excess of 5% of the fee last collected OR a new fee.

3. Fee for Responding to Fire or Emergency Outside of Tax District (I.C. § 31-1430)

A district can charge a reasonable fee for the services provided and shall have a lien upon property serviced, which lien shall be filed of record against the property in the name of the district in the same manner as a mechanic's lien under I.C. § 45-507.

#### F. MISCELLANEOUS

1. International Fire Code (I.C. § 41-253)

The International Fire Code as published by the International Code Council is adopted by the State of Idaho and State Fire Marshal. There is an exception regarding detached single family dwellings. Sections 255-269, Idaho Code are declared necessary for the public safety, health, peace, and welfare, remedial and preventative in nature and shall be construed liberally. *See* I.C. § 41-269.

2. State Fire Marshal (I.C. § 41-254)

The State Fire Marshal is appointed by the director of the Department of Insurance with approval of the Governor. The State Fire Marshal is required to enforce the International Fire Code along with other related powers.





# KETCHUM FIRE DISTRICT

## FIRE COMMISSIONER MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

### Recommended Motion:

I motion to authorize staff to open a bank account with a local financial institution for the processing of district financial transactions.

### Reasons for Recommendation:

- One step in the initial setup of the Fire District
- A bank account is needed for the collection of revenue and distribution of funds. It is also a critical step in the process of establishing a process for ambulance billing.
- The Board Treasurer will be the initial signer on the account.

### Policy Analysis and Background (non-consent items only):

### Financial Impact:

None OR Adequate funds exist in account:

### Attachments:

- 1.
- 2.
- 3.



# KETCHUM FIRE DISTRICT

## FIRE COMMISSIONER MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

### Recommended Motion:

I motion to modify the previously adopted Board Meeting Schedule by changing the meeting date in March from March 20<sup>th</sup>, to March 27<sup>th</sup> at the same time, 3:00pm.

### Reasons for Recommendation:

- When the Board adopted the third Thursday of the month as their normal meeting schedule, staff missed the fact that the March meeting would occur during the week of World Cup. Because of the staff's involvement in the Incident Command Structure of the event and the anticipated call volume during the event, it would not be possible to hold the meeting.
- The Fire Station will also be serving at the Incident Command Post that week, which would conflict with a Board Meeting.
- This resolution will have no affect on the rest of the meeting calendar.

### Policy Analysis and Background (non-consent items only):

### Financial Impact:

None OR Adequate funds exist in account:

### Attachments:

1.
2.
3.

# NOTICE OF PUBLIC MEETING

BE PART OF THE DISCUSSION  
Submit comments to [feedback@ketchumfire.org](mailto:feedback@ketchumfire.org)



## KETCHUM FIRE DISTRICT COMMISSIONERS MEETING



Meetings are scheduled for the following days at 3:00pm

February 20 <sup>th</sup> , 2025	March 27 <sup>th</sup> , 2025
April 17 <sup>th</sup> , 2025	May 15 <sup>th</sup> , 2025
June 19 <sup>th</sup> , 2025	July 17 <sup>th</sup> , 2025
August 21 <sup>st</sup> , 2025	September 18 <sup>th</sup> , 2025
October 16 <sup>th</sup> , 2025	November 20 <sup>th</sup> , 2025
December 18 <sup>th</sup> , 2025	January 15 <sup>th</sup> , 2026



Ketchum Fire Station 1  
107 Saddle Rd, Ketchum ID



3:00pm



Scan for  
online  
Meeting

POSTED: February 14<sup>TH</sup>, 2025

Meeting Information  
Fire Clerk | 208-726-7805

**Microsoft Teams**  
**Join the meeting now**

Meeting ID: 228 122 411 154  
Passcode: J7Th7qd9  
[feedback@ketchumfire.org](mailto:feedback@ketchumfire.org)





# KETCHUM FIRE DISTRICT

## FIRE COMMISSIONER MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

### Recommended Motion:

### Reasons for Recommendation:

- 
- 
- 

### Policy Analysis and Background (non-consent items only):

### Financial Impact:

### Attachments:

- 
- 
-



# KETCHUM FIRE DISTRICT

## FIRE COMMISSIONER MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

### Recommended Motion:

### Reasons for Recommendation:

- Modified accrual is recommended by GASB as the required accounting system for state and local government employers.
- GASB is the Governmental Accounting Standards Board.
- Critical step towards eventually creating a district budget.

### Policy Analysis and Background (non-consent items only):

### Financial Impact:

None OR Adequate funds exist in account:

### Attachments:

1.
2.
3.



# KETCHUM FIRE DISTRICT

## FIRE COMMISSIONER MEETING AGENDA MEMO

Meeting Date:  Staff Member/Dept:

Agenda Item:

### Recommended Motion:

I move to appoint Seth Martin to the position of interim Fire Chief for the Ketchum Fire District

### Reasons for Recommendation:

- The Fire District desires to formally appoint a Fire Chief to serve as the executive officer of the district until a date at which a permanent Fire Chief will be appointed.
- It is necessary to appoint a Chief on an interim basis to align with the district's desire to consolidate with the BC South Fire Protection District and to continue with the collaborative efforts between BC South, KFD, and the City of Ketchum to recruit a permanent Chief.
- 

### Policy Analysis and Background (non-consent items only):

### Financial Impact:

None OR Adequate funds exist in account:

### Attachments:

- 1.
- 2.
- 3.

CHIEF's REPORT



Fire District Meeting  
February 20<sup>th</sup>, 2025

1

---

---

---


---

---

---

---

---



Calls for Service

- January 2025
- EMS Calls 50% ALS Level
- 39% Fire

2

---

---

---

---


---

---

---


---

We Continue to Set Call Volume Records




January was our busiest month ever with 156 CFS

Up 8% over last year



2024 finished out 39% busier than 2020



We are currently running at an approximately 20% concurrent call rate.

47 Concurrent Calls In January  
This requires additional staffing to cover

3

---

---

---

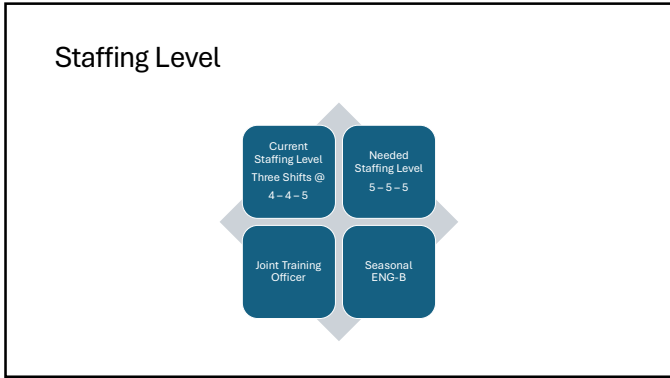
---

---

---

---

---



4

---

---

---

---

---

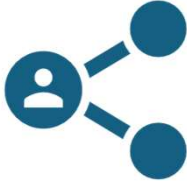
---

---

---

### Paid-on-Call Volunteers

- The Shift Assist program continues to be essential
  - For covering calls
  - For training our next Full-Time members
- Will need additional funding to remain viable



5

---

---

---

---

---

---

---

---

### Investment in KFD

Capital Improvement	Large Event Support	Short Term Needs
---------------------	---------------------	------------------

6

---

---

---

---

---

---

---

---

**Capital Improvement**

- New Utility Vehicle**
  - Outfitting
- Station Repeater**
  - Command 2
- Pagers**
  - Needed for All
- Radios**
  - Interoperability

7

---

---

---


---

---

---


---

---



**Large Event Support**

- FIS World Cup Incident Command
  - In cooperation with partnering agencies
  - In support of the City of Ketchum



8

---

---

---

---


---

---


---

---

**Immediate Needs**



TRAINING OFFICER



PLAN REVIEWS BY  
SAFEBUILD

9

---

---

---



---

---

---

---

---

 Fire District Progress 

10

---

---

---

---





---

---

---

---

Fire District Progress

 EIN	 Third Party Payroll
 EMS Billing Agreement	 EMS License

11

---

---

---

---

---

---

---

---

Consolidation Progress Report

 Prothman Chief Recruiting	 Budgets
--	--

12

---

---

---

---


---

---


---

---


### Partners



Originally deemed a 5-year project



Go slow to achieve our goals



Sensitive to our partnering agencies external relationships

13

---

---

---

---


---

---

---

---

### End



Questions?

14

---

---

---

---

---

---

---

---