



Tualatin Valley Fire & Rescue Board of Directors Meeting Minutes

Tuesday, January 28, 2025

TVF&R Command and Business Operations Center

11945 SW 70th Avenue, Tigard OR 97223

Livestream: <http://www.youtube.com/c/TualatinValleyFireRescue>

ATTENDANCE

Board Members: Justin Dillingham, Bob Wyffels, Randy Lauer, Gordon Hovies – in person. Clark Balfour – virtual.

Others present: Valerie Colgrove, Patrick Fale, Steve Forster, Kenny Frentress, Chris Hamilton, Kristen Henderson, Heidi Hicks, Laura Hitt, Laura Jenkins, Victoria Jimenez, Eric Kennedy, Ryan Robinson, Lucy Shipley, Andy Smusz, Marissa Taylor, Deric Weiss, James Whyte – TVF&R; Bob Blackmore – Attorney; Liani Reeves, Christine Slattery – Miller Nash, LLP

REGULAR SESSION

CALL TO ORDER President Dillingham called the Board meeting to order at 3:01 PM.

CONSENT AGENDA

Director Lauer moved, seconded by Director Balfour to approve the consent agenda. The motion passed unanimously.

RECOGNITION

None.

PUBLIC PARTICIPATION

None.

STAFF PRESENTATION

Popular Annual Financial Report Controller Andy Smusz provided a brief background, and overview of the report, which is used to communicate District information to communities and residents in a transparent, easy to understand format. The Directors commended staff on the report, and the information it provided.

FINANCE REPORT

Finance Report (December 2024) Chief Financial Officer (CFO) Valerie Colgrove reviewed the finance report for the period ending December 31, 2024. Activity of note includes:

FINANCE REPORT (continued)

- The General Fund ending fund balance is approximately \$127.3 million, primarily driven by beginning fund balance and property tax revenue up 3.7% over the previous year
- All directorates were under the expenditure benchmark through December 2024.
- Year to Date expenditures are at 46% of our budgeted amounts which is under our benchmark of 50%.
- Personnel Services are at 47%, slightly under target. The overall budgeted FTE for union and non-union this year is 617. Currently, at 580 FTE and planning to build up towards our target with the upcoming recruit academies.
- Materials and Services are at 42% of the total budgeted amount with no concerning trends.
- Apparatus & Vehicle Fund 21 has expended \$1.5 million YTD with the purchase of a Hazmat rig earlier this year and two additional training vehicles.
- Capital Improvement Fund 22 has expended \$850,000 on differed maintenance items such as new MDCs, a new generator at Station 52, and some laryngoscope replacements.
- MERC Fund 23, spending was around purchasing cellular upgrade testing equipment to help improve communications throughout the community.
- Grants Fund 25, had minimal activity this year with one noteworthy activity which was the deferred revenue reversal of \$30,000 in the last quarter.
- Debt Services Fund 30, property taxes are coming in as expected which allowed us to make our first interest payment in December. We will make our principal and remaining interest payment in June.
- Insurance Fund 45, had minimal activity through the first two quarters of FY25.
- Property & Building Fund 51, had some budgeted property improvements, but funds are to be used for land purchase for Station 22 Rural Newberg, Station 31 King City, and Station 63. There is some land feasibility work being done and a couple opportunities in Newberg, OR. More to come on that.
- Capital Projects Fund 52, investment earnings have outpaced our budget and our spending. Expending ~ \$800,000, including medic remounts and Board approved work at Station 35 and Station 20.
- Pension Fund 61, has two closed pension accounts and one remaining beneficiary.
- LOSAP Fund 63, defined benefit plan for volunteers, has 4 participants receiving benefits, and 6 participants are not yet eligible until they reach the age of 62.
- Custodial Fund 65, largest expenditures in this fund have been for the Newberg Toy & Joy Drive.

Quarterly Investment Report Chief Financial Officer (CFO) Valerie Colgrove reviewed the Districts investment status for the period ending December 31, 2024.

- Summary of investments across all our funds is \$222.4 million.
- All funds combined earned \$1.7 million in interest last quarter, and \$3.3 million year to date with a return of 4.5%. The District budgeted for \$1.2 million in interest earnings, and we have already exceeded that in the first 6 months of the year.

FINANCE REPORT (continued)

- Staff is working with the District's investment advisors on investment options for the remainder of the year. The expectation is the investments will continue to yield good returns for the remainder of the year.
- The LOSAP Fund 63 balance is just under \$500,000 with a return of 6%.

Director Wyffels inquired if the District has been reimbursed for the deployments from last year's incidents. CFO Colgrove has confirmed that those funds have been received for those incidents; however, we have not received reimbursement for the fires in California as of the meeting date.

CORRESPONDENCE

Noted.

OLD BUSINESS

None.

NEW BUSINESS

Board Policy Section 1 (District Board Operations) Chief Weiss stated consistent with practice, staff has reviewed Board Policy Section 1 – District Board Operations and does not recommend changes to the current policy as it had been reviewed extensively a couple months ago. The policy was presented for Board approval and first reading.

President Dillingham moved, seconded by Director Lauer, to approve the first reading of Board Policy 1, District Board Operations, by title only. The motion passed with yes votes from President Dillingham, Director Lauer, Director Wyffels, Director Balfour. Director Hovies voted yes, but expressed disagreement with parts of the policy.

Victoria Jimenez gave the first reading of Board Policy 1, District Board Operations by title only.

Investigation Report on Conduct of Director Hovies Liani Reeves and Christine Slattery, Miller Nash, LLP., presented to the Board their findings on an investigation conducted on one of the District's board members, Director Gordon Hovies.

The investigation originated with a report submitted by a TVF&R Lieutenant related to alleged inappropriate comments made by Director Hovies during a station visit on October 11, 2024. Allegations were made by staff that Director Hovies made comments on individual bunk rooms potentially "having a negative effect on the fire service, because it would open the door for transgender firefighters to enter the service."

NEW BUSINESS (continued)

The District hired Miller Nash, LLP to conduct an impartial fact-finding investigation as to whether the allegations could be substantiated. As part of the investigation, Miller Nash reviewed the expectations outlined in a June 2022 private letter of censure to Director Hovies and interviewed two witnesses. Director Hovies did not agree to be interviewed. Instead, his attorney provided several emails outlining arguments on behalf of Director Hovies. After reviewing all the findings, the investigation substantiated the allegations, citing violations of the District's policy regarding discrimination and harassment.

Director Hovies responded by disputing the findings, claiming his rights to due process and free speech were violated, and arguing that the Letter of Censure from June 2022 was politically motivated. Director Hovies stated he wanted to put a letter from his attorney, along with email exchanges, in the record to explain his position.

Board members discussed the findings and expressed disappointment in Director Hovies behavior. Director Lauer addressed Director Hovies' comments on the findings citing the June 2022 letter of censure was discussed and negotiated at an executive session stating that Director Hovies had made two requests that day to keep this letter private and to remain on the Metropolitan Policy Advisory Committee (MPAC). Director Wyffels recalls the executive session in which Director Hovies verbally agreed to the letter of censure which is on the record. Director Wyffels recommended moving forward with a public letter of censure.

Original Motion: Director Wyffels moved, seconded by Director Lauer for discussion to issue a formal public censure to Director Hovies. This motion provided that the letter of censure should last through the end of Director Hovies' elected term and should state he not represent TVF&R in public unless he has permission from the Board President. His role should be limited to attending public meetings, voting on matters of board policy and district budget. During the discussion the motion was amended by Director Wyffels, seconded by Director Lauer to add an apology from Director Hovies for the incident. Following discussion, Director Wyffels sought to withdraw the motion, but a motion to call the question was made by Director Hovies and he argued that the board was required to vote. Attorney Blackmore opined that the board was not required to go forward with a vote under the rules of the District or Robert's Rules of Order, but the board expressed a concern that Director Hovies would legally challenge the process, so the Board decided to effect withdrawal by voting no on the motion and then proceed with a new motion. A vote was held with no votes from President Dillingham, Director Lauer, Director Wyffels, Director Balfour. Director Hovies abstained.

Discussion was had about having a public verbal censure or a written censure. Board Attorney Blackmore stated he had no concerns with anything Director Wyffels put forth as he understood and interpreted it. None of it was directed at prohibiting Director Hovies from free speech and reiterated that Director Hovies does not have the right to engage in

NEW BUSINESS (continued)

inappropriate conduct in front of employees and that this District has a legal obligation to provide a safe workplace free from harassment and inappropriate behavior. Attorney Blackmore recommended moving forward with a verbal censure as a motion and not prolong the matter.

Director Balfour asked clarifying questions and requested to have a draft of the written censure before it is approved. Attorney Blackmore acknowledged Director Balfour's request for having the censure in writing and offered the possibility of referencing the terms and conditions from a previous letter of censure that was given to Director Hovies privately in 2022. Board members consulted with Attorney Blackmore on formulating a new motion and decided to propose a new motion as follows.

Motion: **With regards to the current conduct and the findings that have been presented to the Board, Director Wyffels moved, and Director Lauer seconded, to have a public letter of censure issued to Director Hovies consistent with the terms of the prior letter of censure in 2022, with the exception of the specific reference to MPAC, and authorize the Board President to sign the letter, if the council agreed. Board President Dillingham clarified that the letter would not need to come back to the Board for approval. Director Wyffels moved, seconded by Director Lauer. The motion passed with yes votes from President Dillingham, Director Lauer, Director Wyffels, Director Balfour. Director Hovies voted no.**

Attorney Blackmore clarified questions Director Hovies asked about his status as a board member.

CHIEF'S REPORT

Capital Projects Expenditure Summary CFO Colgrove reported progress on four of the Districts bond projects including Station 20, Station 35, Station 62 and the Training Center. Areas of note included:

- Station 35 moving through the design phase and will get a temporary station build on the property soon.
- Staff is working with the city on pre-application meetings for Station 20.
- Station 62 was on pause for a little bit, hoping to get that restarted
- For the training center, we are planning to have a contract for the design build ready by our next board meeting.

Promotions Announcements Chief Weiss congratulated the following personnel who were promoted effective December 1, 2024:

- Alfonso Pimentel was promoted to Captain.
- Beau Allen was promoted to Lieutenant.
- John Sconce was promoted to Lieutenant.
- Joseph Rogerson was promoted to Training Officer.
- Megan Rye was promoted to Training Officer.

CHIEF'S REPORT (continued)

Retirement Announcements Chief Weiss congratulated and thanked the following individuals for their years of service to the District:

- Effective December 19, 2024
 - Ryan Delashmutt retired from the Lieutenant position, Served 24 years.
- Effective December 31, 2024
 - Eric Bokovoy retired from the Captain position, Served 28 years.
 - Michael (Mick) Carey retired from the Captain position, Served 25 years.
 - Darrin Culp retired from the Firefighter position, Served 18 years.
 - Julie Ellenson retired from the Training Officer position, Served 26 years.
 - Daniel Hastie retired from the Firefighter position, Served 24 years.
 - Danielle Joe retired from the Apparatus Operator position, Served 26 years.
 - Brian Johnson retired from the Lieutenant position, Served 25 years.
 - Andrew Klein retired from the Captain position, Served 25 years.
 - Kevin Linehan retired from the Firefighter position, served 28 years.
 - Ronnie Mason retired from the Lieutenant position, served 26 years.
 - David Milburn retired from the Training Officer position, served 10 years.
 - Scott Steiner retired from the Firefighter position, Served 25 years.
 - Robert Watson retired from the Lieutenant position, served 26 years.

Budget Committee Workshop Chief Weiss reminded the Board that the Budget Committee Workshop is scheduled for March 6, 2025 at 3:00pm at CBOC.

Deployments to California Fires Through EMAC Chief Weiss provided an update on the latest deployments to California which including the following:

- Crews left on January 8, 2025 to California and had been there for 18 days before returning on January 25, 2025.
- Crews are healthy and well. Our apparatuses are in the shop getting maintained.
- Total of 13 personnel were deployed including 1 Oregon EMAC, 3 engines from the Washington County Strike Team including Engine 56 and Engine 58, one task leader. Yamhill County sent 3 brush rigs, and we sent 1 heavy brush rig.

District Events Chief Weiss provided the following updates:

- The Newberg Toy & Joy event happened on Saturday, December 21, 2024 at the Newberg School District building from 10:00 am – 2:00 pm where families picked up Christmas toys for their children. This year we served 282 families with a total of 659 kids who received gifts. Images from the event were projected.
- The January Community Events Report was presented.

DIRECTORS' REPORT

Director Wyffels reported on a WCCCA emergency meeting that took place last week and a recognition event for Commissioner Roy Rogers earlier this month.

ITEMS NOT LISTED ON THE AGENDA

None.

ADJOURNMENT

Director Wyffels moved, seconded by Director Lauer, to adjourn the regular meeting and convene in executive session for the reasons stated on the agenda. Motion carried unanimously.

President Dillingham adjourned the regular meeting at 4:44 PM.

CALL TO ORDER

President Dillingham called the regular session back to order at 5:04 PM.

NEW BUSINESS

Consideration and Possible Action Regarding Newberg Property Acquisition CFO Valerie Colgrove provided background on the possible acquisition of a property in Newberg, OR during executive session. The board reviewed the information and reconvened the regular session to make a decision. The board agreed to move forward with the purchase of the property located on 312 East Second Street, Newberg, Oregon.

Director Balfour addressed a potential conflict of interest on this matter and has decided to abstain his vote.

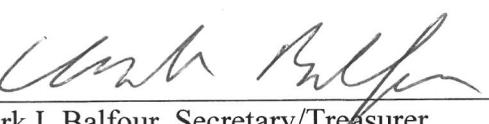
Director Lauer moved, seconded Director Wyffels by to approve the purchase of property located at 312 East Second Street, Newberg, Oregon, subject to final negotiation of price and authorize the Fire Chief or his designee to execute all documents necessary to complete this transaction. The motion passed with yes votes from President Dillingham, Director Lauer, Director Wyffels, Director Hovies. Director Balfour abstained.

ADJOURNMENT

Director Wyffels moved, seconded by Director Lauer, to adjourn the regular meeting. Motion carried unanimously.

There being no further business to come before the Board, President Dillingham adjourned the meeting at 5:06 PM.

APPROVED on February 25, 2025


Clark I. Balfour, Secretary/Treasurer

Minutes recorded & prepared by Victoria Jimenez