

Judith Basin Rural Fire District  
Minutes, March 17, 2015

Chairman Tim Crosmer called the meeting to order at 7:30 p.m. Members Present: Bruce Evans, Clayton Kaiser, Frank Fiedler, and Bill Neilson. Also present: Raynesford Fire Chief Steve Hedstrom, County Attorney Heather Perry and Geyser Fire Chief Clayton Annala

Agenda approval: Clayton made a motion to accept agenda, 2<sup>nd</sup> Frank. Motion passed.

Public comment: Doug for FSTS/ Staff & Command Class coming up in Great Falls in April 18-19 at the Hampton, \$129. Doug encouraged everyone to attend.

Tim for DNRC/ training is winding down, Gary Kirpach will be done May 1<sup>st</sup>. Matt Plagenz will be taking Anthony Emacio, the Engine Boss around to meet with fire chiefs.

Bonnie for DES/ reminder of upcoming Traffic Incident Management training is coming up end of April for Stanford and Hobson, and first part of May for Geyser. Geyser will let Bonnie know if they want it or not as they do not provide traffic assistance.

Correspondence: Montana Ranch Insurance, notice of renewal in July, Work Comp, opportunity to join Montana Small Business Group. Clerk will get further information about small business group.

Minutes: Bruce made a motion to approve, 2<sup>nd</sup> Clayton, motion passed.

Treasurer's report: \$75,000 on hand, Clayton move to accept treasurer's report 2<sup>nd</sup> Frank. Motion passed.

County Attorney Heather Perry was present to talk to the board regarding Montana Open Meeting Laws. Most important; as elected trustees, board must follow the open meeting laws. It's also important to let clerk know if you can't make it to a meeting to ensure there is a quorum. Emergency decisions/meetings, cannot be done by phone or email, you must meet.

Example: Panels- if Clayton buys, he must recuse himself from the vote, and the sale must be properly noticed. Email can be used for minutes, agendas, never have discussion on items that will or will potentially be action items, or personnel issues, if it's ministerial and need to ask clerk, it's ok.

Bill questioned why the decision to sell Clayton the panels couldn't be done by email as they had previously gave Bruce permission to sell on Craigslist. Heather explained the Board has a fiduciary and loyalty to the taxpayer. On Craigslist was o.k., but once you have bids, it wasn't appropriate to just circulate the decision to sell by email. Public didn't have the opportunity to speak about sale. The burden was higher because a board member was interested. The board should be careful of any appearance of impropriety, and have a duty to maximize sale of any asset. It is the duty of the board to make sure all discussion and decisions are made on record and in minutes. Any and all bids need to be in writing and submitted at meetings for board action. Bid items considered at meetings, deadline as action item at meeting. Bids must be written.

Other items brought up: Agenda items at meetings- can add discussion items not decision items.

Minutes: corrections or additions, made on month corrected. Secretary or president can/should sign minutes.

Repairs to trucks by volunteers: Mr. Hubble's opinion when he was the County Attorney was the trucks must be repaired by a certified mechanic and carry insurance. Heather felt there was a liability issue if volunteers were repairing trucks and they were involved in an accident. Board felt there shouldn't be a problem doing minor repairs.

Further research will be done.

Heather reminded the board if they had questions or concerns to contact her.

**Old Business:** Department Reports: Raynesford- in good shape for now

Geyser- Tender is back from Kois, \$800-\$1000 to change tank over. Proceeds from sale of flatbed will be in with the bill. Want to use radio out of old ambulance for truck. Kois also hooked up all the wiring.

Stanford- Received the DNRC truck, needs a few little things, but operational.

Windham-everything up and running, good to go

Equipment purchases, Traffic Safety Signs for Raynesford: Bruce made a motion to order 2 Incident Ahead signs, 48" with bases, 2<sup>nd</sup> Frank. Motion passed. Steve will get prices and let clerk know.

GPS Units, Windham would like to get a GPS unit. Bill will look and see what else might be available to track fires, etc.

Fire Shelters, Stanford has 2 old in every truck and 2 blue ones. Other companies have old shelters. Since Hobson hasn't decided what they want to do with VFA/RFA Grant, Stanford can have half – about \$3500.

Bruce made a motion to buy 12 fire shelters with JB Rural share of VFA/RFA grant 2<sup>nd</sup> Frank. Motion passed.

Insurance on DNRC truck: Frank made a motion to put full coverage on Stanford DNRC truck, 2<sup>nd</sup> Bill. Motion passed.

Tim brought up Voiding fire chief job description policy wasn't an agenda item, so it technically shouldn't have been done. Frank made a motion to rescind the motion from February meeting voiding fire chief job description, 2<sup>nd</sup> Tim. Motion passed.

Sale of flatbed: Bill made a motion to approve the sale of flatbed from the Freightliner for \$1600.00, 2<sup>nd</sup> Frank. Motion passed.

Fire Chief Job description drafts: Tim brought up the description should follow MCA, and add whatever else is pertinent. Steve Hedstrom distributed a list that Raynesford Fire had come up with for a job description. Bill would like to table until next meeting to have more time review.

Tim made a motion to table chief job description until next meeting, 2<sup>nd</sup> Bill. Motion passed.

Sale of panels and gate: Clayton would like to withdraw his offer. Advertise in press. Bill made a motion to place minimum bid of \$600 2<sup>nd</sup> Frank. Motion passed.

Bids on old Geyser truck, none received. Bruce made a motion to advertise in FSTS newsletter and Craigslist for \$5,000. Clayton will list panels on Craigslist 2<sup>nd</sup> Clayton. Motion passed.

**New Business:** Running boards & lettering for Stanford DNRC truck. Tim priced running boards from NAPA and The Pickup Guys in Lewistown. Cost was \$350.00 installed from Pickup Guys in Lewistown, and \$350.00 from NAPA, no installation. Lettering can be done at Eastman. Tabled until Stanford meets and decides what they want to do.

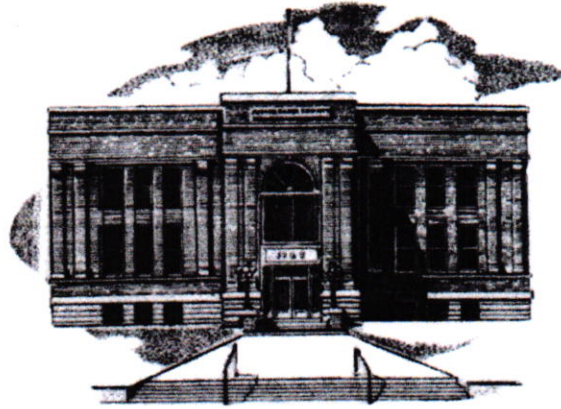
Spotlights have remotes, good idea to have on at least one truck. Bill will check on remote spotlights and bring to next meeting.

Insurance: Board will have Montana Ranch Insurance and Gerry Hungate come to April and May meetings to give quotes and answer questions before the July renewal date.

Bill made a motion to approve the bills with the exception of Stockman Bank for bonding, 2<sup>nd</sup> Frank. Motion passed. Clerk will verify with Montana Ranch Insurance that they are already covered under the current policy.

Frank, motion to adjourn 2<sup>nd</sup> Clayton Motion passed.  
Meeting adjourned at 9:50 p.m.

JUDITH BASIN  
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Phone (406) 566-2277  
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March 19, 2015

To: Judith Basin Rural Fire District Trustees and Fire Chiefs

RE: March 17, 2015 Discussion regarding maintenance and repairs

Dear Folks,

As a result of the discussion regarding the standard of care for maintenance and repairs of equipment and vehicles owned by the Fire District, I thought it might be helpful for you if I did a little more investigation. I approached the issue on 2 fronts: 1) state law; and 2) insurance coverage.

1. State Law: As usual, I just go directly to the best source. Allen Lorenz, State Fire Marshall, was very helpful and we had a good visit about rural county issues. The good news is you are doing everything correctly with regard to state law and no changes are needed.

The Department of Justice has never issued any rules or regulations with regard to repairs and maintenance of rural fire district vehicles and equipment. Best practices would likely include written monthly inspections and starting the vehicles every week if volunteer time allows. Bonnie Ostertag showed me the monthly checklist she and Steve put together for Raynesford and Allen confirmed it was very consistent with other checklists he had seen from other rural fire districts.

As to the opinion letter that Jim Hubble had written several years ago, it is still a valid and relevant opinion but there are no state laws or regulations requiring certified mechanics to work on your fire equipment or vehicles. I spoke to Jim and we both agree that the importance of business insurance is directly related to the amount of the expense involved if the repair is faulty or



performed negligently. However, those decisions are made by the fire board trustees and I am sure they take all those things into account.

There was one thing Allen asked me to make you aware of and it came about when I asked him about the importance of annual inspections like DNRC completes each year. Allen said there is nothing from the Department of Justice or in state law that requires or even calls for those. In fact, there are now a number of companies that are operating fraudulently by contacting rural fire districts about doing these types of certifications. If you are contacted by one of these companies, you may want to notify me or someone at the State Auditor's office or the Department of Justice if you believe it is a fraudulent business.

2. Insurance: Allen mentioned, and I had already contacted, your insurance agent Jennifer Hepfner and provided her with a copy of the Raynesford checklist. I asked her to check with her underwriter and see if there was anything on the list that would cause the insurance company to except or deny coverage in the event of an accident. That being said, I am not sure we will get back anything really useful as insurance companies are generally loathe to make any representations as to whether or not they will deny coverage. They prefer to keep their litigation options open. However, as soon as Bonnie Ostertag and I hear back from Jennifer we will let you know in writing.

I have asked Bonnie to send a copy of this letter with her draft minutes from the meeting to each of the Trustees and to all the Fire Chiefs within the District. I have given the original to Bonnie so that you may, but you do not have to, move to append this letter to your approved Minutes for the March 17, 2015 meeting.

As you may recall my purpose for attending the meeting was to discuss the open meeting laws. If you have any questions pertaining to those please feel free to contact me at 566-2500 or at [hperry@hubblelandandlaw.com](mailto:hperry@hubblelandandlaw.com) or you may contact me with any other questions or concerns.

Sincerely,



Heather Perry

## Ostertag, Bonnie

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**From:** Jennifer Hepfner [mtranch@3rivers.net]  
**Sent:** Monday, March 23, 2015 9:50 AM  
**To:** Ostertag, Bonnie  
**Subject:** RE: Judith Basin Fire Dist Coverage

Good Morning Bonnie:

I heard back from the underwriter regarding maintenance on the fire trucks and whether the board is bonded.

With regard to maintenance, she informed that there is no exclusion for volunteers that repair the trucks on the auto policy. The inspection of vehicles should be accordance with NFPA guidelines and each department can obtain the requirements for their state requirements.

With regard to the bonded question on the board of directors, she referred me to the Crime Coverage portion of the policy. In this portion it does explain that 5 trustees and one clerk are covered for \$50,000 under a Public Employee Dishonesty Position Schedule Bond. The coverage specifically reads:

A. Coverage

We will pay for loss of, and loss from damage to, covered property resulting directly from the covered cause of loss.

1. Covered Property: "Money", "Securities" and "property other than money and securities."
2. Covered Cause of Loss: "Employee dishonesty".
3. Coverage extension

Employees temporarily outside coverage territory: We will pay for loss caused by any "employee" you engage to perform the duties of a position shown in the schedule while that "employee" is temporarily outside the territory specified in General Condition B.16 for a period not more than 120 days.

Dan will be able to better explain all of this to the board when he is there for the meeting on April 21 and will also have a copy of that portion of the policy. Please let me know if you have any additional questions in the meantime. Thanks.

Jennifer Hepfner  
Montana Ranch Insurance  
103 Castner St, PO Box 451  
Belt, MT 59412  
406-277-3303  
406-277-3332 (Fax)  
MT Ranch Insurance is an equal opportunity provider.

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**From:** Ostertag, Bonnie [<mailto:BOstertag@co.judith-basin.mt.us>]  
**Sent:** Monday, March 23, 2015 9:21 AM  
**To:** Jennifer Hepfner  
**Subject:** RE: Judith Basin Fire Dist Coverage

Hi Jennifer,  
Thanks for checking on that. I will put Dan on the agenda for April, and if anything changes I'll let you know.  
Thanks.

Bonnie Ostertag



Judith Basin County DES Coordinator  
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**From:** Jennifer Hepfner [mtranch@3rivers.net]  
**Sent:** Thursday, March 19, 2015 10:44  
**To:** Ostertag, Bonnie  
**Subject:** RE: Judith Basin Fire Dist Coverage

Hi Bonnie:

I sent an email to the underwriter to inquire about this and the other questions that Heather called me about the other day. I will let you know as soon as I hear something from her.

I think that Dan Miller (he owns the agency) will be able to come to the meeting on April 21 to discuss the policy and coverages with the board. I don't think that will be a problem.

Thanks.

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**From:** Ostertag, Bonnie [mailto:[BOstertag@co.judith-basin.mt.us](mailto:BOstertag@co.judith-basin.mt.us)]  
**Sent:** Wednesday, March 18, 2015 11:15 AM  
**To:** Jennifer Hepfner ([mtranch@3rivers.net](mailto:mtranch@3rivers.net))  
**Subject:** Judith Basin Fire Dist Coverage

Hi Jennifer,

There are a couple of things the board wanted me to find out from you.

I need to verify that they are bonded under the current policy, and they also wanted me to ask if someone could come to the next board meeting in regards to renewal of their coverage and any changes in the policy, and/or changes they should make.

The board meets April 21<sup>st</sup> at 7:30 p.m. at the courthouse in Stanford. If that isn't possible, let me know and we can try to make other arrangements.

Thanks,

Bonnie Ostertag,  
Judith Basin County DES  
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*"What you are will show in what you do"*

*Thomas Edison*