

# ASSESSMENT OF THE LEGISLATIVE BRANCH OF THE WESTERN CASS FIRE PROTECTION DISTRICT



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## **BOARD OPERATIONS**

### Attorney Privilege

The District could incur unnecessary attorney fees by having any Director be able to contact the District's Attorney. I would encourage the Board to ensure a Standing Rule is adopted regarding who has the authority to contact the District's Attorney, especially if different individuals need to contact the Attorney for different reasons, e.g., the Custodian of Records regarding a subpoena versus the President who has just been served with a lawsuit.

### Meeting Agenda and Meeting Schedule Postings

I encourage the Board to ensure the responsibility of posting meeting agendas and the meeting schedule is documented and includes posting of the meeting schedule at both fire stations.

See Organizational Chart and Job Descriptions

### Virtual Meetings

I encourage the Board to seek a written opinion from the District's Attorney as to how many Directors must be physically present at the location of the Board meeting for there to be a quorum. And if it is the opinion of the District's Attorney that a quorum must be physically present at the location, then I encourage the Board Chairs to ensure that the District's opinion is followed for each Board meeting.

### Use of Teams Messaging and Emails

I encourage the Board to ensure that the Board complies with the Sunshine Laws for public notice of all meetings, particularly not using Teams messaging and email threads to in effect conduct meetings without public notice. Teams messaging and emails are excellent communication tools for one-way communications with all Directors; however, any reply to an email to more than three Directors could easily constitute an illegal meeting that could result in an investigation by the Attorney General's or Cass County Prosecutor's Office, scrutiny and scorn by the media and citizens, tarnished reputation regarding transparency, and personal fines of many thousands of dollars.

### Organizations Providing Resources and Support

I encourage the Board becomes members of organizations that provide resources and support to the Board, its Officers, and its personnel. Specifically, I encourage the Board to become members of the Missouri Association of Fire Protection Districts, the National Association of Emergency and Fire Officials, the Missouri Association of Fire Chiefs and the National Volunteer Fire Council for its top operational leaders, and the Fire Fighters Association of Missouri for its firefighters and Directors.

I can provide membership information for each organization and if approved, I can prepare the membership application forms for payment.

### Director Oaths/Affirmations of Office and Surety Bonds

As part of a documented onboarding process for newly elected or re-elected Directors, I encourage the Board to ensure that newly elected and re-elected Directors take their oaths/affirmations of office and that such oaths/affirmations of office are taken in a timely manner to ensure that the oaths/affirmations of office are filed with the Cass County Circuit Court Clerk within fifteen (15) days of the election or appointment of newly elected and re-elected Directors.

Also, as part of a documented onboarding process for newly elected and re-elected Directors, I encourage the Board to ensure that newly elected and re-elected Directors file at least a \$1,000 surety bond for their office and that such surety bonds are purchased in a timely manner to ensure that the surety bonds are filed with the Cass County Circuit Court Clerk within fifteen (15) days of the election or appointment of newly elected and re-elected Directors.

And finally, because the State Statute specifically states, "surety bond", if the District has Public Office bond or similarly titled bond for its Directors, then I encourage the Board to have the District's attorney opine in writing whether or not a Public Office bond or similar bond fulfills the requirement of a "surety bond" and if not, purchase and file actual surety bonds for its Directors.

### Officer Oaths/Affirmations of Office and Treasurer's Corporate Fidelity Bond

As part of a documented onboarding process for new or returning Officers, I encourage the Board to ensure that new or returning Officers take their oaths/affirmations of office before taking their office.

Also, as part of a documented onboarding process for newly elected and re-elected Treasurers, I encourage the Board to ensure that newly elected and re-elected Treasurers file at least a \$5,000 corporate fidelity bond for their office and that such corporate fidelity bonds are purchased in a timely manner to ensure that the corporate fidelity bonds are filed with the Cass County Clerk as soon as possible after the election of newly elected and re-elected Treasurers.

And finally, because the State Statute specifically states, "corporate fidelity bond", if the District has Public Office bond or similarly titled bond for its Treasurer, then I encourage the Board to have the District's Attorney opine in writing whether or not a Public Office bond or similarly titled bond fulfills the requirement of a "corporate fidelity bond" and if not, purchase and file an actual corporate fidelity bond for its Treasurer.

### Candidate Filing

I encourage the Board ensure a policy or standing rule to document the process for accepting declarations of candidacy to the Board is set up, including designating which role or person will accept declarations of candidacy, which affirmations of qualifications are required, and that the \$100 filing fee is collected, receipts are issued for filing fees paid in cash, and that the filing fees are deposited on a timely basis. I encourage that the declaration of candidacy process includes templates for resolutions calling for candidate filing and calling for election(s), including templates for the public notice of candidate filing, certification of the election, and a sample ballot.

## **FACILITIES MANAGEMENT**

### Facility Manager

I encourage the Board create a Facilities Manager role to be filled by a competent person to manage the District's facilities to ensure maintenance, repair, and security of District facilities. The Facilities Manager role could be assigned to existing unpaid or paid personnel or maybe an opportunity to engage a citizen that would like to help the District in a non-firefighting capacity.

Also see Organizational Chart and Job Descriptions. Also see Contractor Certificates of Workers Compensation Insurance. Also see Contractor Safety Training. Also see Verification of Contractor Employees Right to Work.

### Americans with Disability Compliance

I encourage the Board to ensure that its facilities all comply with the Americans with Disability Act (ADA) by requiring the Facility Manager to engage the services of a consultant with experience in ADA compliance so that a list of deficiencies can be presented to the Board for resolution before a US Department of Labor complaint is made that could result in tens of thousands of dollars in fines to the District, as well as scrutiny and scorn by the media and citizens, particularly citizens with disabilities.

Also see Facilities Management. Also see Organizational Chart and Job Descriptions.

### Physical Security

I encourage the Board ensure that a policy regarding physical security of the facilities is adopted to ensure all roles and responsibilities and current and desired practices are documented and that all personnel are educated on the physical security policy.

## **RECORD KEEPING**

### Custodian of Records

I encourage the Board to formally appoint a Custodian of Records as required by the Sunshine Law.

See Organizational Chart and Job Descriptions

### Record Retention

I encourage the Board to ensure that the District is in compliance with the State and Local Records Law by ensuring that the District's Custodian of Records has the responsibility to review the Local Government Records Retention Schedules on the Missouri Secretary of State's Office website to ensure no District records are destroyed too soon or are retained unnecessarily.

See Organizational Chart and Job Descriptions

### Contracts, Agreements, and Memorandums of Understanding

I encourage the Board to ensure that all past and current contracts, agreements, and memorandums of understanding (MOUs) are retained (physical files and/or on SharePoint) and organized for easy referral and to ensure that the District is in compliance with all such documents currently in force by periodic reviews by personnel and, as necessary, the District's Attorney.

### Resolutions and Ordinances

I encourage the Board to ensure an index is created and maintained of all passed resolutions and ordinances, especially ordinances that are still in force. And while resolutions and ordinances should remain with the minutes of the meeting in which a resolution or ordinance was passed, for purposes of efficient retrieval, I encourage the Board to ensure that a copy of each passed resolution and ordinance is maintained with the index of resolutions and ordinances.

I also encourage the Board to review, with assistance from District personnel and the District's Attorney, all ordinances in force to ensure ordinances are up-to-date and that no ordinances need to be repealed. Further, I encourage the Board to determine a documented schedule in the form of a policy or standing rule so that going forward all ordinances in force are periodically reviewed, e.g., at the May meeting every year or X number of ordinances per meeting.

### Offboarding Directors and Personnel

I encourage the Board to ensure that there is a process to make certain records and information possessed by outgoing Directors and terminating personnel are returned to the District, e.g., development and implementation of a policy, standing rule, checklists, etc.

## COMMUNICATIONS

### Internal communication

The District's use of Microsoft Teams and SharePoint is commendable and is a best-in-class practice that is not often seen in small local governments. I would encourage the Board to ensure access to Teams and SharePoint is expanded to other internal users to ensure communication and access to information by everyone within the District's organization.

Requests to access Teams and SharePoint (and remove access) is usually initiated by someone in a Human Resources role, e.g., recruiter, employee relations, etc. after approval to hire by the Board.

Requests to remove access to Teams and SharePoint is usually initiated by someone in a Human Resources role that receives voluntary resignations, suspension notifications, or involuntary terminations from the Board.

Also see Human Resources. Also see Onboarding Directors and Personnel. Also see Offboarding Directors and Personnel.

### Public Information Officer

I encourage the Board create a Public Information Officer (PIO) role to be filled by a competent person to manage the District's external communications. The PIO role could be assigned to existing unpaid or paid personnel or maybe an opportunity to engage a citizen that would like to help the District in a non-firefighting capacity.

Also see Organizational Chart and Job Descriptions.

### Website

I encourage the Board ensure that the current WordPress platform used by the website is the most efficient and effective platform in the marketplace for ease of maintaining and updating robust website content. I encourage that the maintenance and updating of the District's website be assigned to the Public Information Officer to ensure coordinated messaging to the District's personnel and patrons.

Also see Public Information Officer. Also see Organizational Chart and Job Descriptions.

### Social Media

I encourage that the Board ensure a social media policy is adopted to protect the image of the District, to prevent unlawful or unethical disclosure of personal information, and to ensure first amendment rights of its personnel are upheld. I also encourage that updating of and review of comments to the District's social media be assigned to the Public Information Officer to ensure compliance with the District's social media policy and that there is coordinated messaging to the District's personnel and patrons.

Also see Public Information Officer. Also see Organizational Chart and Job Descriptions.



### Non-Internet and Social Media Communication

I encourage that the Board ensure there is external communication to its personnel and patrons that do not access the internet or social media and that the responsibility of this external communication be assigned to the Public Information Officer to ensure that there is external communication beyond just the internet and social media and that there is coordinated messaging to the District's personnel and patrons.

## HUMAN RESCOURSES

### Personnel Officer

I encourage the Board create a Personnel Officer role to be filled by a competent person to manage the District's employee relations, personnel files, assist with recruiting, onboarding, offboarding, etc. The Personnel Officer role could be assigned to existing unpaid or paid personnel or maybe an opportunity to engage a citizen that would like to help the District in a non-firefighting capacity.

Also see Organizational Chart and Job Descriptions. See Internal Communications.

### Organizational Chart and Job Descriptions

While some draft job descriptions exist, I encourage the Board ensure an organizational chart and job descriptions for each role or position on the organizational chart are created and maintained and that those job descriptions have no overlapping or unassigned responsibilities, that superior and subordinate areas of responsibilities are synchronized to support a chain of command-based organization, e.g., the incident commander must complete an incident report, the captain must review completed incident reports, the chief must report to the Board a report of all incidents, etc.

I encourage the job descriptions be reviewed by the District's attorney.

### Onboarding Directors and Personnel

I encourage the Board to ensure that there is a process to make certain records and information possessed by outgoing Directors, Officers, and terminating personnel are provided to new Directors and Officers and newly hired personnel, e.g., development and implementation of a policy, standing rule, checklists, etc.

## **RISK MANAGEMENT**

### Collateralization of Monies

I encourage the Board ensures a policy and practices are adopted to make certain that the District's monies above \$250,000 is collateralized as required by State law.

### Insurance Bidding

I encourage the Board ensures a policy and practices are adopted to make certain that the District's insurance policies are competitively bid at least every six years and that competitive bid involves all potential insurers, not just the insurers represented by a single insurance broker.

### Accident and Sickness Insurance

I encourage the Board ensures a policy and practices are adopted to make certain the accident and sickness insurance policy's supplemental income replacement coverage is reviewed annually to ensure that the coverage is adequate to retain District personnel recovering from an on-the-job injury while at the District (worker's compensation insurance only pays approximately \$40 per week for lost wages for an unpaid firefighter recovering from an on-the-job injury while at the District).

### Contractor Certificates of Workers Compensation Insurance

I encourage the Board to ensure that contractors working on District property provide certificates of insurance (COIs) for its employees so that the impact of these contractors on the District's own workers compensation insurance is none or taken into consideration when awarding work to contractors without workers compensation insurance.

I also encourage that the enforcement of contractors providing COIs be assigned to the Facilities Manager to ensure compliance.

Also see Facilities Management.

### Contractor Safety Training

I encourage the Board to ensure that contractors working on District property provide proof of a ten-hour (10-hour) OSAH safety training class for its employees so that District will not be implicated in unsafe work practices of such contractors and to help contractors avoid substantial penalties required by State and OSHA law for unsafe work practices.

I also encourage that the enforcement of contractors providing proof of safety training be assigned to the Facilities Manager to ensure compliance.

Also see Facilities Management.

### Verification of Contractor Employees Right to Work

I encourage the Board to ensure that contractors working on District property certify that its employees have the right to work in the United States so that District will not be implicated in the use of illegal immigrants and to help contractors avoid substantial penalties required by State and OSHA law for unsafe work practices.

I also encourage that the enforcement of contractors providing certification of its employees' right to work be assigned to the Facilities Manager to ensure compliance.

Also see Facilities Management.

## **FINANCES**

### Additional Revenue Sources

I encourage the Board to ensure a resolution(s) or ordinance(s) and a process is adopted to allow the District to bill for services provided to non-District residents and to spillers of hazardous materials. I would also encourage the District to utilize a third-party to bill and collect for such services to ensure accurate and timely billing as well as efficient collections.

I also encourage the Board ensure an analysis is conducted to determine the impact of a voter-approved sales tax that would allow non-residents driving on State Route D to help pay for operations as well as *reducing property taxes by half of what is collected from such a sales tax.*

### Refund of Over Collected Debt Retirement Taxes

I encourage the Board to ensure an analysis is undertaken of the amount of debt retirement property taxes collected versus the amount of monies in the Debt Retirement Fund and be prepared to take whatever actions are necessary to make certain the over collection of such taxes is refunded to the taxpayers later this year and that future collection from back taxes is also refunded in subsequent years.

### 2022 Budget Reduction

I encourage the Board to ensure that an analysis of budgeted spending is completed so that recommendations can be made to the Board on how to reduce the 2022 Budget to avoid or minimize spending down reserves which the District's auditor will probably recommend be one-fourth to one-half of the District's annual revenue.

### Inventory Management

I encourage the Board ensures a process is adopted to make certain that purchases of vehicles and expensive equipment is properly accounted for according to Generally Accepted Accounting Principles (GAAP), assets are disposed of in accordance a District asset disposal policy and practices, and periodic inventories are taken of equipment and supplies.

To ensure that all existing assets are identified, I encourage the Board engage an individual or organization to inventory all assets at both fire stations quickly and accurately.

I also encourage the Board ensures asset tags are used to mark equipment for easy identification during periodic inventories as well as discourage theft and minimize losses during operations.

### Budgeting

I encourage the Board ensures a process is adopted to make certain a budget is adopted for the upcoming year prior to the public hearing on the proposed property tax levy rates usually held in mid to late August of every year so that the property tax levy rates can be approved by the Board before September 1<sup>st</sup> as required by State law.

## Allowances

I encourage the Board to ensure an evaluation is completed on shifting the amount paid to personnel from taxable income to legal non-taxable allowances for such items as uniforms, personal protective equipment, wireless telephones, etc. and that evolution is reviewed by the District's accounting firm to confirm proposed allowances and allowance thresholds are acceptable.

## **POLICIES**

### Privacy

I encourage the Board to ensure that it seeks guidance to understand whether the District is a “business associate” that is subject to the Health Insurance Portability and Accounting Act (HIPAA) and Health Information Technology for Economic and Clinical Health (HITECH) Act. Regardless of whether the District must comply with HIPAA and HITECH, I encourage the Board appoint someone to fulfill the role of a Privacy Officer to:

- Ensure patients’ legal privacy rights;
- Ensure all District personnel, including Directors, are trained on the D District’s privacy program (developing such a program if one does not exist);
- Monitor compliance with the District’s privacy program;
- Receive and investigate any privacy complaints; and
- Investigate any privacy incidents and report breaches if such reporting is required.

Also see Organizational Chart and Job Descriptions.

### Policy Inventory

While the District has a number of policies and practices, there should be upwards of over 100 such policies and practices with the page count for such policies and practices numbering over 300. Plus, there should be many dozen forms in place for such policies and practices.

I encourage the Board to ensure an inventory of the policies and practices is undertaken to identify the policies, practices, and forms that should be implemented to ensure compliance with laws, regulations, and recommended practices.

See the attached List of Suggested Polices that are the minimum policies for a District with paid staff, albeit stipends instead of salaries or hourly wages.

### Policy Review and Maintenance

Because policies, practices, and forms become out-of-date due to changes in the District, changes in laws and regulations, changes in recommended practices, and case law created by judicial rulings, I encourage the Board to ensure that policies, practices, and forms are regularly reviewed and maintained for updates and new or discontinued policies, practices, and forms.

Because District personnel may lack the competency, expertise, and experience to conduct such regular reviews of policies, practices, and forms, and because paying the attorney to review and maintain such documents is cost prohibitive, I encourage the Board consider engaging an organization that provides such documents on a subscription service that ensures such documents are regularly reviewed and maintained (updates to such documents still should be reviewed by the District’s attorney).

Note: School districts commonly use such document subscription services.

Also note: Engagement of such a subscription service for policies, practices, and forms would minimize the need to inventory the District’s policies, practices, and forms, since those documents will be replaced by those from the subscription service.

## **STRATEGIC PLANNING**

### Strategic Planning Sessions

I encourage the 2022-2024 Board quickly ensure its working sessions are utilized to strategically plan for the District's reason for existence (mission), its strengths, weaknesses, opportunities, and threats (SWOT analysis), its ideal state in the future (vision), and a roadmap to fulfil its mission and achieve its vision (strategic/master plan).

### Key Performance Indicators

I encourage the 2022-2024 Board to ensure a set of key performance indicators is developed to confirm that the District is fulfilling its mission and is on track to achieve its vision. I encourage the 2022-2024 Board integrates the review of key performance indicators into its meetings and informal and formal evaluation of key personnel.

## **PUBLIC PROTECTION CLASSIFICATION RATING**

### Current Public Protection Classification Rating and Field Audit

I encourage the Board ensures that it knows the current Public Protection Classification (PPC) rating for the City of Cleveland and the unincorporated areas of the District as well as having access to the last field audit of the City of Cleveland and the unincorporated areas of the District by the Insurance Services Offices (ISO) and that the most recent field audit documentation is always a retained record.

### Public Protection Classification Rating Improvement

I encourage the Board ensures that the most recent field audit documentation by the Insurance Services Office is reviewed for the creation and monitoring of a continual improvement plan that the Board can ensure integrates with its strategic planning, budgeting, and purchases. And if necessary and it probably is, I encourage the Board to engage in the services of a consultant with experience in improvement of Public Protection Classification ratings.

Also see Strategic Planning.



## **LIST OF SUGGESTED POLICIES**

### 000 Special Rules of Order

- 001 Parliamentary Authority
- 002 Consent Calendar

### 000 Standing Rules

- 001 Meeting Dates, Time, and Location
- 002 Preauthorized Payments
- 003 Reimbursements
- 004 Director and Chair Attendance Fees
- 005 Officer Compensation
- 006 Spending Limit
- 007 Citizen Input to Board of Directors
- 008 Attorney Privilege
- 009 Meeting Agendas
- 010 Photographing and Recording Board Meetings
- 011 Official Holidays
- 012 Tax Information Authorization

### 100 General Provisions

- 106 Application of Policies
- 112 Standard Operating Procedures or Guidelines
- 118 Employment Definitions
- 124 Employment Relationship
- 130 Policy Revisions
- 136 Volunteers

### 200 Employment Practices

- 206 Equal Employment Opportunity
- 212 Employee Orientation
- 218 Employment
- 224 Employment of Minors
- 230 Exit Interviews
- 242 Nepotism – Employment of Relatives
- 248 Performance Trial Period
- 254 Personnel Files

200 Employment Practices (continued)

266 Prohibited Employment Practices

272 Separation

300 Personnel Actions

312 Demotions

342 Organizational Structure

354 Promotions

372 Transfers

378 Work Periods

400 Employee Benefits

406 Civic Excused Absences

412 Employee Assistance Program

418 Training and Education

430 Bereavement Excused Absences

436 Holidays

442 Leaves of Absence

448 Life Insurance

454 Military Leaves of Absence

460 Retirement and Disability

463 Family and Medical Leaves of Absence

466 Sick Excused Absences

478 Vacation Excused Absences

484 Workers Compensation/Injury Leaves of Absence

490 Resident Assignments

496 Employee Residency

500 Employee Conduct

506 Absences

508 Drug-Free Work Environment

510 Alcohol and Drug Testing

512 Distribution of Literature/Solicitation

518 Dual Employment

524 General Conduct

530 Employee Responsibilities

500 Employee Conduct (continued)

- 536 Judicial Suspension
- 542 Operation of Vehicles
- 548 Outside Employment
- 554 Personal Appearance
- 560 Political Activity
- 566 Sexual Harassment
- 569 Non-Sexual Harassment
- 572 Use of District-Owned Property
- 576 Property Rights of Others
- 582 Conflicts of Interest
- 588 Email and Internet Usage
- 592 Child Protection

600 Employee Relations

- 606 Applicant Complaints
- 612 Conciliation
- 618 Performance Improvement Counseling
- 621 Disciplinary Process
- 624 Employee Grievances
- 630 Employee Representation

700 Health and Safety

- 702 Injured or Ill Employees
- 706 Infection Prevention and Control
- 712 Incident Pre-Planning
- 724 Medical Enrollment Information
- 718 Patient Refusals
- 730 Privacy

800 Administrative

- 802 Indemnifications
- 806 Disposal of Assets
- 812 Donations of Gifts
- 818 Public Prayer
- 820 Receipts

800 Administrative (continued)

- 824 Purchasing
- 830 Reimbursements
- 834 Budgeting and Setting Property Tax Rates
- 836 Disbursements
- 838 Compensation and Attendance Fees
- 840 Allowances
- 842 Charge Accounts
- 848 Fixed Assets and Inventory
- 854 Physical Security
- 858 Information Security
- 860 Account Reconciliation
- 866 Nondiscrimination
- 872 Sunshine Law
- 878 Excess Funds Investment
- 884 Purchase Cards
- 886 Fleet Fueling
- 890 Business Travel
- 892 Internet and Social Networking and Social Media
- 894 External Communications
- 896 Financial Reporting
- 898 Website Privacy Policy

## nIce Bear Consulting



nIce Bear Consulting provides consulting services and management of special projects to commercial and governmental organizations with expertise in manufacturing, logistics, telecommunications, transportation, real estate management, contact centers, environmental, health and safety, adult education and training, emergency services, public administration, quality management, risk management, IT service management, information security management.

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