

WOODINVILLE FIRE & RESCUE

Tuesday, July 21, 2021

SPECIAL MEETING OF THE BOARD OF FIRE COMMISSIONERS

Commissioner Collins called the virtual meeting to order at 5:00 p.m. Roll call was taken and was as follows:

Roll Call

Commissioner Collins (Chair)
Commissioner van Veen
Commissioner Halbert
Commissioner Osgood
Commissioner Millman

Staff

Fire Chief Greg Ahearn
Interim Deputy Chief Doug McDonald
Chief Administrative Officer Joan Montegary
Board Secretary Nicole Frisch

Consideration and Approval of Agenda in Content and Order

MOTION: Commissioner Osgood moved to approve the agenda as presented. The motion was seconded by Commissioner van Veen. The motion passed, 5-0.

Public Comment

Peter Briner, IAFF Local 2950
Art Cole, Woodinville Resident

1. Board Discussion: Recently Executed ILA Between Woodinville Fire & Rescue and Eastside Fire & Rescue

The Board discussed the recently executed ILA between Woodinville Fire & Rescue and Eastside Fire & Rescue.

Commissioner Halbert read the statement that is attached hereto.

MOTION: Commissioner Halbert moved that, because of possible violations of RCW 42.30.010 and Board procedures, either willingly or unknowingly, Chief Ahearn be placed on administrative leave pending an investigation of the State Auditor's office, the Washington State Attorney General, or the relevant county and state agencies involved in review of fair and ethical governing. And, that all Board and sub-committee procedures dealing with this issue also be

halted and evaluated by the appropriate agencies or authorities having jurisdiction. The motion was seconded by Commissioner Osgood. The motion failed, with Commissioners Halbert and Osgood voting in favor and Commissioners van Veen, Millman, and Collins voting against.

2. Executive Session

At 6:10 p.m., the Board moved into Executive Session for 30 minutes pursuant to RCW 42.30.140(4)(b) to discuss the strategy or position to be taken during the course of collective bargaining.

At 6:40 p.m., the Board extended the Executive Session for 20 minutes.

At 7:00 p.m., the Board extended the Executive Session for 15 minutes.

The Board reconvened at 7:15 p.m. No decisions were made.

3. Adjournment

The next Board of Commissioners meeting will be Tuesday, August 10 at 5:00 p.m.

MOTION: *Commissioner van Veen moved to adjourn the meeting. The motion was seconded by Commissioner Millman. The motion passed, 5-0.*

The meeting adjourned at 7:16 p.m.

Nicole Frisch
Nicole Frisch, Board Secretary

Derek van Veen
Derek van Veen, Commissioner, Position 1

Doug Halbert
Doug Halbert, Commissioner, Position 2

Tim Osgood
Tim Osgood, Commissioner, Position 3

Mike Millman

Mike Millman, Commissioner, Position 4

Roger Collins

Roger Collins, Commissioner, Position 5



Woodinville Fire & Rescue

SPECIAL MEETING OF THE BOARD OF FIRE COMMISSIONERS

Wednesday, July 21, 2021

5:00 p.m.

Meeting will be held virtually, via Zoom. Use the link below to attend live.

<https://us02web.zoom.us/j/84649216066?pwd=NHlzNnMwY0I2TytwWEZQQiZiQXZkdz09>

To listen live, call 253-215-8782 and enter the Meeting ID and Password.

Meeting ID: 846 4921 6066

Passcode: 268153

AGENDA

Call to Order/Roll Call

Approval of Agenda in Content and Order

Public Comments (Please submit public comment via email to NFrisch@wf-r.org at least one hour prior to start of meeting. Please limit comments to three minutes.)

Board Business Items

1. Board discussion on the recently executed ILA between Woodinville Fire & Rescue and Eastside Fire & Rescue
2. Executive Session pursuant to RCW 42.30.140(4)(b) to discuss the strategy or position to be taken during the course of collective bargaining
3. Adjournment

At the Woodinville Fire and Rescue board meeting on July 6th, 2021 several things happened that were inconsistent with board rules and state law.

First, at our June 1, 2021 meeting, a “next steps” sub-committee was developed to look at options for a possible consolidation/merger between Woodinville Fire and Rescue and an undetermined agency. According to 5.1.2.1 of our board rules, “Generally, Special Committees will be formed for the purpose of addressing the District’s strategic plan”. That was the intent and understanding of the purpose of this sub-committee. No board authorization was given for this sub-committee, or the Fire Chief, to negotiate an ILA with any agency.

The motion approved by the board 4-1 on June 1 2121 according to the minutes was, “Commissioner Millman moved to establish a subcommittee to *explore* Woodinville Fire and Rescue options going forward”. Again, no approval was given for any sub-committee or for the Fire Chief to negotiate an ILA.

Second, the board packets for the July 7th 2021 board meeting, specifically the agenda, was inaccurate. The agenda read “Next Steps Subcommittee Report” with a bullet point a. Regionalization/Contract for Service. No language stating that we would be adopting, approving, resolving, or taking action was present on the agenda. Such action-oriented language is standard language throughout our agenda when action is to be taken and is expected to be present in all rules governing boards.

Furthermore, there was no “proposed motion” language to indicate there would be a vote, as was present for staff report 21-004 and resolution 2021-02 (also in the July 13th agenda). Language identifying a proposed motion is standard procedure and was ignored, leaving the commissioners that were not previously informed of the intent to take action unable to have time to research and ask appropriate questions.

This leads to a question concerning the legality of voting based on our board rules. Section 13.1 provides that we may not vote on a matter unless:

13.1.1 The matter has been discussed by the Board at a previous meeting; or

13.1.2 The matter has been placed on the agenda prior to the meeting; or

13.1.3 The matter is considered by a majority vote of the Board to constitute an exigent circumstance that warrants immediate consideration and possible action.

The ILA was not discussed by the Board at a previous meeting (as required).

Furthermore, the question in 13.1.3 was not given any consideration. There were no exigent circumstances that warranted immediate consideration and action, nor were any provided at the meeting. Therefore, the vote on this ILA should not have taken place at the same meeting where it was presented to the Board.

This board was given a way out of this situation. When the motion to table was made and seconded by me and Commissioner Osgood, the correct board procedure would have been to table this topic and vote at the next meeting (today). This would have made the vote for the ILA valid.

Unfortunately, today a new motion for a vote to approve the ILA is too late. Because of the board rules violation that may have included the Fire Chief having conversations with 3 board members and knowing their position and vote, we as a board and agency have a violation that must be investigated and/or audited by an outside agency.

It has become evident through multiple conversations with regional leaders including

- Roger Ferris the Executive Director of the Washington Fire Commissioners Association
- The Washington State Auditor's Office, and
- The Washington State Attorney General's Office

that this process was flawed and did not adhere to procedural ethics or due process. ED Ferris had never heard of such a procedure occurring with such haste and was concerned about the due process of the decision making. He assured me that the State Auditor would have issues with the way this ILA was brought to a vote before an elected Board of Commissioners.

This quote is on the AG webpage for Open Government:

"Government accountability means that public officials — elected and un-elected — have an obligation to explain their decisions and actions to the citizens. Government accountability is achieved through the use of a variety of mechanisms — political, legal and administrative — designed to prevent corruption and ensure that public officials remain answerable and accessible to the people they serve. In the absence of such mechanisms, corruption may thrive."

— U.S. Department of State

Finally, Fire Chief Greg Ahearn pushed this through without the knowledge and input of the full board, the surrounding agencies, or the citizens because he had 3 yes votes. Because the Fire Chief withheld the existence of this ILA from part of the board, and because the language of his "Terms of Employment," where the Fire Chief stands to benefit by approximately \$90,000 personally per the language "In the event that the District participates in an reorganization, merger, annexation or any other type of consolidation and Ahearn is not offered employment as a Chief Officer with the new entity or the District's succession entity, the severance package shall be for a period of twelve (12) months in lieu of the six (6) months stated in the previous paragraph", we have a serious problem.

Because of these possible violations of RCW 42.30.010, and board procedures, either willingly or unknowingly, I propose Fire Chief Ahearn be placed on administrative leave pending an investigation of the State Auditor's Office, the Washington State Attorney General, or the relevant county and state agencies involved in review of fair and ethical governing. And, that all board and sub-committee procedures dealing with this issue also be halted and evaluated by the appropriate agencies or authorities having jurisdiction.

This motion is of exigent circumstance that warrants immediate consideration and action.