SOUTH KING FIRE & RESCUE

SPECIAL COMMISSIONERS MEETING
Station 68
March 10, 2014

Commissioner Gates called the meeting to order at 1930 hours with Commissioners Rickert, Thompson, Freitas and Fossos present. Board Secretary Lauri Perry recording.

Pledge of Allegiance was led by Commissioner Fossos.

Commissioner Gates requested that if there is no objection that we change the time period for Executive Session to last for approximately 15 minutes instead of 30 minutes. There was no objection.

Commissioner Gates reported that the reason for the Special Meeting tonight is to discuss the complaint that has been filed against a public officer, therefore any comments or discussion tonight will need to be about this topic.

COMMISSIONER COMMENTS

Commissioner Freitas asked where Chief Church was tonight. Commissioner Gates replied that Chief Church is busy, today was the memorial for his mother in law.

PUBLIC COMMENTS

Jerry Galland had a question regarding Russ Perisho, he is the Attorney hired by the Commissioners in this case. Does he work for an Investigative, Law Enforcement or Criminology agency defined by the Attorney General's Office to investigate items such as this? To investigate and penalize such as a police department, police and trauma therapy investigation unit, the public disclosure commission, a medical disciplinary board or a local health department. The reason for the question is public disclosure has been requested and records of complaint filed against Commissioner Freitas and it was denied and the reason stated is there was an investigation going on, the exemptions for an investigation don't include an employee of an agency of that capacity and he believes that the Attorney that was hired is not in this capacity which means that the exemption claimed is invalid and he is demanding a copy of the complaint that was filed against Commissioner Freitas tonight.

EXECUTIVE SESSION WITH BOARD AND LEGAL COUNSEL

Commissioner Gates noted that the Board and Legal Counsel will meet for approximately 15 minutes to discuss a complaint against a public officer per RCW 42.30.110 (1) (f). It is anticipated that action will be taken after Executive Session. There will be a five (5) minutes recess prior to the start of the Executive Session, it will begin at 1940 hours and it will end at 1955 hours. Jerry Galland requested that the name of the Legal Counsel that will be attending the Executive Session be identified. Commissioner Gates replied Mr. Quinn.

At 1955 hours the Executive Session adjourned and the Special meeting reconvened.

Commissioner Gates reported that he has two (2) Motions that he would like to make. The first Motion; I move that we waive the Attorney Client privilege as to this report of investigation and declare it to be a public record. Motion was seconded by Commissioner Fossos. Commissioner

Freitas noted that he will be recusing himself from voting on any motions that came out of Executive Session. Commissioner Gates requested that the Board Secretary do a roll-call vote:

Commissioner Fossos – aye
Commissioner Thompson – aye
Commissioner Gates – aye
Commissioner Rickert – aye
Commissioner Freitas – Recused

Motion carried 4-0 with Commissioner Freitas recusing himself.

Commissioner Gates added that it is his wish tonight to take final action on this investigative report. The following Motion is being made to carry out the recommendations of the Investigator Russ Perischo and the legal advice of our Legal Counsel.

Commissioner Gates made the following Motion; I move that the Board take the following action in furtherance of the recommendations of the Investigator, in the investigation of the October 22, 2013, allegations by Chief Church against Commissioner Mark Freitas, and that this motion be appended in its entirety to the minutes of this meeting as a permanent record of these actions.

1. Direct that the comment urging Chief Church to consider retirement, contained in Mr. Freitas' 2013 evaluation of Chief Church be removed as soon as possible from the evaluation and the District's files and records, unless Commissioner Freitas causes it to be removed immediately on his own initiative.
2. Inform Commissioner Freitas that he will be expected by this Board to follow established district policies, and refrain from the following behaviors:
    a. Making age-related comments in personnel matters.
    b. Directing discourteous and disrespectful public statements and behavior to District staff.
    c. Making unnecessarily provoking and disrespectful comments to District staff.
    d. Engaging in physical behavior that could reasonably be perceived as intended to be intimidating.
3. Inform Commissioner Freitas that he is required to comply with the Commissioners Guidelines as follows:
    - Commissioner Freitas should make consistent and sustained efforts to lead by example and treat every District employee and the other Commissioners with dignity and respect.
    - Commissioner Freitas' behavior should exhibit a respect towards both staff and other Commissioners of their respective roles and responsibilities when, and if, expressing criticism in a public meeting.
    - There should be no attempts by Commissioner Freitas to influence the selection of District personnel, other than performing appropriate oversight duties regarding Chief Church.
    - Commissioners Freitas' requests for information should be made to Chief Church consistent with the Board of Commissioner Guidelines.

Motion was seconded by Commissioner Fossos. Commissioner Gates requested that the Board Secretary to do a roll-call vote.

Commissioner Fossos – aye
Commissioner Thompson – aye
Commissioner Gates – aye

Commissioner Rickert – aye
Commissioner Freitas – Recused

Motion passed 4-0 with Commissioner Freitas recusing himself.

Commissioner Gates noted that as mentioned in the first paragraph of that motion, he asked Commissioner Freitas if he wished to request that the comment urging Chief Church to consider retirement be removed as described in the motion. Commissioner Freitas replied, no. Commissioner Gates added that per the motion the Board of Commissioners directs the HR Director to remove as soon as possible the comment urging Chief Church to retire made by Commissioner Freitas from the Chiefs evaluation and the Districts files and records. Also per the recommendations of the Investigative Report Chief Church will be asked to reaffirm the Districts Equal Employment Opportunity Policy and affirmatively advise Assistant Chief Plumlee that age is not a factor that will be considered by Chief Church with respect to his employment.

Commissioner Fossos made a Motion that the Board of Fire Commissioners of South King Fire & Rescue censor Commissioner Mark Freitas to signify that this Board condemns, does not condone his behavior as set forth in this investigative report and the allegations made October 22, 2013, by Fire Chief Church. Motion was seconded by Commissioner Gates.

Commissioner Rickert added that per legal counsel's advice we do not have the authority to censor someone, so he will be voting against the motion. Commissioner Fossos added that the Board does have that authority due to the liability and the actions of Commissioner Freitas. Commissioner Gates added that the main motion that the Board passed a few moments ago, deals with what we expect of Commissioner Freitas going forward from now and the motion made by Commissioner Fossos is referring to what has happened in the past and it is meant to demonstrate that the Board does not condone the past actions of Commissioner Freitas. Commissioner Gates requested that the Board Secretary do a roll-call vote:

Commissioner Fossos – aye
Commissioner Thompson – nay
Commissioner Gates – aye
Commissioner Rickert – nay
Commissioner Freitas – recused

Motion fails 2-2 with Commissioner Freitas recusing himself

Commissioner Gates added that to summarize our actions tonight, we resolved the matters complained of and we hope for nothing further on this issue in the future, as someone once said it is time to move forward, get back to business and heal wounds.

Meeting adjourned at 2005 hours.

_____ _____

CHAIR/COMMISSIONER VICE CHAIR/COMMISSIONER

_____ _____

COMMISSIONER COMMISSIONER

_____

COMMISSIONER

_____

BOARD SECRETARY

SOUTH KING FIRE & RESCUE IS AN EQUAL OPPORTUNITY EMPLOYER