SOUTH KING FIRE & RESCUE
August 27, 2021
Special Meeting
Station 68 and Virtual per Governor Inslee's Proclamation

Commissioner Gates called the regular meeting to order at 1000 hours with Commissioners Rickert, Berger, Thompson and Fuller in attendance via the virtual meeting. Board Secretary Lauri Perry recording.

The Pledge of Allegiance was led by Commissioner Rickert.

COMMISSIONER COMMENTS

Commissioner Fuller had no comments.

Commissioner Thompson had no comments.

Commissioner Rickert thanked everyone for attending today's special meeting, this is an important meeting.

Commissioner Berger had no comments.

Commissioner Gates had no comments.

PUBLIC COMMENTS

Morning Gentlemen my name is Greg Folwell I'm a firefighter here with South King Fire & Rescue in 14 shifts myself and others in the same boat potentially face termination from this great department. I would like to ask that you please stand with us to fight this mandate. So that myself and others can continue to provide the quality service to this community. That's all I've got to say thank you for your time.

Good morning Commissioners my name is FF Chad Van Berkam I'm one of your more new recent hires and just over 2 years with the department and it's a job that I have really even faster than I thought grown to love and working the job itself. Everything's new every single day the people that work with and work for sure amazing and I never saw just as I'm getting my feet underneath me in this career. I was hoping to have a long career that essentially 1 person would be dictating that and possibly taking that away. I just want to ask that you guys support us in this fight publicly, come out against this and support these members that are opposing this mandate. Thank you.

Captain Mike Lawson at Station 61, I am on the hazmat team and I just would like to speak on behalf of myself and the other non-vaccinated members in support of them. I'd like to ask the Board of Commissioners and the Department to come out in support against the mandate, as a vaccinated person I had , I was able to make that choice on my own between myself and my doctor whether or

not to get vaccinated. However I do not want to be forced to take a booster show without being able to make that decision again between myself and my doctor.

Again Commissioners, I appreciate your time again, this is Riley Carr I'm a firefighter at Station 62 A shift. I'm echoing what my brothers and sisters have said in 14 shifts I will be facing termination, Commissioners. There isn't a time or a need stronger than this to lock arms and fight for my family and this community that we serve publicly to any extreme and any content that needs to be done. We have to stand against personal decisions and medical choices that remain in the confines of our home. Thank you Commissioners.

Robert Bryant, I'm a Lieutenant for the department I've been here for a little over 19 years. I'm also retired military veteran. I served from 1991-1997 and the reason I joined the Army was to serve my country. And protect our real life and to protect our freedoms for the United States of America after 9/11, I joined again because I felt that our freedoms are being attacked and I want to protect our freedoms. I stand here today with my brothers and sisters and unity for the protection of our medical freedom I know. One we think this is a mandate, it's the law but is it legal but I remind you not too long ago Slavery segregation was legal to, until like-minded people stood up and said this is wrong and we're going to fight for it. I believe this organization has an opportunity to be on the right side of history. In standing with their employees. I'm fighting for our medical freedoms because this is the right thing to do. Thank you for your time. Commissioner Gates thanked him for his service.

Jason Tady firefighter at Station 63 on B shift. I support my brothers and sisters and this idea of mandatory vaccination being wrong the choice for medical freedom, it should be the one that this department and the Board of Commissioners stands behind. I implore you to stand beside us walk and lock arms with us to support and do everything in your power to put pressure on where it's needed to uphold our current freedoms and support the members of this department. Thank you for your time.

Lieutenant Freeborn from Station 63 on C shift, I'd first like to thank the Board of Commissioners and everybody here online and in the room for your time. I'm the newest Lieutenant here at South King and when I chose to be a Lieutenant I promised that I would, like you lead this department and support the men and the women on the ground. The easy thing to do in this is to say this is the new law and this is what we have to do. The hard thing is to stand up and say that this is not okay at the end of the day we all want to support Mrs. Smith. That's what we always talk about. How can we best serve? The worst thing that we can do is to lose the leadership, years of experience and the people on the ground that have continued to fight through the pandemic and through all of the crime that we see and everything else day in and day out that is not the best way that we can support Mrs. Smith. So, I as a Lieutenant am standing here in front of you all to say that I will continue to fight and asked me to all of the men and women on the ground because that is how we can serve. Thank you for your time.

Lieutenant Chad Snyder, I appreciate you guys for taking the opportunity to come together in this special meeting to discuss this you guys have a lot of weight on your shoulders in this decision. However sometimes the radius decisions are the easiest and the fact that in your hearts I believe you guys know what the right thing to do is and how to support the members. Just like we and Lieutenant Freeborn said, what is the right thing for Mrs. Smith or Mr. Smith out there. If we lose 30% of our organization to this unfair mandate. So in the time today I would ask that you see the group here in

the room and the group that's online and ask yourself if we lose these members can we effectively provide service to the community, I don't think the answer is yes. I think its no so I implore you to please fight for us. Recognize the opportunity, kind of like what Lieutenant Bryant said the right side of history in this service. I appreciate your time.

Tim Gurule I'm a firefighter at Station 65 on D shift. I've been here about a year and a half and a professional firefighter for about 7 year's total. I am also a veteran I served in the Army. My entire adult life has been devoted to services of others, to my country, my community and I've devoted my life to these things because I believe in them fundamentally that we as citizens have an obligation to act in the greater good to make the difficult decisions. To preserve the liberties that we are afforded to the lives that we enroll and still today do not come by chance but sacrifice and taking great risks. I also understand that this is a very difficult situation for you to consider I also understand that you have the opportunity to make discernment the step perhaps outside the traditional bounds of what your normal capacity is to stand with our members. Provide powerful leadership that could make a difference and be impactful for generations to come. I know it's a difficult choice but I want to believe that we have placed in these positions for a reason. So that when a difficult time came you have the ability to make these difficult decisions and I'm just asking you to stand with us stand in support of our individual's freedoms and the preservation of our liberties. Keep our community strong and safe so that we can keep delivering service to our community. Not only in this current time of need, but in time of need in the future. Thank you.

This is Ryan Herrera, President of Local 2024 and Battalion Chief on B Shift. I just want to point out I've heard a lot about this being a political campaign that we're expecting firefighters to be on the front line or to be first in line for COVID vaccinations (unfortunately President Herrera keeps cutting in and out). Its important to rate the vaccination versus the mandate. This is not an opposition to the vaccination, this is an opposition for the rights of our members and the freedoms for them to make their own personal choices related to their medical issues. So I just want to point out that we continue to work with our members for our members in the state and with the state council with the Department of Health. There have been some questions that I've reached out to the Fire Commissioners and Chief Pennington to clarify. We do we need the organization to step up and to speak our publicly not against the vaccination but against the mandate. I appreciate your time, hopefully you guys were able to hear me and I look forward to continuing to work collaboratively on our resolution. Thank you.

Good Morning everyone my name is Kelly Salvage, I'm a firefighter at Station 62 on B Shift. I want to thank you guys for having this special meeting today. I just want to echo the sentiment that all my brothers and sisters have already voiced during this meeting we have an opportunity to stand up for what's right just because something is made legal doesn't necessarily make it right. Like Lieutenant Bryant said. I am a vaccinated member, I made that choice for myself with my family and doctors and I believe that every member should have that right and they should not have this choice forced upon them and made for them and using their way of life as leverage overcome. Please I'm requesting the Board of Commissioners take a public stand on this against the Governor's mandate as our members are relying on you and we really appreciate your support thank you.

Brooks Werner, thank you again, I'm just going to be quick we understand that the department has to follow the law as it is currently written right now again we're just asking for you to stand with us in opposition of this mandate. We understand at the end of the day if we can't effect a change that the

department is going to have to do what is written in the mandate as it will be law at that moment. However again we just ask that you stand with us in opposition publicly and fight with us as best we can to change anything we can before that date. Thank you.

Good morning Commissioners this is Driver Engineer Miller out of Station 64 B shift. I can't say much more than what's already been said I'd like to add onto what President Herrera stated that this isn't against the vaccine, this is against the mandate and you can see the number of veterans standing up before you even speaking against this and its because it is against the freedoms that they fought for. I joined the fire service to become part of a family and the thought of being expendable is pretty counter to that. And a lot of us through the pandemic people feel like they're not there alone in they're not alone in fighting for this. Our Local signed a letter, a collaborative letter with several other locals, statewide departments are facing this and the staffing shortages and issues beyond that I feel there are things being significantly overlooked and I hope that that's not something we suffer. All of us appreciate you standing with us side by side we're willing to do the legwork I think we've shown that to get to this point. One of our guiding principles is to do what's right we are just asking for everybody here to do what's right. Thank you.

Dean Bastin Driver Engineer at Station 66 I would like to echo what most everyone else has said and I think this is not about the vaccine it's about the choices that are being taken away and if this is step 1, what's step 2, 3, 4 or beyond that? So I'd like to say we take a stand lock arms on this step so they don't get to the other steps I appreciate that and I urge you to do what's right, thanks.

This is Lieutenant Joel Bergfalk Engine 367 A shift, I just want to say that I stand in support of everybody that's spoken today. This is not about the vaccine as we've said this is about the government forcing us to make medical decisions that we're not comfortable with I just hope that you'll stand with us and that's really all that I have to say. Thank you.

Lieutenant White from station 62 I wasn't planning to make any comments but we recently read the International Association of Fire Chiefs letter basically taking a stance for the mandate and I just really hope we get some support from you gentlemen as well. Thank you.

My name is Justin Farris, I've been a firefighter at South King for just under 4 years. I just want to say I'm going to keep this short but I am in support of not having the mandate and I'm asking the Board of Commissioners to do everything in their power to protect our personal medical freedom and protect our jobs of those facing termination thank you for your time.

BC Suckoll wanted to sum up his support of everyone. It really is, we all know and everyone said it's not against the vaccine but yet we are being forced into it and the freedom of choice. It really dawned on me the other day when we had a rider in here and we were talking about the vision of this department the future with Diversity, Equity, Equality. Stuff like that and this member wanted not to choose to get the vaccine because he and his wife were planning on having a baby, well our members aren't going to have the choice the effects of it or whatever so they don't have that choice that this is forced upon them which is wrong. So that's when it really set in with me and I just realized you know what if it's not for everyone then why is it right for just our members who have not seen any of the dangers and the harms way as reported on some of the news outings so the men and women that

fight for the freedom for our countries and gave their lives now it's going to be the men and women that gave their livelihoods for freedoms. Thank you.

Good morning I'm Firefighter Kanonik I've been here for almost 10 years I just want to echo what everyone has said today. I'm in support of that and I also ask for your support it can be a life altering event either way you look at it for you or anyone else in the room and anybody online.

Commissioner Gates thanked everyone for their comments.

DISCUSS GOVERNOR INSLEE'S PROCLAMATION – MANDATORY COVID VACCINATIONS FOR EMTs/FIREFIGHTERS

Commissioner Gates noted that what I would like to do here is start by asking Chief Pennington to sort of summarize this proclamation you know what are the key points what are the dates that we need to be aware of remember taking to be aware of just sort of over the proclamation case everybody's not up to speed on it so thank you everyone here. Chief Pennington added so there's a couple of things that we have to consider and one is the mandate, the law of the land as somebody pointed out this is the law right now whether we agree with it or not the district is bound by the law and as we speak, how do we handle that how do we navigate that and its really been put on our shoulders. We would have a very narrow window of navigation in terms of accommodation. To be accommodated, what we can accommodate and then the thing that I find not acceptable is termination but you know with that being said we have a very narrow piece of the law that was passed down on us that we have to navigate through so and the legal challenges around that or the legal implications around that so it's a policy decision from the Board in terms of levels of service in terms of people having the potential we'll have discussions with our attorney. People working unvaccinated under accommodations if those are feasible so there is a host of things or other agencies in our area have taken a stand that if you're not vaccinated you are not working patient care and so those are the things that I'm going to ask the Board to consider I'm going to ask them so we're going to go through these mandates and the legal ramifications around ethics and there probably will be a few and we will have to discuss those and that's where we'll have the executive session to discuss the legal ramifications and in terms of public support or against the mandate that's another policy decision that the Board will have in terms of so that's the parameters in which we will be discussing.

Executive Session

Commissioner Gates noted that the board will be going into Executive Session for about 45 minutes per RCW 42.30.110 (1) (i). The Board may or may not take any action after the Executive Session. This is to discuss with legal counsel representing the agency matters relating to agency enforcement action, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body or a member acting in an official capacity is or is likely to become a party when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. Commissioner Gates added that the executive session will be held in the meeting room with the Board, Joe Quinn and the following staff Chief Pennington, Assistant Chief Chaney, Executive Director Ganem, Assistant Chief Goodsell, Human Resources Director Mary Stevens and Lobbyist Anthony Hemstad.

At 1035 hours executive session began.

At 1120 hours Executive Session was extended 30 minutes
At 1150 hours Executive Session was extended until 1215 hours
At 1215 hours Executive Session was extended until 1230 hours
At 1230 hours Executive Session was extended until 1230 hours
At 1230 hours Executive Session was extended until 1245 hours
At 1245 hours Executive Session was extended until 1255 hours

At 1255 hours the special meeting reconvened in open meeting.

Commissioner Berger has dropped off the meeting, he had some technical issues and a previous commitment.

Commissioner Gates asked if there are anyone else that would like to make a public comment.

President Herrera apologized and noted that he is having some technical difficulties but thank you for allowing me an opportunity to speak again. I just wanted to pass on some additional information on the Department of Health regarding the medical and/or religious exemption and how those are to be determined. I think the question right now lies with can somebody who receives an exemption a bonafide exemption provide healthcare services as a first responder and unfortunately the Department of Health is not able to answer that question they too are still trying to gain information from the Governor's office and the information that I received is really that it is relegated to the department and I think we're making great strides and though the impact bargaining and discuss this topic and how it affects our members we've heard from a number of folks that feel very strongly on this topic and I want to reiterate so there is no confusion this is not an opposition to the vaccination on behalf of the Local this is an opposition to the mandate. Local 2024 does stand in favor of a vaccination but more importantly stands for our rights, the rights of our members to make their own medical decisions so Chief Pennington, I look forward to working with you and the Board of Commissioners I think there is reasonable accommodation from the conversations that I've had with the Department of Health that we can put something in place for those with bonafide exemptions and still provide a level of care to the citizens we serve. Thank you guys again I appreciate your time.

Commissioner Gates noted that the Board understands where everybody is coming from.

Commissioner Thompson made a Motion to direct the Chief to prepare a letter to send to the Governor explaining the concerns of the District and its employees regarding the Proclamation. Motion was seconded by Commissioner Fuller. There was a lot of discussion about the motion and who else should receive a copy of the letter that is being sent to the Governor. Motion carried.

Commissioner Thompson made a Motion it is the Policy of the Board of Fire Commissioners of South King Fire & Rescue to support the mandates of the Governors Proclamation and direct the Fire Chief to not allow accommodations to non-vaccinated employees to deliver patient care. Motion was seconded by Commissioner Fuller. Motion passed unanimously.

Commissioner Fuller noted that that we need to clarify on how the accommodations and exemptions will be handled.

Chief Pennington added that his thinking is that the employee has to apply for an accommodation that they believe that they meet the threshold for that accommodation into acting process with the employee in terms of the accommodation and talking with them and understanding. As far as what specifically the accommodations are we've been working with President Herrera to really define what those are and in terms of what we can place so we're still working on that we had our first meeting and we'll continue to have those meetings to define the impacts and how we can best mitigate those impacts for both the district and the employee. The accommodation process however members need to decide if they're going to apply for one, if so they need to do that as soon as we can see and so we have a better understanding on what we can or cannot accommodate. Know the deadlines for the different vaccinations and when they take effect whether it be Pfizer, Moderna or Johnson & Johnson I believe and correct me if I'm wrong but the first shot deadline is September 4th. So that is like the urgency and why the special meeting today so that our folks could have some clarity and understanding of your decisions your policy decisions and so that it allows them to have time to make decisions and we heard that loud and clear.

Adjourned 1315 hours.

COMMISSIONER (CHAIR)

COMMISSIONER (VICE CHAIR)

COMMISSIONER

COMMISSIONER

COMMISSIONER

BOARD SECRETARY