

MINUTES

Mosier Fire District Board special meeting Wed. 11/8/17 at 3p.m.

Mosier Senior Center, 500 E. 2nd St.

Attending:

Board: Chair Evans, Board members Sacamano, Ayers, Rubin, Reeves

Staff: Appleton, Starling, SDAO attorney Spencer Rockwell

Public: large turnout of citizens at this meeting (approx. 40)

Call to order by Chair Evans at 3:02pm

Business:

- **Hear commentary from Jim Appleton, employee on administrative leave regarding October 9 Board letter.**

Appleton said he protested the meeting, did not have enough time to prepare. He asked that the MFD Board delay this meeting.

Board action: Motion to continue the meeting today (Motion/Rubin, 2nd/Ayers) passed unanimously.

Appleton continued with a lengthy rebuttal to the Board reprimand letter/ notice of possible conclusion of his contract with MFD:

He stated that since mid-2013, he had been in a state of burnout after several years of MFD service, and the high-profile derailment in 2016. He said he had a hard time keeping the volunteers motivated. He said SDAO (Special Districts Assn. of Oregon,) the state experts were brought in by the Board to help reboot the department, something he called an obvious need. He talked about the June 9 Board / staff training held by SDAO and the intensive reboot process since spring, with a series of SDAO meetings and interviews, generating a "soup to nuts assessment" on how best to improve the department.

He said training quickly became identified as an urgent need by SDAO, since he had offered very inconsistent training for volunteers. He cited the addition of Training Officer Mike Renault, which he said was positive and with Mike reporting to him. He said that it was working out well. "Hats off to the Board for finding Mike Renault as Training Officer- he's a great fit," he said, citing that he had been unable offer training over the last year and this had made a positive difference. But he also said he wasn't thrilled with the process of adding this staff on a quicker timetable. He hoped that the

SAFER grant award, which came along in late 2017 to hire another person might help solve recruitment, retention and training problems in future years, and that he'd get more time off when that person came on board.

He said this Board reprimand process of him started with two executive session discussions between him and the board; first a July 13 executive session based upon his request for confidential documents regarding the Team Mosier settlement he wanted to see before the Team Mosier Board reviewed and voted on it.

Appleton said after this MFD July exec session discussion, he received a follow up letter of reprimand. He wrote a memo to the Board objecting.

He said there was a second executive session with the Board on 9/25/17 after the Board received a complaint letter about him from four MFD volunteers, outlining safety concerns. He said this complaint should have been handled by him, not the board and was mostly personality conflicts.

He said a Board reprimand letter/notification of the possible conclusion of Appleton's contract followed the 9/25 meeting discussions – about which he sent a rebuttal letter to the Board.

Appleton said he later turned down a severance package offer he received from the MFD Board's attorney in October.

Appleton mentioned a letter that was written to the board a year ago, a complaint about him, from Wy'East Fire District Board, what he called "an open letter to the world," and which he disputed, was written about his actions in the Mosier oil train derailment, was a letter was cited in his reprimand letter.

He said that if he was let go by MFD, "all of our good relationships will go away," including with City of Mosier, Mid Columbia Fire & Rescue, Hood River Fire and ODF (Oregon Dept. of Forestry.)

He said he felt the Board considering terminating him was wrong.

Chair Evans:

Said this is the first public meeting on the issue with discussion that the public can hear on the matter – he thanked people for attending but said the Board could not comment about the details, since the Board was considering reprimand of its employee and Appleton had requested those prior meeting discussions were "confidential" executive session – which had clear legal restrictions on the Board's ability to detail those matters.

He said the discussions were Executive Session at Appleton's request – not the Board's – the Board was unable to release documents or talk in depth about those proceedings. He apologized that the Board could not speak more freely and said The Board cannot

make the decision to hold closed meetings without cause – in this case, its employee specifically requested confidentiality.

He said he was glad Appleton outlined the steps before this meeting. Intensive work with state special district experts (SDAO – Special Districts of Oregon,) and a year of MFD planning meetings and discussions with Board, staff and volunteers about how to improve our service to the community led to today’s decisions and discussions.

- **Public Comment**

Board heard testimony from the audience:

Maggie Goater, president of the MFD Volunteers, said she was one of the writers of the complaint letter as a citizen to the Board and would quit if Appleton were reinstated as Chief. She said she appreciated Appleton’s dedication and commitment over the years. She continued saying there were several safety violations that put her and other fire volunteer’s lives potentially at risk, including lack of maintenance and broken gauges on oxygen bottles firefighters use. She said a series of other concerns over the year she could not tolerate including no training in the last year until a Training Officer was hired.

MFD volunteer **Kris McNall** concurred with Goater and said she also was a signor of the complaint letter regarding Appleton to the Board. That she had long been a volunteer and had long been a proponent of Appleton’s and was sadly no longer in support of him; both because of the Team Mosier records request incident, safety violations and a pattern of behavior and lack of focus on safety she had witnessed.

Ron Carroll, a MFD volunteer, read a letter at the meeting in support of Appleton, mentioning his intimate knowledge of the community and he felt safe with Appleton. He mentioned rumors (did not specify which) that he said were false that he felt were the root of the problem.

Rebecca Thieselwaite, who said she served on Mosier School Board and knew the law, said a board couldn’t by law make decisions in Executive session - which decisions, such as reprimanding an employee can only occur in public meetings.

In response to this, **Board Chair Evans** agreed this is true and clarified the specific ORS used in MFD meetings, and said decisions the Board made were made in open public meetings following closed executive sessions, however there was no public present to observe those actions. He said exec sessions started with a public meeting, and then were closed for exec session, and then the public meetings re-opened afterwards for action. He said there were public minutes generated for the meetings as per law.

Susan Froelich had emailed a letter to the Board (her letter was read out loud,) opposing Appleton and supporting MFD Board concluding its contract with him. She mentioned lack of progress since MFD became a special district and thus gaining

valuable tax support 7 years ago – the letter mentioned she could not be at the meeting but asked that her letter be read as part of Board deliberations.

Russ Hargrave testified that he had seen burnout occur before in prior Chiefs – that when they’ve been around too long, they burn out. He said, “It was normal.”

- **Board comment**

Board member Sacamano:

Said perhaps members of the audience might recall a prior MFD Board regarding challenging Appleton’s service a couple of years ago that was controversial. He said an all-new board conducted this new round of negotiations and that it resulted from a lengthy process over the last year in extensive meetings to help the department improve.

Board action: Motion by member Rubin to “conclude the MFD Board contract with Jim Appleton” per the terms of the MFD agreement.

Second: Member Sacamano

Vote: all in favor, unanimous.

Chair Evans thanked all attendees for their comments and for taking time out of their busy schedules to attend and get involved.

Meeting adjourned 4:48pm.