

# Council Business Meeting

December 15, 2020

<b>Agenda Item</b>	Council Statement on Efforts to Fill Fire Chief Position	
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## **SUMMARY**

At its December 1, 2020 meeting, City Council approved a motion to direct staff to draft a letter expressing Council's regret at developments that have delayed filling the position of Fire Chief of Ashland Fire & Rescue Department ("AF&R"). This agenda item presents staff's draft of such a statement for Council consideration.

## **POLICIES, PLANS & GOALS SUPPORTED**

Council Goal 1 – Develop current and long-term budgetary resilience

Council Goal 2 – Analyze City departments/programs to gain efficiencies, reduce costs and improve services  
Cost Review Ad-Hoc Committee Recommendation #5 (approved by Council May 19, 2020) – Direct staff to undertake cost/benefit review of services offered and consider ways to streamline operations with a goal of increasing efficiency and reducing reduces costs.

Cost Review Ad-Hoc Committee Recommendation #6 – Consider outsourcing services with the goal of reducing costs

## **PREVIOUS COUNCIL ACTION**

9/15/20: Approval of recruitment for a Limited Duration Appointment (one to three years) Fire Chief.

11/2/2020: Discussion of possible Intergovernmental Agreement (IGA) under which a person to be in the employ of Fire District #3 would serve as the appointed Ashland Fire Chief for a limited duration.

11/17/20: Proposed approval of IGA with Fire District #3 approved by Council.

12/1/20: Council directed staff to prepare a draft statement which is the subject of this agenda item.

## **BACKGROUND AND ADDITIONAL INFORMATION**

On September 15, 2020, City Council voted unanimously to give direction to the Interim City Administrator to seek an agreement with Jackson County Fire District #3 for the purpose of (1) acquiring a proven, mid-career leader for AF&R without undertaking any long-term commitments; and (2) exploring innovative regional partnerships to strengthen overall regional emergency services while minimizing the costs of fire-related and ambulance services.

On November 2, 2020, City Council received an update on the progress of meetings of City of Ashland ("COA") staff with Fire District #3 representatives and AF&R staff. The update included identification of a proposed individual to serve under contract for up to three years as AF&R Fire Chief. With no dissent, Council affirmed the direction of the negotiations with Fire District #3.

Negotiations were concluded to the mutual satisfaction of City staff and District #3 and final contract terms were drafted for presentation to City Council and the board of Fire District #3. Ashland Councilmembers were invited to interview the proposed contract Fire Chief via video call. A proposed Intergovernmental Agreement ("IGA") was placed on the consent agenda for the November 17 Council meeting and provided to Councilmembers and the public in a pre-meeting information packet on November 13.

At the November 16 Council Study Session, a City Councilor first expressed reservations to staff and fellow Councilmembers about the proposed IGA. At a 1:00 PM video call on November 17, the proposed contract Fire Chief was asked by a City Councilor to disclose his current salary, which he did. A City Councilor subsequently posted this salary information and the proposed total IGA cost on social media, erroneously describing the difference between the two figures as an extraordinary salary boost far above the salary of any past Ashland Fire Chief in Ashland or the Rogue Valley. Multiple subsequent social media postings were critical of proposed contractual arrangement and of the City Council's undivided September 15 and November 2 support for the IGA. The proposed contract Fire Chief has withdrawn his name from consideration.

Oregon's Pay Equity Act says it is an unlawful practice ... *for an employer or prospective employer to seek the salary history of an applicant [except to request] from a prospective employee written authorization to confirm prior compensation after the employer makes an offer of employment to the prospective employee that includes an amount of compensation.*

AMC Section 2.04.080 (C) says: *“Individual Councilors should respect the separation between policy-making and administration. Councilors shall not pressure or direct City employees in a way that could contravene the will of the Council as a whole or limits the options of the council.*

AMC Section 2.04.115 says: *“A Council member is free to express personal views on any issue in any forum as long as any statements he or she makes about the positions of the full City Council and the positions of other individual Council members are accurate and objective.*

#### **FISCAL IMPACTS**

N/A

#### **STAFF RECOMMENDATION**

N/A

#### **ACTIONS, OPTIONS & POTENTIAL MOTIONS**

I move to approve posting the statement as drafted on the City website and transmitting it to Fire District 3 and to Ashland Firefighters.

OR

I move to approve posting the statement on the City website and transmitting it to Fire District 3 and to Ashland Firefighters with the following changes....

#### **REFERENCES & ATTACHMENTS**

Attachment 1: Statement from Ashland City Council on Efforts to Fill Fire Chief Position

## **STATEMENT FROM ASHLAND CITY COUNCIL ON EFFORTS TO FILL FIRE CHIEF POSITION**

At Ashland City Council's direction, City staff has explored with other regional entities in recent months possible innovative staffing arrangements for providing fire-related and ambulance services. This was part of a Council initiative to determine over the next few years if such services -- and potentially additional services -- could be provided through coordinated regional arrangements with comparable costs or enhanced or more efficient service results for the community and the region.

Through this effort, at Council direction, tentative agreement was reached to fill the currently-vacant Ashland Fire Chief position with an experienced professional well matched to the City's current and potential future operational needs by means of a contract with Fire District #3 for up to three years while new ideas for structuring fire-related and ambulance services are being tested and evaluated.

Ultimately, the arrangement City staff initially worked out with a particular potential contracted executive to fill the Ashland Fire Chief position unraveled.

The purpose of this statement is twofold. First, it is to express to Fire District #3, to Ashland firefighters, and to Ashland citizens the City Council's regret that this initial effort did not succeed. Second, the outgoing Council wishes to publicly express its hope that the new Council starting in January will work together in the spirit of the Municipal Code to fill the Fire Chief position in a way that resolves the existing management needs of the Fire Department and retains as much as possible the forward-thinking elements of the unsuccessful prior effort.