

**Response to Agenda item: “Council Statement to Fill Fire Chief Position**

**From: Julie Akins, Councilor**

**Request this submission be added to record in response**

The consideration of the council statement on efforts to fill fire chief position should not be accepted on the following grounds:

1. The material facts of City Attorney Dave Lohman’s “Council Statement on Efforts to Fill Fire Chief Position” are not accurate.
2. The decision to have the attorney who represents the entity of the City of Ashland prepare materials to impugn a sitting councilor who also represents the entity of the City of Ashland is inappropriate.

I begin with the inaccuracies contained in Mr. Lohman’s statements:

**Under Policies, plans and Goals** Mr. Lohman claims the staff desire to fill the fire chief position through an intergovernmental agreement with Fire District 3 supports council goal 1--“develop current and long-term budgetary resilience.” That is subjective. One could equally argue that it would not accomplish that goal as it enters the city into a contract with a compensation package of \$224,000 annually. One could also argue that the service of a fire chief could be achieved at a lesser cost.

Mr. Lohman further claims under council goal 2 “achieving efficiencies, reducing costs and improving services” would be accomplished by this action. Again, this is subjective and not a statement of fact. The Ad Hoc Cost Review Committee is not quoted directly as endorsing the specific outsourcing of the fire chief position to Fire District Three as Mr. Lohman implies so this argument in addition to being subjective is not supported.

**Previous Council Action is mis-stated.** On 9/15 council discussed an exploration of a Limited Duration Appointment. That discussion was primarily focused on partnering with Fire District 5. The intergovernmental Agreement with Fire District Three was not discussed at this meeting.

Further, it’s been stated on the record that I never offered any concerns nor objections. That is incorrect. I stated mis-givings at every meeting about going outside of the current fire department and suggested promoting within. Furthermore on 9/15, council did not vote to enter into an agreement but to merely explore the possibility, which again, was with Fire District Five.

On 11/2, a study session where no decisions are made, no votes taken and no roll call, there was an idea floated as “open for exploration” with Fire District 3.

Council was told by City Administrator Adam Hanks that Fire District Five and specifically Chief Hanley felt an intergovernmental agreement would be, and I quote, “too tall of an order.” We have later learned from Fire District Five’s Board of Directors and Chief Hanley that that wasn’t true.

In the meeting of 11/2, I expressed reservations and concerns about moving forward with Fire District Three given that we had previously discussed the matter with Fire District Five.

Furthermore, Hanks referred to a potential agreement with Fire District Three as “manning the operation” to explore options. The vague language in the study session did not leave an impression of immediate action for which I maintained concerns and reservations openly and on the record.

On 11/17 the agreement with Fire District Three appeared on the consent agenda as if council had previously agreed to a contract with Fire District Three. That had not happened.

Objectively--there had been no previous vote in a business meeting to even explore an agreement with Fire District Three.

I requested the item be pulled from the consent agenda. The mayor in error told me to make my request in the form of a motion. Requesting items be pulled from a consent agenda does not require a motion. This was wrongful and should have been pointed out by City Attorney Lohman as the parliamentarian.

Instead, I wrongly complied and made the motion which was not seconded and the item remained wrongly on the consent agenda. I should not have complied with the mayor's demand. The situation had become what I could argue was hostile and as a result I went along with the wrongful demand, which I regret.

One could argue, therefore, that the agreement was never correctly approved as it should have been removed from the consent agenda, discussed and then approved separately which it was not.

**Mr. Lohman's restatement of fact is incorrect:**

Mr. Lohman states that the council unanimously approved direction to pursue an agreement with Fire District Three. This is incorrect.

On November 2, council received an update that the city was in consideration of a possible agreement with Fire District Three. It is incorrect that there was no dissent or that "Council affirmed the direction of the negotiations with Fire District Three." Study sessions do not affirm but are listening opportunities for council to hear what staff is considering. No votes are taken so it is speculative that any affirmation occurred.

On November 16, I stated in a council study session my concerns that this was moving too quickly and I was concerned about the long term financial context. It was not the first time I stated such concerns. Throughout the process I stated concerns on the record.

Mr. Lohman states on page two of his comments that it is an unlawful practice to seek the salary history of an applicant. It is not unlawful when the compensation is a public record. The applicant's employer is a public entity and as a division chief his salary is a public record. It is not unlawful to request information contained in the public record.

In Mr. Lohman's comments regarding councilors pressuring or directing city employees, there is no direction or pressure of any kind applied. Mr. Brown who was the applicant of Fire District Three was not an employee of the City of Ashland nor even a specific applicant to the City of Ashland. I cannot see how this is applicable.

As to Mr. Lohman's additional points regarding a councilor's right to express personal views. I'm happy to hear it as I have several e-mails from Mr. Lohman stating I am not allowed to express personal views. I have not expressed views about what any other individual councilor's position might be nor positions of the full council.

Because this statement has material inaccuracies and because it is not what the council directed which was a letter of apology to Fire District Three, I would request this document not only fail to be brought for vote, but that it be stricken from the record. It is not an apology but a misstatement of fact and is in fact subjective and adversarial.