

LOGO

District feared confusion

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design elements, with the sole exception being that below the words "Mid-Columbia," one says "Firefighters" and the other says "Fire & Rescue."

After the district trademarked its version of the logo, it demanded last June that the union stop using its version. When the union didn't, the district sued in Wasco County Circuit Court. The suit sought compensatory damages and payment of its legal costs.

In a press release, the district said the matter is heading to a closed-door mediation session on Feb. 10 before Senior Judge Paul Crowley, a retired circuit court judge.

Previously, another judge granted the fire district a temporary restraining order barring the union from using its logo.

In the press release, the district said that while the legal costs "may be protected from disclosure" under state public records law, the district chose to provide it "because the public needs to be aware of what the union's actions in violating the district's copyright has cost the district."

It said the union's unwillingness to stop using the logo when the district demanded it "has resulted in the expenditure of these funds."

Hammel said when he requested the legal expenditures on Jan. 15, he got a reply Jan. 17 telling him the information may be exempt from public disclosure under a law regarding public records pertaining to litigation.

Hammel said that law notes public interest could be factored in deciding whether information should be released.

Hammel told the *Chronicle* before the meeting, "I'm troubled with the amount that's being spent over a door logo."

He asked how often fire districts trademark their logos. "Not very often that I'm aware of."

In the press release, the fire district said it sued over the logo because it had legal rights to its service mark.

"When those rights are violated the district has little choice but to act. The union's use of an unauthorized and confusingly similar mark causes public confusion. The public cannot be led to believe that the district supports all the union's political activities. This action has resulted in a temporary end to this occurring."

An investigation commissioned by the district last spring concluded the district sought the logo first. The company that created the logo told the inquiry that its work was done for the district, not for the union.

The union said it created and paid for the artwork in the logo, and it had been using it for some time.

Hammel told the board that the inquiry, by Portland HR Solutions, Inc., was incomplete because he was not interviewed for it and he had a role in the logo process, which began several years ago.

The fire board's press release said that Hammel told a representative of the district that he would not respond to the inquiry unless he was subpoenaed.

Hammel, in turn, said that he did tell the fire district's labor attorney that he would have to be subpoenaed in order to testify at an unfair labor practice matter a year ago. That matter was settled.

Hammel said the labor attorney asked him a question regarding the logo "and I gave him an answer. He was not part of the HR Solutions report that I am aware of."

When he spoke at the meeting, Hammel said the district had spent \$135,000 on legal expenses from last July through December, the first half of the fiscal year.

He said that was 225 percent of the amount budgeted for the full year. He later told the *Chronicle* that the six-month figure was more than had been spent on legal expenses in the last three years combined.

The district is facing a protracted union contract negotiation, which has stalled, and is also facing an unfair labor practice complaint, which will be heard in The Dalles on Feb. 20.

Hammel said in the last two months of 2019 the district spent just over \$82,000 in legal fees. Because there was a hearing in Wasco County Circuit Court with a number of attorneys representing the district, Hammel said he was assuming most of that two-month legal expense was related to the lawsuit.

He said the \$82,000 could have paid for half of an additional firefighter.

He said it would've paid about 66 percent of the cost for a new staff vehicle to replace the one which was recently wrecked.

A fire district press release said a chief officer was responding to a fire on New Year's Eve that destroyed a house, and when no off-duty firefighters reported to the station when extra help was called for, he returned to the station to get a fire tender, which is an apparatus with a water tank on it.

The chief officer's vehicle hit a bollard and fire hydrant on the open training grounds, shearing off the hydrant. The 2003 vehicle had a value of about \$2,500 and was budgeted for replacement this fiscal year, according to the press release.

The hydrant has not yet been replaced.

Hammel said the \$82,000 would buy about 32 sets of

turnouts, 11 breathing apparatus, or 19 percent of what the district said during the bond campaign that it should be putting away each year in a reserve to replace fire apparatus.

He said the district passes a balanced budget each year, and the unbudgeted expenditure in legal fees will have to come from somewhere.

The press release said that if a fund adjustment is required, the money will either be transferred from contingency or from adjusting the ending fund balance.

Hammel told the board it was time to "step up and take action" and "end what appears to have developed into a personal battle between parties."

Asked whether Fire Chief Bob Palmer or the board wanted to pursue litigation

over the logo, the press release said the decision to sue was made by the board on advice of legal counsel.

Casey DePriest, the wife of a retired firefighter, also spoke, asking that the district replace Palmer.

She said she was retired from government, and that she'd always hated when people told her taxpayers paid her wages. "I hate that, but now I get it. As an adult, and taxpayer, every penny counts, you're on a fixed income now, and how your tax dollars are spent matters. Those that have the power to spend your tax dollar matters."

She said she realized the district had "deeper issues" than "this one lawsuit. I hope when this comes to a close the board takes a good long look at why this has happened,

what exactly caused the fracture, and you do something about it. A good leader is a bridge builder, but all I see are roadblocks."

Union members earlier said morale was at an all-time low, and staff turnover has been so high that there have been nearly 20 new personnel since 2012 in what is only an 18-person union.

DePriest said, "Please consider restoring calm, trust and respect to the district and its firefighters. To do this, the only reasonable action is to request Chief Palmer's resignation."

The press release said that Palmer had received consistently high marks from the board on his annual evaluations, and the board was not considering firing him, "and would not do so unless warranted."



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