

An Opinion: While We Are Waiting...

By Scott Laird

First of all I want to be clear—I take no joy in writing columns that are critical of local government representatives. I don't enjoy publicly pointing out faults and what I think is wrong, and have always prided myself on the fact that when I offer criticism, I try to offer solutions as well. I don't like when my solution is "you need to resign." But that is, in fact, where I find myself as I write this.

Right now Vernonia is spending a lot of time waiting. For the last few weeks we have been waiting for the results of the recall election for Councilor Kevin Hudson—now at last we have those, after spending City funds to find out what most of us already knew, that the majority (83% who voted) don't want Kevin Hudson to represent them anymore. Hudson could have resigned when enough signatures were collected to force the election—he chose instead to burden the city with the expense. Obviously Vernonians have spoken loudly and clearly and sent a message to their Council representatives—we do not agree with the direction you have taken this Council. Kevin—do you hear us now?

We have also been waiting for the Department of Public Safety Standards and Training (DPPSST) to hand down a ruling on Vernonia Police Officer Mike Kay—the Police Policy Committee voted to revoke Kay's certifications in May; now we are waiting for the full Board of Directors to make a final decision.

We are also waiting for the Vernonia City Council to meet with Kay and his representatives in a Due Process Hearing, scheduled for this week on June 13, 2011, to decide whether Council will continue to employ Kay and keep him on Paid Administrative Leave while his case runs its full course, which will probably last many more months.

We are also waiting to find out if the four remaining City Council members will be able to agree on who to appoint as a replacement for Councilor Hudson's vacant seat.

And we are waiting to see who the applicants are and who Council might choose to hire as permanent City Administrator; interviews are scheduled for June 23-24, 2011.

And finally, we are waiting to see whether Councilors Willow Burch and Marilyn Nicks will finally listen to the people they were elected to represent

after Hudson's recall. The people have asked them to be responsive to us and they have refused. Willow and Marilyn—do you hear us now? You should choose to resign rather than spend more of the city's money for another recall election. Sharon Bernal, the petitioner on the Hudson recall has vowed that Burch and Nicks will be next when they are eligible on July 5, 2011.

It seems like we have been waiting and wondering now for awhile, with more waiting in the wings. Which gives us some time to reflect on what has happened in the past, what is happening right now, and what might happen in the future.

Again I will say, I take no joy from watching things unravel here. I do not enjoy or take any pleasure in watching Mike Kay's career potentially implode and the negative impact it has on our entire community. I don't enjoy watching the choices that our City Council has made and watching the damage caused to friendships, business relationships, and our city government. And I certainly don't enjoy the watching and writing about the mistrust that has developed between Council and staff, between Council and our citizens, and among the Council themselves.

And yet I see no alternative but to talk about what is happening and offer the only solution I see as viable. Three of our City Councilors have not listened to the majority of the citizens when making decisions, have not run our city like a business, and have chosen to put personal relationships before the good of the city. We need three new City Councilors. The people have spoken and Hudson has already been recalled; that leaves Burch and Nicks.

As far as the Mike Kay situation goes, I know that some people believe that Kay is not receiving his due process—that maybe he is being tried in the court of public opinion. One of the reasons given for the firing of Bill Haack was the release of public information about the accusations against Kay.

And yet, the DPPST committee made their decision separate from any discussion that was happening in Vernonia.

Because the City of Vernonia has not had a permanent City Administrator, the City Council will make any decisions about Kay's continued employment here. Apparently there was doubt that several members of the City Council were willing and able to consider all the information about Kay and make

an unbiased decision. I know I question whether they have the ability to be unbiased on this issue. In my mind they needed to hear from informed citizens about the issue to help persuade them to open their eyes.

Haack and Sosnkowski must have felt the same way when they tried to bring up the Kay personnel issue with Council. Haack and Sosnkowski sent a memo to Council on April 26, 2011 which stated "Following on Alex Sosnkowski's previous memo and the responses we received [which are all protected under Executive Session restrictions], we have spoken extensively and consulted with our outside legal counsel as well. We are deeply concerned that the City take legal action and appropriate action on the Kay personnel matter and perhaps we have been less than clear on what the City and the City Council is facing in this matter."

In other words, the City Attorney and Haack had made previous attempts to give guidance to Council about the seriousness of the issue and were developing a plan for dealing with it while protecting the City's interests.

Haack and Sosnkowski went on to state in the memo, "We cannot afford to mishandle this matter; whether by hasty decision or by decision not made on a complete record."

How did Council react to this guidance? They fired Haack at the next meeting on May 2, 2011 and removed a discussion about the issue from the Council agenda until after Kay had his Due Process. Their Legal Council and City Administrator were telling them they needed to be informed. Instead they got rid of the messenger and then tried to stick their heads in the sand.

At that point, outside investigations were clearly pointing to a problem, just as Haack suspected. The DPPST Police Policy Committee apparently also believes there is a problem; they voted unanimously to revoke Kay's certifications for life.

Now Councilors Burch and Nicks who will have to vote on this, need to open their eyes and consider all the documentation and the facts and make a business decision for Vernonia. Can they do it? Who knows?

Recently I came upon the following information, which reminded me that this is not the first time issues have been raised about Kay, Krueger and certifications. This information shows a pattern of unquestioned support for Kay and Krueger, apparently without regard to rules, regulations and processes.

The June 5, 2006 Vernonia City Council Meeting minutes reveal that several community members spoke during topics from the floor and addressed council concerning K9 officer Krueger and complained that Krueger had been out of service for twelve weeks. It was stated from the floor that the group that was raising money for Krueger had lost an estimated \$5,000 of potential money they could have raised during those twelve weeks.

According to the minutes, Mayor Sally Harrison explained that the dog has to be certified and show certifications. Police Chief Matt Workman explained that Officer Mike Kay was hired with the understanding that if the department could use the dog they would, and that officer Kay had signed a memorandum

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of understanding which was determined to be inadequate—that a lease would be necessary. Workman later explained that Krueger must either be certified by Oregon Police Canine Association or have 360 hours of certified training. Officer Kay explained that Krueger has national certifications but they are not being recognized by the insurance carrier. City Attorney Jeff Bennett noted that the city insurance carrier had notified the city that the dog was not covered and that they require training and a lease.

Six people spoke from the floor in favor of the dog that night: Helen Johnston (now Helen Hudson, wife of City Councilor Kevin Hudson) who raised the initial complaint about Krueger and loss of fundraising income and requested that the asset be put back on the road; Michelle Kay (officer Mike Kay's wife at the time); Cindy Ball (citizen at the time and City Councilor last year who challenged Haack in October when he dared to raise questions about the lease and the validity of Krueger's certifications and pulled the dog out of service to protect the city's liability); Willow Burch, (a citizen at the time and current City Councilor) who, according to the minutes, told the assembly *The dog was insured elsewhere. It is the same dog. She is grateful to have Officer Kay and the dog. It only takes a phone call to change insurance companies;* Marilyn Nicks, (a citizen at the time and current City Councilor) who said she felt the citizens have let the Police Department down and asked if there were any other options; and Noni Anderson who said she appreciates Officer Kay and the dog.

I don't want to read too much into a situation that happened five years ago. To be fair, none of those people—Ball, Johnston (or her now husband Hudson), Nicks or Burch were sitting in a decision making seat. To also be fair, I was in attendance at that meeting, and had forgotten about it.

But those comments sound eerily familiar to what happened during this past year--unquestionable support

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