

A Timeline of Vernonia Events: June 2010-July 2011 *continued from page 13*

oil to retain Haack. Six citizens speak in favor of retaining Haack.

Mar. 15, 2011—Kay and the City are informed by DPSST that unless Kay voluntarily revokes his own certifications his case will be presented before the DPSST Policy Review Committee.

Mar. 21, 2011—Haack sends a memo to Council informing them that DPSST is conducting a policy review of the Vernonia Police Department. Haack initiates a parallel personnel process and places Kay on Paid Administrative Leave where he will remain until June 27, 2011.

Mar. 28, 2011— Council holds Executive Session to consult with legal counsel about legal rights, and duties regarding possible litigation.

Apr. 4, 2011—At the City Council meeting four citizens speak in support of Kay. all commend his police work, his work with the K9 unit and his other activities in the community.

Apr. 26, 2011—Haack and Sosnkowski send a memo that is marked "Not Attorney Client Confidential" that states that both are "...deeply concerned that the City take legal and appropriate action

on the Kay personnel matter and believe that perhaps we have been less than clear on what the City Council is facing with this matter." The memo goes on to remind Council that only they currently have the authority to fire an employee and they need to be fully informed, unbiased and free from conflict of interest when making any decision. It also states that the City's ability to be supported by CityCounty Insurance Services is dependent on their decision making process being fully informed. The memo concludes: "...waiting for the conclusion of the DPSST process to take action could stretch this matter into 2012—which the City cannot fiscally afford to do."

May 2, 2011—The City Council packet, available to Council, the press and citizens, contains a press release from the City of Vernonia concerning the status of Kay, and states that the DPSST proceedings are separate from any employment-related proceedings and that DPSST does not have authority to make decisions about Kay's employment. The press release states, "The City of Vernonia has been advised by outside legal counsel, as well as by its insurance carrier that it has an obligation to conduct its own investigation."

The City Council packet also in-

cludes letters from DPSST to Kay and the City which contain details of the DPSST findings in relation to their review of the allegations against Kay.

At the May 2, 2011 City Council Meeting, Councilors Burch, Nicks and Hudson vote to remove a discussion about the Kay investigation from the regular agenda until after Kay's due process. Burch later moves that Haack's contract be terminated without cause—Burch, Nicks and Hudson all vote in favor. Haack's contract calls for two weeks notice for termination without cause; his last day is May 17, 2011.

May 4, 2011—Interim Chief Conner resigns his position and voluntarily steps down to Sergeant, gaining protection of the Police Union.

May 19, 2011—The DPSST Policy Review Committee votes 11-0 to recommend revocation of Kay's certifications for life based on findings of "Dishonesty," and according to the minutes from that meeting "based on lies to the judge regarding juvenile community service, lies regarding dog certification, and the omission of material facts on application for employment," as well as "Gross Misconduct," stating, "Kay created a danger or risk to persons and property by using

an uncertified dog." The minutes go on to state that, "The Committee noted as aggravating circumstances Kay's glaring incompetency issues, pattern of behavior, and the repeated investigations involving Kay." The full DPSST Board of Directors must confirm the recommendation.

Jun. 10, 2011— The citizens of Vernonia vote 504-84 to Recall Councilor Kevin Hudson.

Jun. 21, 2011—Council is unable to agree on a replacement to fill Hudson's seat. They are subsequently unable to agree on a decision at two more meetings

Jun. 23, 2011—Council interviews the only two candidates for permanent City Administrator that they and the LOC deemed qualified—Bill Haack and Dennis Rhodes from Blaine, WA. Council reached no decision to offer either the position.

Jun. 27, 2011—Council votes 4-0 to terminate Kay.

Jul. 7, 2011—Signatures are certified by Columbia County Election Official for the Recall Election for Councilors Willow Burch and Marilyn Nicks. Ballots are due on August 4, 2011.

An Opinion: It's Complicated *continued from page 3*

his own admission, he did not do all he could to fix the communication issues that developed. But he was working, in my opinion, with a Council that was openly hostile towards him surrounding the Kay issue.

Haack was inexperienced as a City Administrator. He had an Interim Police Chief who was also inexperienced. And he had a very sensitive issue on his desk. He could have swept it under the rug to be dealt with at some later time when it resurfaced. Instead he decided to deal with it head on and try to find resolution.

An email from Haack to Columbia County Commissioner Tony Hyde dated August 26, 2010 is interesting reading for anyone wondering about Haack's intentions. According to this email, early on he was trying to save Kay's career.

Critics of Haack are saying he deliberately misled Council and overstepped his authority. First, Haack inherited the Kay investigation and was trying to clean it up. Second, a reading of Ordinance 854, which authorizes the City Administrator duties, states that the City Administrator is responsible for supervising city employees, is responsible for acts of all subordinates, and is responsible for administering all city decisions. Ordinance 854 gives the Interim Pro Tem, which was Haack's official title, all authority of the City Administrator, except the hiring and firing of

employees. Haack was doing his job in supervising his employee and trying to resolve the Kay issue.

Did Haack try to mislead Council? Maybe he could have been more forthcoming with his Council about the Kay investigation. But he was dealing with a Council that he believed was trying to avoid the problem. An April 26, 2011 memo to Council from Haack and City Legal Counsel Alex Sosnkowski, after a March 28, 2011 Executive Session where Council was introduced to additional legal council involved in resolving the Kay matter, is very telling. In it Haack and Sosnkowski are clear that apparently the Councilors did not understand the importance of this situation.

Why didn't Haack inform them earlier about the review of Kay's certifications? Council did hold an Executive Session on February 7, 2011. After that Haack was waiting for a response from DPSST. He received that response on March 15 which included all the information DPSST had uncovered concerning Kay. Which led to the March 28 Executive Session. Council's apparent unwillingness to consider the seriousness of the charges against Kay led to Haack releasing public information in the City Council Packet for the May 2 City Council meeting. He was forcing them to deal with a critical issue. Council fired Haack at that meeting.

Which in part, leads us to the current recall.

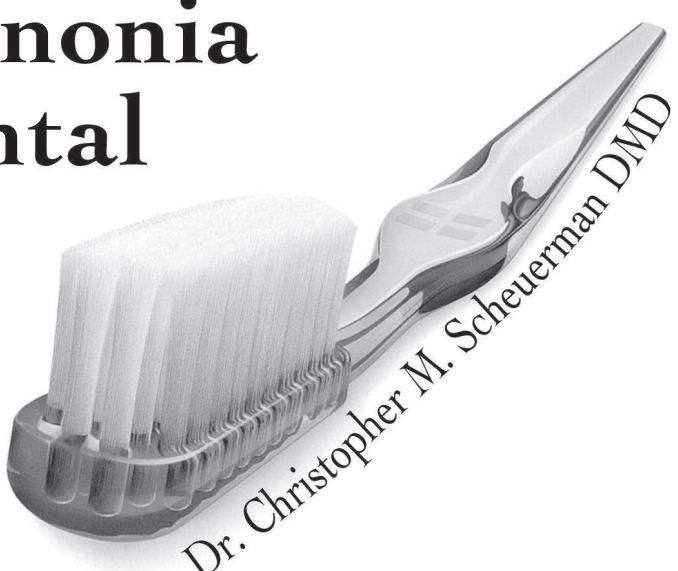
How will the citizens treat new Councilors who are appointed if the recall is successful? If those Councilors treat the citizens and their staff with the respect they deserve, make city business their priority, base their decisions on facts, and lead with honesty and integrity, then they should not have a lot of problems. It's just not that complicated.

Special Vernonia Recall Election—August 4, 2011

Columbia County Elections officials have confirmed that all information has been received for a Special Election for the Recall of City Councilors Willow Burch and Marilyn Nicks. The Special Election will be held on Thursday, August 4, 2011. Ballots were mailed on July 18, 2011. The Vernonia Public Library, which is the official drop off for ballots, will stay open until 8:00 PM on Thursday, August 4, 2011.

Sharon Bernal is the Chief Petitioner on both Recalls.

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