

PUBLIC SAFETY STANDING COMMITTEE

Regular Meeting
Oak Harbor Fire Department
October 21, 2010

ATTENDANCE

The meeting began at 7:00 a.m., with the following in attendance: Council Members Severns, Almberg (for Munns), and Dudley, Mayor Slowik, and City Administrator Paul Schmidt.

Staff present: Police Chief Rick Wallace, Fire Chief Mark Soptich, and Police Admin. Assistant Martha Folsom

Others present: None

PUBLIC COMMENT

No public attendance; no comments

REVIEW OF SEPTEMBER 16, 2010 MEETING NOTES

Notes were reviewed. No questions or comments.

POLICE

Animal Shelter - Update

Police Chief Wallace reported the status of negotiations with the Navy. They have agreed to provide Bldg. 26 to us, which is on the opposite side of the Seaplane Base from the current shelter, near the marina. However, the Navy at this time will only offer a one-year lease. With the investment by the City that may be needed to equip the building, this doesn't make a lot of sense. The City is looking for a more long-term agreement. We are not there yet. Regarding the WAIF contract, Chief Wallace advised that the current contract expires on 12/31/10, and we are working on that. It should come before Council in the not too distant future.

Committee Discussion

Mr. Dudley asked if we would see the contract at the Council level come December, or perhaps later, as in the past it seemed that the contract had expired by the time it came to Council. Chief Wallace said that we expect it before expiration and that we are looking at some language changes, nothing substantial, mainly to clarify defining who the animal belongs to (between the City and WAIF). Currently, during the first five days after impound or surrender, the animal belongs to the City, and after that to WAIF. We are looking for more clarification to separate the two entities. Mr. Dudley asked if the proposed building is the same site we have been looking at all along, and the Mayor said it was. Mr. Dudley then stated that he had received an email with some criticisms of WAIF.

At this point in the meeting, two citizens had arrived, and one of them – identified as Karen Moore – asked to speak regarding WAIF issues. Mr. Severns stated that we were past the Public Comment period; however, after discussion of this agenda item was complete, he would allow 10 minutes maximum of public comment. Mr. Severns asked Mr. Dudley if he had anything further, and he did not. Mr. Severns then asked Chief Wallace if he had anything further.

Chief Wallace said that there are outspoken critics of WAIF, and that he does not support some of the allegations, he does not believe there is evidence to support them. His experience has been that WAIF personnel are very caring, and very reluctant to euthanize any animals, but that these opinions are valuable.

Further Committee Discussion

Mr. Severns posed a question - if we thought there was a violation and as the organization has a contract with us, and with the County, would that be something that would go into the Court system. Chief Wallace said that if there were any evidence of a criminal proceeding, the jurisdiction where the alleged crime occurred would investigate. Other than that, a lawsuit could be filed. Mr. Schmidt said that with regards to the contract between the City and WAIF, it is simply an annual performance contract, and that, if we were not satisfied with that performance, we either terminate the contract, or don't renew it. Beyond that, we could ask WAIF to address an issue, but if they do not, we don't take legal action, we terminate and/or do not renew the contract.

Public comment was then allowed, per Ms. Moore's request.

PUBLIC COMMENT

Karen Moore introduced herself, and gave her address in Langley, saying that she also owns property in Oak Harbor. She handed information out to Council members, and said that her question is "what is the point of a contract if it is not enforced?". Ms. Moore stated that there is an ordinance requiring WAIF to provide documents, to make them available upon request to the public, and that the shelter manager and executive director have refused to do so. She said that the statistics provided by WAIF are far from the truth; for instance, there have been 200 dogs killed between 2007 and 2008 which are not accounted for in their statistics. She said that it appears that the shelter manager is counting dogs twice, when they come in and when they go out, thereby doubling the number of dogs served, and that they do not count dogs killed. Ms. Moore said that WAIF claims to be at a point high on the list in the nation of lowest kill shelters, when the reality is that they are killing hundreds of dogs on intake and not accounting for them. Ms. Moore says this is fraud, in the use of tax dollars, and that WAIF is soliciting donations based on fraud. Ms. Moore says that she has brought this to the attention of the Chief of Police, but he doesn't seem concerned.

Mr. Severns told Ms. Moore that he heard what she was saying and had read her email. He asked Ms. Moore if WAIF had a Board of Directors, and could she get herself on that Board. Ms. Moore said she could not because she has strong, opposing opinions and the Board is made up of friends and family, and is a very tight-knit clique. Mr. Severns asked if the accusations she was making were established information or hearsay, and if she had proof. Ms. Moore said she has five witnesses who heard a person make a statement at a meeting about the 200 dogs killed by WAIF on intake between 2007 and 2008. Ms. Moore said that, while WAIF claims they are fiscally responsible, WAIF's own accountant has made a statement that they are unable to produce financial statements; that deficiencies result in more-than-likely material misstatements not detected by the entity's internal controls; that there are material weaknesses in Accounts Receivables, purchases, supplies and inventory. Ms. Moore stated that she is unable to discuss this with the Shelter Manager, that WAIF has closed their Board meetings to the public, that Chief Wallace is not interested, while dogs are being killed by the hundreds. As well, she said, WAIF is supposed to have a Trap, Neuter and Release program for feral cats, but that cats are trapped and killed, not neutered and released.

Mr. Severns told Ms. Moore that if she has good, unequivocal evidence, she should probably seek some lawful recourse. Ms. Moore said she does not have the financing to sue WAIF. She said that the Attorney General has recommended that she sue the City, County and WAIF. She says she hopes she does not have to go that route, and hopes that someone hears what she is saying and someone held accountable.

During this time, two more citizens arrived at the meeting and were seated. One was later identified as Dr. Baker, who subsequently provided public comment.

Mr. Severns said that the discussion had gone past the 10 minutes, and told Ms. Moore again that we heard her, that we have a contract situation and we can certainly look into that contract.

Further Council Discussion:

Mr. Almborg asked if the contracts between and City and WAIF, and the City and NAS (for the shelter facility) run simultaneously, and Chief Wallace said that the agreement with the Navy has no expiration, and that they are two separate documents. The agreement with the Navy is that they will provide the shelter location, for animal control services aboard the Base. Mayor Slowik said that we have been working with the Navy for 3 years, trying to upgrade the facility. Local Navy authorities are on board, but at the Regional level (Bremerton), we are being told that new Navy rules require payment for a lease (of the shelter) and the City contends that animal control services is the payment. We also need to obtain a longer-term lease agreement, rather than the one year, which is all they can sign locally. We cannot put that kind of money into a building for a one year lease. We have agreed to defer until this can be decided on the Regional level. The Region wants local NASWI to look at estimating the costs of providing their own animal control services on Base. We think they will find that they do not want to duplicate services.

Mr. Almborg asked if there was an estimate on upgrades for the new shelter building. Mr. Schmidt said that we have \$10,000 for now, but it will take more than that. Mr. Schmidt said that \$10,000 is what we thought would be needed to make the move, and there would then be annual costs, and we are making provisions in the budget. Mayor Slowik said that if costs were \$30,000 or less, we would make that decision at the staff level, and if it were more, we would bring it to Council. Mr. Severns asked about if Council action would be required on a lease, and Mr. Schmidt said it would. Mr. Almborg said he suspects that the improvement costs would be a lot more than \$10,000.

ADDITIONAL PUBLIC COMMENT

Another citizen (Dr. Baker) who had entered during the previous discussion asked to speak. As it was concerning an agenda item (WAIF contract), he was granted time to speak, and he said it would take about 2 minutes.

Dr. Bob Baker introduced himself and gave his address in Freeland. He provided a handout, and said he would just highlight the bullet points of the information provided. Those highlights covered his proposed reforms covering the mandatory hold period in the City's contract with WAIF, and consisted of (1) A Stray Page – a webpage to advertise strays; (2) State-of-the-Art Tracking and Identification Software; (3) Transfer Agreements with Specialty Rescues; (4) Return Home Policy – where a licensed pet is returned home and not entered into the shelter system; (5) Pets remain in the "Public Trust" – animals do not become the property of the contractor; (6) Extended Business Hours; (7) Answer the phones and return calls within 2 hours; (8) Extend mandatory hold to 10 business days; and (9) Create Citizens Oversight Committee.

Dr. Baker advised that these proposals are based on the CAPA model (Companion Animal Protection Act), and that jurisdictions throughout the Nation are moving toward this model. He said that the philosophy he would like to leave is that these proposals are not expensive, are actually less expensive than keeping animals in cages. He would like to see us move as a community into a No Kill philosophy, which then changes the entire perception of what a triage center would be. A shelter should be a triage situation. He thanked Council members for giving him the time to speak, and apologized for being late, due to the fog.

POLICE (Agenda items continued)

Jail Space Rental Program - Update

Police Chief Wallace reported we are moving forward in talks with the San Juan County Sheriff's Office and will hopefully have some movement on that soon. Chief Wallace provided information that, since the inception of the Bed Space Rental Program, we have raised \$30,485 in revenue for the City, (General Fund), and he expects to see that increase.

Committee Discussion

Mr. Severns asked about mention made at the last committee meeting of an average of around 3 prisoners per day from DOC. Chief Wallace said yes, it was between 2 and 3 per day average. Mr. Severns asked if we still have space if necessary, and Chief Wallace said yes, so far our total average daily population is between 7 and 8. There are times when we are full and times when we have less. Mr. Almberg asked why those revenues go directly to the General Fund. Chief Wallace said that we operate totally out of the General Fund, and within a set budget. If we were, for some reason, to run short in funding for the program, we may be able to transfer some of those funds back into our budget. However, he does not anticipate that happening, and that we are operating within budgeted funds. For instance, we track meal costs, and we have only seen, at most, a 75 cent to \$1.00 per prisoner per day increase in food costs.

Personnel Update – Retirement of Sgt. Seán Magorrian

Police Chief Wallace advised that Sgt. Magorrian is retiring on 10/31/10 after 30 years of service. This will necessitate replacing his position, and once testing is completed and a promotion to sergeant takes place, that will create an opening in the patrol division. We are moving slowly on this process, we will request the Civil Service Commission to approve the testing and promotional process at their next monthly meeting.

Committee Discussion

Mr. Dudley asked if there was an expectation of an increase in overtime hours to make up for the vacancy. Chief Wallace said that inevitably there will be, but that we aren't programming overtime in (to the budget) for that. He said that, when you are short one on a squad, and one takes vacation and/or calls in sick, we will need to call someone in to cover, on overtime. He explained how a patrol sergeant will be reassigned to a shift that covers two squads, so there should be no overtime in that regard.

FIRE

Acceptance to the Earthquake: Preparedness and Response; Emergency Management Institute Class

Fire Chief Soptich reported last month that we had submitted five applications for this training, and so far, three have been accepted - Himself, Lt. Dyer (Police), and Lt. Anderson (Fire). One other application was not accepted, and we are waiting a decision on the 5th application. We are trying to get a mix of attendees, who can then come back and train here. It starts November 15, and is held in Maryland.

Committee Discussion

No discussion

Washington State Safe Place for Newborns Program

Chief Soptich advised that this legislation was passed a few years back, where babies could be left at Fire stations. The State has now come up with a standardized sign and we should be receiving those soon, to be installed.

Committee Discussion

No discussion

Reorganization Update

Chief Soptich advised that we are moving forward on the internal promotional process for Deputy Chief, which was part of the reorganization. One position was eliminated, and this one created. Civil Service has approved the testing process, and we are working now with HR and Legal on finalizing the job description.

Committee Discussion

No discussion

Recent Incidents

Fire Chief Soptich reported that things have been busy, but there have been no significant incidents to report.

Committee Discussion

No discussion

POCFF Testing Process (Additional Agenda Item)

Chief Soptich reported that we are halfway through the process to establish a list for Paid On Call Firefighter. We started with 33 applicants, 22 made it through the background check process and were invited to test. Following the Physical Ability test, 2 did not show, and five failed, which leaves 15 who will proceed to the written test portion today (10/21/10).

Committee Discussion

Mr. AlMBERG asked if was typical to lose 50% of the original applicants during the process. Chief Soptich said that many were dropped during the background process, due to driving records.

Defib Units (Additional Agenda Item)

Chief Soptich reported we now have the 10 defibrillators received from the grant. Four will go the Police Department, four to Fire, and 2 to the Senior Center. We will have training completed soon, and they will be put into service. Whidbey General Hospital received 50 or more of these units, (later clarified to be 44 units).

Committee Discussion

Mr. AlMBERG asked Chief Soptich to clarify about Whidbey General Hospital and Chief Soptich said that their Foundation was the lead in applying for the grant for these units and we were one of 17 organizations receiving Defib units.

COMMENTS

No comments.

NEXT MEETING

November 18, 2010

Public Comment Process: Regarding the public comment process, Mr. Severns asked the committee members if other Standing Committees are experiencing public comments. Mayor Slowik said that he felt Mr. Severns handled the situation properly, that the citizen attendees had driven quite a ways to get here, and were late due to the weather (fog). He said it is important to hear them. The rules say that the Committee chair has latitude on hearing from the public. Mr. AlMBERG said they hear comments occasionally at the Government Services standing committee meetings.

MEETING ADJOURNED

7:58 a.m., October 21, 2010