

# WHATCOM COUNTY FIRE PROTECTION DISTRICT #21

## Resolution 2017-01

### A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WHATCOM COUNTY FIRE PROTECTION DISTRICT #21 TO CENSURE COMMISSIONER DEAN BERKELEY:

**WHEREAS**, at the regularly scheduled Board of Fire Commissioners Meeting on January 19, 2017, Commissioner Berkeley utilized the Public Comment period to make comments, during which time he did the following:

- a. Turned to the audience and verbally accused several members of the audience (District Staff) of lying on various topics. His comments were not germane to the business of the District but were personal attacks and considered threatening.
- b. Refused to follow the direction of the Commission Chair and several other Commissioners, as well as the Fire Chief, to direct his comments to the Board.
- c. Incited several members of the audience to be verbally disruptive.
- d. In response to the Chair's admonition to direct his comments to the Board, he announced that he could have open discussion with anyone during the Public Comment period.

**WHEREAS**, Commissioner Berkeley's threatening and disruptive behavior required the Board Chair to recess the meeting until order could be restored;

**WHEREAS**, the actions of Commissioner Berkeley seriously hampered the ability of the Board of Fire Commissioners to conduct necessary business;

**WHEREAS**, Commissioner Berkeley violated the Fire Commissioner Guidelines for Conducting Meetings and Official Duties (the "Guidelines") in several respects as follows:

- a. Section 2.5.1: Public comments must be germane to the business of the District. Public comments at special or emergency meetings should be germane to the topics of the meeting.

*Commissioner Berkeley's comments were not germane to the business of the District or to the topics of the meeting.*

- b. Section 5.1: Individuals addressing the Board during Public Comment will be requested to give their name and address for the record, and limit their remarks to three (3) minutes. All remarks will be addressed to the Board as a whole. The Chair may adjust the time for Public Comment as needed.

*Commissioner Berkeley's comments were not directed to the Board.*

- c. Section 5.1.1: Any individual making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Board, may be requested to leave the meeting by the Chair.

*Commissioner Berkeley's comments were personal and impertinent. His behavior was boisterous, threatening, and personally abusive.*

- d. Section 9.1: There will be mutual respect from both staff and Commissioners of their respective roles and responsibilities. Commissioners shall be polite and professional at all times. Commissioners will treat staff with respect. Commissioners shall not yell at or get angry with staff. Commissioners shall not demean, ridicule, or threaten staff. Commissioners shall not spread rumors about staff. Commissioners shall not imply that staff will be disciplined or terminated. If Commissioners have problems with staff, those problems shall be raised privately with the Fire Chief or the Chair.

*Commissioner Berkeley failed to be polite and professional or to treat staff with respect. He yelled at staff. He demeaned, ridiculed, and threatened staff.*

**WHEREAS**, Section 20.1 of the Guidelines provides that, if a Commissioner violates the Guidelines, the Board may sanction that Commissioner, which sanctions may include:

- a. Verbal admonishment;
- b. Written reprimand;
- c. Restriction of privileges;
- d. Removal from committees;
- e. Other actions deemed appropriate by the Board.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Board of Fire Commissioners publicly censure Commissioner Berkeley and repudiate the words and actions of Commissioner Berkeley at the January 19th meeting.
2. Commissioner Berkeley is removed from all committees to which he is currently assigned, effective immediately.
3. Commissioner Berkeley is no longer authorized to represent North Whatcom Fire and Rescue at the "Cross Border Meetings" or any other meetings where he speaks as a representative of the District.

**PASSED AND APPROVED THIS 26th DAY OF JANUARY OF 2017 BY THE BOARD OF FIRE COMMISSIONERS OF WHATCOM COUNTY FIRE PROTECTION DISTRICT #21.**

**ATTEST:**

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Rich Bosman Chairman

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Larry McPhail, Commissioner

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Dean Berkeley, Commissioner

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John Crawford, Commissioner

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Bruce Ansell, Commissioner

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Chief Pernet, Board Secretary