

**ISLAND COUNTY FIRE PROTECTION DISTRICT NO. 3
SPECIAL MEETING - BAYVIEW STATION
FRIDAY, NOVEMBER 8, 1991 - 1:00 P. M.**

Attendance: Tom Saunders, Chairman
Gary Gabelein, Commissioner
Ken McClellan, Commissioner
Bruce Klassen, Chief
Mr. Scott Treggett
Mr. Hamersley S. Wright, Attorney-at-Law
Mr. Clark B. Snure, Attorney-at-Law
Mr. Douglas Dowell
Mr. Richard Furman
Mr. Kevin Mather

I. CALL TO ORDER

Chairman Saunders called the special meeting to order at 1:00 P. M. for continuation of public hearing on charges concerning suspended Battalion Chief Scott Treggett.

Commissioner-elect R. E. "Bob" McGinty requested permission from the chair to speak as an amicus curiae to the Board. The Chair granted the request.

"In a letter submitted by the I.C.F.D. #3 attorney Clark Snure, to Peter Moote, attorney representing Battalion Chief Scott Treggett, dated September 12, 1991, states in part; 'as you have been previously been advised, the Board of Commissioners does not have the power of subpoena nor the authority to place any witness under oath.'

I wish to state the I.C.F.D. #3 operates as a Municipality under State Law and therefore has the same rights and requirements as any other Municipality.

In this regard, the Board of Commissioners sits as a Quasi-judicial body with the power of subpoena and authority to place witnesses under oath.

Due process of law requires the tribunal assessing the alleged violations to be 'impartial, open-minded and objective.' This necessarily requires no conflict of interest and no prejudgment of conduct prior to the hearing being provided.

I therefore request that Commissioner Saunders (who prepared the memo of con-

cerns to the Board of Commissioners) and Commissioner Gabelein (who endorsed these concerns) that lead to the suspension of Chief Treggett, to disqualify themselves from this hearing in order to maintain the impartial, open-minded and objective aspect of this hearing."

The Chair responded, "I don't get your point Bob." What is the purpose of the letter? Is that a letter from him to us?"

Mr. McGinty countered, "That is strictly a statement from me as a friend of the court, requesting that you people consider disqualifying yourself."

II. TREGGETT HEARING

Chairman Saunders turned the meeting over to Battalion Chief Treggett. Mr. Hamersley S. Wright introduced himself as Mr. Moote's substitute because Mr. Moote is still in court in Oak Harbor.

The hearing was recorded on tape, therefore, details can be found on the tape.

III. EXECUTIVE SESSION

Chairman Saunders called for an Executive Session of the Board at 1:23 P.M. to confer with Mr. Clark Snure to discuss pending litigation in Island County Superior Court and the Court of Appeals.

II. TREGGETT HEARING (continuation)

Hearing reconvened at 1:30 P. M. The chair announce that the Board was of the opinion that they were not going through each individual item as commissioner Gabelein would like to do. We are going to accept your presentation as complete.

The Chair read into the record two letters from Bush Point Battalion Chief Earl Lane, a letter from Firefighter Bill Borton, and Lieutenant Mel Grimm.

Chief Lane's first letter concerned Charge #3 and his second letter concerned Charge #4. Firefighter Borton's letter concerned an incident on December 5, 1990, while Lieutenant Grimm's letter concerned an incident on December 29, 1990.

Mr. Wright asked for a 10 minute recess to confer with Mr. Treggett reference the letters read into the record by the Chair. The meeting recessed at 1:43 P. M. The meeting reconvened at 2:00 P. M.

Mr. Wright called on Mr. Treggett to give testimony under oath in rebuttal to the aforementioned letters that were read into the Record.

Mr. Wright called Mr. Douglas Dowell to give testimony in rebuttal to the letter from Mr. Earl Lane Battalion Chief at Bush Point.

Mr. Richard Furman, from the audience, made a statement for the record.

Commissioner McClellan asked the Chair for a one minute recess. Meeting recessed at 2:32 P. M. and reconvened at 2:34 P. M.

The Chair had some questions for Mr. Treggett.

The Chair asked Chief Klassen if he (Chief Klassen) could recall which concerns or charges Chief Treggett had been counseled on.

Mr. Kevin Mather, from the audience, made a statement for the record regarding station relationships in the district.

Chief Klassen responded to the Chair's question regarding counseling Mr. Treggett.

The Chair brought the hearing portion of the special meeting to a close at 2:47 P. M.

III. EXECUTIVE SESSION (second session)

The Chair called an executive session at 2:50 to review the job performance of Mr. Scott Treggett. Mr. Snure advised the Board that could only review job performance, any action had to be taken in an open public meeting.

The Chair stated that the executive session would make an announcement at 3:10 P. M. as to whether or not we would continue.

I. CALL TO ORDER (second time)

Chairman Saunders reconvened meeting back to order at 3:30.

Commissioner Saunders announced the decision of the Board by moving that Scott Treggett shall be reinstated as a firemen with the Island County Fire District 3. He shall be assigned to the Freeland Station and that the chief is being directed to implement a two year training program for Scott and at the end of two years submit an evaluation as to his qualifications to be promotable to an officers rank. Commissioner McClellan voted No, Commissioner Gabelein 2voted Yes, Commissioner Saunders voted Yes. Motion passed on a 2-1 vote.

Special meeting adjourned at 3:35 P. M.

Secretary

M. D. "Mike" Carter, Interim District
Island County Fire District No. 3

Approved:

Tom L. Saunders, Chairman

Kenneth G. McClellan, Commissioner

Gary R. Gabelein, Commissioner