



400 N Mill St
Colfax, WA 99111
(509) 397-3861

May 29, 2019

Rick McNannay

██████████
Palouse, WA 99161

RECEIVED MAY 29 2019
STORKEY & MILLER 4:59 PM

Dear Rick,

This shall serve as notice that the City of Colfax has reevaluated your termination in light of information gathered during its preparation for the hearing on your appeal to the City of Colfax Civil Service Commission. The City of Colfax is hereby rescinding your termination and reinstating you to the demoted position of police officer effective January 17, 2019. You shall report to duty on Monday, June 10, 2019. Your paycheck on the next scheduled pay date will include compensation commensurate with a police officer position covering January 17, 2019 through June 9, 2019.

Your termination was based on the findings of dishonesty and perjury by Clear Risk's independent investigation relating to you signing certifications that you complied with RCW 43.101.095 in the hiring of City of Colfax police officers. Information gathered after your termination has led the City to conclude that it is unlikely that you committed perjury in regard to signing the certifications. However, as you admitted under oath in your deposition, you knew the Police Department was out of compliance with the statutory employment requirements for police officers and you "made a mistake" by stating otherwise under penalty of perjury. Nevertheless, since the finding of perjury served as the crux for the City's decision to terminate you, the City finds that without a likelihood of perjury, a less severe discipline is justified.

As stated in your termination letter, your competence as Police Chief came into question for reasons independent of your false certification of police officers and has been placed further at issue by information obtained since your termination. Accordingly, you have been demoted to police officer.

The following serve as the primary basis for your demotion:

1. The Police Chief cannot just respond to a threat, but must have the foresight to prevent a threat from happening. You have demonstrated a lack of leadership in recognizing threats to the City and have, in some instances, placed the City and its employees at greater risk by your actions.
 - a. The City is dependent on having proper police coverage by qualified police officers. By knowingly being out of compliance with the background, psychological, and polygraph mandates of RCW 43.101.095 and WAC 139-07, you unnecessarily placed the City in jeopardy. This is especially true considering the history of certain officers, including one who was terminated from another agency for being involved in a significant domestic violence incident. You admitted under oath that you were aware of the individual's history and termination, yet you did not take any steps to ensure the individual's continued competence and integrity as a police officer, such as through psychological or polygraph testing.
 - b. The City is dependent on you to keep the Police Department in compliance with training requirements. Proper training of police officers helps ensure that qualified officers are protecting City of Colfax citizens. If one police officer is out of compliance with WAC 139-05-300 regarding 24 hours of annual in-service training, the entire Police Department is out of compliance. After your termination, an email to you from CJTC in March 2018 was located indicating that the Police Department was out of training compliance for 2017. Significantly, the individual out of compliance was you. You testified before an administrative law judge that you were granted an extension and satisfied the requirements. The March 2018 email from CJTC expressly states the opposite; you had not made a timely request for an extension per the regulations and you could not be in compliance for 2017. The Police Chief is expected to lead by example; your example was non-compliance.
 - c. By your own admission, in February 2018, you failed to take control of a scene involving a suspicious package. At the time, you chose to blame Chris Mathis, including threatening to arrest her, rather than accepting responsibility for your own shortcomings in handling the incident. An independent review of the incident by the Pullman Police Department found that

the scene could have been controlled better at the point Chief McNannay first got involved. A take charge attitude could have then set a tone, where this event could have unfolded without confusion. Evacuating everyone out of

the office area where the package was set, and placing Officer Jaelene Leeson in charge of the perimeter to make sure no one entered the area and disturbed the package, would have been a good maneuver.

The same review found that Chris Mathis's actions were appropriate. You demonstrated a lack of responsibility and leadership expected of the Police Chief. Your inaction placed individuals at unnecessary risk of harm.

- d. In regard to the police officer pre-employment testing, the suspicious package incident, and training, you have demonstrated a lack of knowledge of relevant and applicable laws, regulations and policies. You have admitted that as a police officer, you are trained to review laws relevant to your duties, interpret those laws, and apply them in performing your job duties. Those requirements certainly carryover to your position as Police Chief. It is unacceptable as the Police Chief to state that you performed official acts, such as confirming compliance with statutes and signing contracts on behalf of the City, without reviewing the applicable laws, requesting training in areas of deficiency, or consulting with the City Attorney. These are not the acts of a competent Police Chief.
2. As Police Chief, you must properly manage the finances and personnel in the Police Department. The turnover in personnel since your tenure as Police Chief is appreciably more than that during your predecessors' tenures. Despite the unanimous "Vote of No Confidence" against you by the police officers at the beginning of your tenure, I decided to give you a chance as Police Chief. Unfortunately, you have been unsuccessful in maintaining a full-time, qualified Police Department. Your inability to do so has further wreaked havoc on your budget compliance. Your inability to submit a timely budget and stay within budget has been a constant issue during your tenure. Notably, your failure to seek reimbursement for police officer training, as well as you blaming it on not receiving a reminder, further demonstrates your financial irresponsibility.
3. You signed a number of contracts on behalf of the City without authority from the City Council or consulting with the City Attorney. Both these actions demonstrate carelessness. Moreover, in the case of the Hospital contract, you knowingly failed to provide 24-hour coverage as promised in the contract. You testified under oath that you were available on-call for two hours of the 24-hour period, but further acknowledged that being on-call did not satisfy the contract requirements. Your actions unnecessarily put the City at risk of being in breach of contract and left the Hospital without expected coverage. Your actions were imprudent and further demonstrate that you are not suited to be Police Chief.

For the foregoing reasons and those noted in my letter of January 17, 2019, you are demoted to the position of police officer. Please report for duty on June 10, 2019.

In accordance with the City of Colfax Civil Service Commission Rules & Regulations section 5.03, you have 10 business days to reply to this notice and to request a hearing before the Civil Service Commission.



G. Todd Vanek, Mayor



400 N Mill St
Colfax, WA 99111
(509) 397-3861

June 3, 2019

Rick McNannay

██████████
Palouse, WA 99161

Dear Rick,

This shall serve as a correction to your date of effective reinstatement as a police officer and your pay up to that effective date as indicated in my notice of reinstatement to you dated May 29, 2019. In order to give you 14 days notice of a demotion pursuant to the personnel manual, the effective date of your demotion and reinstatement is June 13, 2019, not June 10, 2019. In accordance with that effective date, your paycheck on the next scheduled pay date after June 13, 2019, will include compensation commensurate with your Chief of Police position through June 12, 2019. Please report for duty on June 13, 2019.

In accordance with the City of Colfax Civil Service Commission Rules & Regulations section 5.03, you have 10 business days to reply to this notice and to request a hearing before the Civil Service Commission.

G. Todd Vanek, Mayor