

MINUTES OF THE FIRE COMMISSION SPECIAL MEETING
March 30, 2022 – 1:30 PM

President Feinstein called the meeting to order at 1:33 p.m.

Item No.

1. ROLL CALL

President	Katherine Feinstein
Vice President	Stephen A. Nakajo
Commissioner	Francee Covington
Commissioner	Armie Morgan

Also present: Court Reporter Dawn Stark
Member
Attorney Heather Gibson
Chief Jeanine Nicholson
Deputy City Attorney Jennifer Stoughton
Deputy City Attorney Brad Russ
Adam Wood, Local 798
Fire Commission Secretary Maureen Conefrey

2. CASE NO. 2021-20: HEARING AND DELIBERATIONS ON VERIFIED COMPLAINT FILED WITH THE COMMISSION BY CHIEF OF DEPARTMENT *[Discussion and possible action]*

On November 3, 2021, Chief of Department Jeanine Nicholson filed a Verified Complaint with the Fire Commission against member for a non-disciplinary separation

This case may be heard in Closed Session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b).

A. Public Comment on Special Meeting Agenda Item; Possible Closed Session

Members of the public may comment on all matters pertaining to Agenda Item 2 and whether to consider the matter in closed session. [Government Code §54954.3(a), Administrative Code §67.15(b)]

PUBLIC COMMENT CALLER: Thank you. My name is Dan Yonn (phonetic), retired San Francisco Fire Department. Commissioners, you've overseen the termination of a number of firefighters recently. You are a check and balance in the progressive disciplinary process. You have incredible latitude to agree or disagree with the Chief or to come up with alternative judgments. The primary job description of the Commission is to make decisions that facilitate the efficient operations of the Fire Department. Every Commissioner is aware that the greatest assets of the Fire Department are its Firefighters. The City Attorneys are framing this as if you have no choice, that these Firefighters are demanding the Department ignore a Health Order. That's clearly not true; they've simply requested accommodations in line with the Health

Order. The process for determining religious sincerity has raised many questions. An attorney saying it was determined that it was "impractical to accommodate" is not going to hold up in a religious-discrimination lawsuit. After hearing that -- oh, excuse me. One attorney stated carelessly that comirnaty was readily available. After hearing that, I went to my local pharmacist and confirmed what I already knew, which is that comirnaty is not available anywhere in the U.S.; so all COVID vaccines that are available are under the EUA at best. The language in the EUA that makes mandating these vaccines illegal has language that includes coercion. Discrimination and wrongful-termination lawsuits are just beginning. The vaccine-injury and wrongful-death lawsuits -- some of them being criminal -- are going to be much more detrimental. Please make the best choice for the future of the department; vote to not terminate these Firefighters and pursue reasonable alternatives. Thank you.

PUBLIC COMMENT CALLER: Okay. This is Greg Savin, forced to retire prematurely. Unfortunately, we are here to witness yet another unlawful termination of a fellow Firefighter. I'm sure everyone here knows that most cities and counties around the Bay Area have either reversed their mandates or never enforced one to begin with. This is not about safety; it has become all political. It has become abundantly clear that before the mandates came out that back-room deals were made with the Department heads. Even President Feinstein herself asked, in prior Commission meetings: What do we have to do to get these Firefighters vaccinated? I guess the answer to that is to threaten, coerce, dismissing their sincerely-held religious beliefs, and by taking away their freedoms, liberties and livelihoods. It won't happen in this kangaroo-court setting, but one day, everyone that has been a part of this shameful process will be held accountable. Thank you.

PUBLIC COMMENT CALLER: I'm Michael Crotty, San Francisco Firefighter. We know that this isn't about public health; we know this is about the funding that the government promised the City and County of San Francisco, the hundreds of millions of dollars of COVID relief if they got 100 percent compliance with being vaccinated. So regardless of who dies from the shot, regardless of who's maimed for life, regardless of the long-term consequences, you sold us out for 30 pieces of silver. You are ending the lives in the Fire Service and -- and every other department in the City for people who -- who are against this religiously. Now, that's illegal, and we know why you're doing it; so this sham, fraud, front -- it's a joke. You guys are all puppets, and -- and you're answering to your slave masters, and you're committing horrible atrocities against these people. Think about that. You sold us out for money. You took away our careers. You're taking people's livelihoods, and you're joking. I'm like: How many people are going to be killed because of these shots? In the military, deaths are up 1,100 percent. You can't like deny what's happening. You can go and read your CNN BS, but the truth of the matter is: We know the truth about all of this, and you're complicit. Now, you can pretend that this is an illegal operation and -- and a Commission, but you --

PUBLIC COMMENT CALLER: Yesterday, Jeanine Nicholson and the Fire Commission fired one of my colleagues. She is an amazing human being, a daughter, a sister, a wife and a mother who has served the City of San Francisco with grace and professionalism -- Okay. Well, what you have done to her and to others, whose lives you've turned upside down, is shameful, as you

know. Today you will likely continue to breach due process and carry out the predetermined decision to terminate another colleague of mine; I pray that you do not. Will's a professional. He's incredibly intelligent. He has an amazing family who do not deserve this type of treatment. Since being put on unpaid leave, he has shown incredible adaptability and fortitude by figuring out ways to feed his wife and kids. To fire Will be an incredible display of ineptitude by the Chief and the Commission. The Commission has been presented with a preponderance of data that proves that being -- that those being terminated are no more a threat to the public than any other employees who have accepted the COVID-19 shots. There have been logical and factual arguments provided to Nicholson and the Commission that detail how accommodations could have been provided to these Firefighters that's mitigating this charade. There's no excuse for this to continue. This shallow and baseless procedure of firing faithful and professional Firefighters is not simply considered disgraceful anymore; it is sinister and it is clearly driven by the incompetence, laziness, modes of power or some other form of darkness. Unfortunately, bad news and bad deeds don't get better with time. I suggest all members involved, including staff and counsel, check the integrity of their personal moral compasses and decide how you would want to be seen when the data that has been presented to you over the past few weeks becomes mainstream. Take a look outside of your microscope with which you view the City of San Francisco and your positions as Chief, Commissioner, Secretary or Counselor. If you are being pressured to do the wrong thing with these terminations, I ask that you pick yourself up and change course. You may find that any remaining bit of fear -- just the act of doing the just thing may far outshine that fear. Prayers will continue to come your way and --

PUBLIC COMMENT CALLER: Christopher Salas, prematurely retired Firefighter, Station 3, San Francisco. Good afternoon, brothers and sisters. I just want to revisit some of the numbers thrown out yesterday by Mr. Yan at the end of Firefighter Lindsey's kangaroo hearing yesterday to try and shame Firefighter Lindsey for not getting vaccinated. Sadly, Mr. Yan mentioned 839 COVID deaths in San Francisco out of 132,000 cases, in a city of 833,255 people. Those that passed and those that caught COVID were counted over a two-year period. Doing the math, we get a total of 15 percent of the City and County of San Francisco that caught COVID over two years, and a mortality rate of .006 percent, which gives us a survival rate of 99.994 percent. These are not pandemic numbers. As anti-mandate Firefighters, we have a slogan: We've been awake. Good Lord willing, all of you will wake up soon and invite all of the unjustly terminated Firefighters back to work, as well as those of us that have prematurely retired and wish to come back. We will hope and pray that you all awake soon. Thank you.

PUBLIC COMMENT CALLER: Each and every one of these Firefighters that you have put through this ridiculous and unjust process are the true heroes. They aren't letting money, their ego or pressure dictate their inner truth. Every member of this Commission: What is your inner truth? Are you actually doing what you think is right? After hearing all of these Commission hearings, it seems evident to me that you're holding on so tight to such limited and biased information. What is actually said as you hide your conversations through your closed deliberations? These Firefighters know the truth, that your mandates are illegal, unjust and not proven to be safe or effective. If you really want to do something for the public health of San

Francisco, vulnerable populations and the entire San Francisco Fire Department, then let these Firefighters do their jobs, which they love and hold and honor with dignity and respect. Uplift the morale of the entire San Francisco Fire Department. How do you think the currently employed Firefighters feel to be demanded to be boosted and then harassed in silence when trying to defend their personal medical freedom and health? What quality of service are they able to provide when you keep doing -- when you keep acting like dictators of their personal health? You might want to consider doing something that actually benefits Firefighters, such as admitting your overreach and let them back to work like every other county in the Bay Area. It's never too late to admit you're wrong and to find solutions for these Firefighters. The time is now. We know you keep resisting, but we won't give up; you will keep hearing our truth.

PUBLIC COMMENT CALLER: I've watched all of the Commission hearings thus far, and now I have fully come to the conclusion that there is a level of conspiracy going on here. After Firefighter Lindsey's termination, not one Commissioner spoke up, asked questions, dove into real accommodations, real fact finding, real solutions to this problem. You just let Attorney Yan speak and regurgitate a Health Order in one direction, which clearly has an avenue for everybody to continue to work, which has been working for the 18 months in the entire pandemic when there was no vaccine. Your level of conspiracy is now very broad and in everyone's public view; so I ask everybody to spread the word and -- of what's going on here, and the investigation will hopefully turn out to be true. Thank you.

PUBLIC COMMENT CALLER: Oh, great. Thank you very much. Sorry, I'm not -- I don't have anything prepared. Anyway, I just want to say that it was very confusing to me yesterday. The Chief was on record, saying that she couldn't have unvaccinated people back because of the Health Order, the General Order, and because she's not comfortable with unvaccinated people -- these are quotes -- working in the Fire Department. She also said that -- yesterday that she consulted specialists and doctors, her command staff, HR and City Attorneys, but in all the other prior Commission hearings, she never mentioned any doctors or any special experts. The Defense in these have had expert witnesses who asked scientific questions and answered in their scientific knowledge, and the City Attorney's cross-examination was very telling. He's a brilliant man who started bringing up blog posts about "Is the guy a conspiracy theorist," because the science cannot be argued. The Surgeon -- these are -- these are quotes. Here's -- here's a professor from Harvard, "The bottom line is that these vaccines do not prevent transmission." Here's another infectious-disease epidemiologist, "It is really not logical to use these vaccines to protect other people. I don't think they should be forced on the understanding simply because this vaccine does not prevent transmission." Yesterday or whenever you guys fired -- great job, by the way -- I read quotes from the CDC Director, from Anthony Fauci. Here's another one from Oxford, "We don't have anything that will stop transmission." So I think we're in a situation -- okay. He goes on. Dr. Jay Bhattacharya, who is at Stanford, says, "Based on the analysis of existing medical"

B. Votes on Closed Session

Member requested an open session.

1. Whether to hold the hearing on the verified complaint in closed session [Action]

2. Whether to conduct deliberations in closed session [Action]

Vice President Nakajo Moved to hold deliberations in closed session. Commissioner Covington Seconded. The motion was unanimously approved.

Convened in closed session at 4:58 p.m.

Also in closed session was Deputy City Attorney Brad Russi and Fire Commission Secretary Maureen Conefrey.

C. Hearing and Deliberations

1. Hearing on verified complaint (in open or closed session, per the Commission's vote)
2. Deliberations and possible action on charges (in open or closed session, per the Commission's vote) [Discussion and Possible Action]

Commissioner Covington Moved to find that the Chief of the Department proved by a preponderance of the evidence that member failed to comply with the vaccination requirements of the Order of the San Francisco Health Officer No. C19-07y and the Chief of Department's General Order 21-A-70, as alleged in the Chief's Verified Complaint. The Commission upheld the Chief's recommendation of a non-disciplinary separation. Commissioner Morgan Seconded. The Motion was unanimously approved.

D. If Closed Session is held, reconvene in Open Session

Reconvened in open session at 5:34 p.m.

1. Report on any action taken in Closed Session as specified in California Government Code Section 54957.1(a)(5) and San Francisco Administrative Code section 67.12(b)(4).

2. Vote to elect whether to disclose any or all discussions held in Closed Session, as specified in San Francisco Administrative Code Section 67.12(a). [**Action Item**]

Vice President Nakajo moved to not disclose discussion held in Closed Session. Commissioner Covington Seconded. The motion was unanimously approved.

ADJOURNMENT: President Feinstein adjourned the meeting at 5:36 p.m.