

**City of Kenmore
City Council Regular Meeting
Minutes
May 11, 2020**

CALL TO ORDER - Mayor David Baker called the meeting to order at 6:00 p.m. via zoom.

RECESS TO EXECUTIVE SESSION

The meeting was recessed to executive session at 6:03 p.m. to receive and evaluate complaints or charges brought against a public officer or employee per RCW 42.30.110 (1)(f).

RECONVENE BACK TO REGULAR SESSION

The meeting reconvened back to regular session at 7:00 p.m.

POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

Attorney Mike Bolasina explained that the Seabold Group was retained to investigate allegations of gender discrimination asserted by Councilmember Corina Pfeil against Mayor David Baker. The investigation is concluded, and the report has been submitted.

MOTION: Councilmember Curtis made a motion to accept the report from the Seabold Group, file it and publish it for the public to see it, Councilmember Srebnik seconded the motion. The motion passed unanimously.

Clerk notes: The [investigation report](#) is attached to this set of minutes for reference.

ROLL CALL

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Melanie O'Cain

City of Kenmore - City Council Meeting Minutes
May 11, 2020

FLAG SALUTE

AGENDA APPROVAL

The agenda was approved as submitted.

PRESENTATION

Introduce Adam Nebenzahl, Part-Time Management Intern - Rob Karlinsey, City Manager

CITIZEN COMMENTS

Nadia Silver via zoom

Ms. Silver asked about social distancing and upcoming summer events in the City.

CONSENT AGENDA

MOTION: Deputy Mayor Herbig made a motion to approve the consent agenda, Councilmember Pfeil seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Total Check #s 44751 through 44821 in the amount of \$237,111.41.

Total Payroll/Taxes/Flexible Spending/Retirement/Health Savings Electronic Deposits Dated 4/10/20 in the amount of \$162,850.48.

Authorize the City Manager to execute an agreement with WSDOT to accept Highway Safety Improvement Program (HSIP) grant funds in the amount of \$346,000 (Signing) and 34,000 (Lighting) for design and construction of the Local Road Safety Plan (LRSP) Signing and Lighting Projects

Authorize the City Manager to execute Contract 20-C2144 with Thomco Construction in the amount of \$10,994,869.07 to construct the Juanita Drive NE Pedestrian and Bicycle Safety Improvements (T-41) project, plus a 10% construction contingency for total contract authorization of \$12,100,000.

Receive and File Proclamation for Safe Boating and Paddling Week - May 16-22, 2020

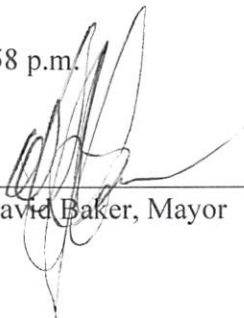
STAFF REPORT

Pandemic Update - Rob Karlinsey, City Manager

City of Kenmore - City Council Meeting Minutes
May 11, 2020

ADJOURNMENT

The meeting was adjourned at approximately 7:58 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk

SUMMARY REPORT OF INVESTIGATION

Date: April 17, 2020

To: Mike Bolasina, Esq.
Counsel for City of Kenmore

From: Kris Cappel, Anna Rendes
Seabold Group

I. INTRODUCTION & SCOPE OF INVESTIGATION

Seabold Group was retained to investigate allegations of gender discrimination asserted by Kenmore City Councilmember Corina Pfeil against David Baker, Mayor of Kenmore. Councilmember Pfeil was recently elected and is serving a term from January 1, 2020, through December 31, 2023. Mayor Baker is the most senior member of the City Council (or Council), having served since 2003. Councilmember Pfeil and Mayor Baker knew each other before she was elected to the City Council but worked closely together for only about two months before she filed her complaint. Councilmember Pfeil alleged generally that since joining the City Council in mid-January 2020, Mayor Baker has made multiple “sexist” comments to her, which she believes are intended to “belittle,” “other,” and “intimidate” her.¹

In this investigation, Seabold Group interviewed 10 witnesses. A witness list is attached as Addendum A. In addition to witness interviews, Seabold Group reviewed relevant policies and procedures, emails, text messages, videos, social media posts, and other materials provided by Councilmember Pfeil.

This report is intended to be a summary report. It is not intended as a comprehensive detail of all the information collected, reviewed, and considered as part of the investigation. The factual findings in this report are based on the entirety of the record considered by Seabold Group and are not limited to the factual information referred to in the body of this report. The findings presented herein are based on a preponderance of the evidence, which means that based on reliable evidence gathered during the investigation, it is “more likely than not” that a particular event occurred or did not occur as alleged.

II. FACTUAL BACKGROUND

A. Councilmember Corina Pfeil and Mayor David Baker

¹ Councilmember Pfeil raised an additional concern regarding Mayor Baker’s contact with the Association of Washington Cities on April 13, 2020, as we were finalizing this report. That issue was not within the original scope of the investigation and will not be addressed in this report.

Councilmember Pfeil was elected to the Kenmore City Council in November 2019. She was sworn in and attended her first City Council meeting on January 13, 2020. Mayor Baker was first elected to the Kenmore City Council in 2003. He is the most senior member of the Council.

According to Councilmember Pfeil and other witnesses, she has been active in the Kenmore community in various capacities for many years. She said she has encountered and interacted with Mayor Baker over the years, including at Coffee with Council events. She said she has sought his help on various community issues in Kenmore and in Olympia. Councilmember Pfeil said she always felt Mayor Baker was “a grump” and “a little dismissive” in her encounters with him before she was elected but said she thought he was “being careful” because she was interacting with him on behalf of the local PTA. She explained that there are “very clear, careful lines” public officials must navigate when speaking with legislative advocates. Other than those interactions, she said she had not experienced any issues with Mayor Baker until she was elected to Kenmore City Council.

Since Councilmember Pfeil was elected, she and Mayor Baker have interacted regularly only since mid-January 2020. Before the swearing in ceremony and first Council meeting on January 13, there was a two-day Council retreat on January 10 and 11, and since that time, they attended a total of eight city council meetings before Councilmember Pfeil filed the March 17 complaint that prompted this investigation. Councilmember Pfeil and Mayor Baker also serve together on the Sound Cities Association Policy Implementation Committee (SCA PIC). Mayor Baker is the primary member, and Councilmember Pfeil is the alternate. Both attended two of the SCA PIC meetings before Councilmember Pfeil filed her complaint, the second of which was conducted by telephone.

B. First Interactions as Councilmembers – City Council Retreat, January 10 – 11, 2020

On January 10 and 11, the Councilmembers met for the first time in their capacity as the City Council. Witnesses reported that Councilmember Pfeil represented and advocated for two different issues. Mayor Baker recalled Councilmember Pfeil was “going on and on about how money was available if [they] just asked.” Though most witnesses did not recall observing any unprofessional or rude behavior by the mayor, some felt he grew “impatient” with Councilmember Pfeil. The mayor and another councilmember consulted other public officials to try to determine what Councilmember Pfeil was talking about and determined that her representations on certain subjects were inaccurate.

Mayor Baker recalled being “frustrated” with some of the statements Councilmember Pfeil made during the retreat. He explained he felt that they were “falsehoods,” and that she was “bending facts or changing facts,” to fit her needs. He said that is one of his concerns with Councilmember Pfeil.

Though Councilmember Pfeil did not raise her experience at the retreat specifically in her concerns, some witnesses reported observing that the mayor grew impatient with her particularly towards the end of the retreat. One witness reported that s/he observed the mayor had a “frustrated tone,” with Councilmember Pfeil at some points during the retreat. Others observed what they believed was the dynamic between a veteran councilmember and a new councilmember (stating things like “that’s an operations issue, we’re policy,” or “we’ve tried that already.”)

A. Councilmember Pfeil’s Complaint

On Tuesday, March 17, Councilmember Pfeil emailed City Manager Rob Karlinsey, Assistant City Manager Nancy Ousley, and City Attorney Dawn Findlay Reitan a message with the subject line “Sexism.” In the email, she inquired about the process for filing a discrimination complaint against Mayor Baker for comments he made before the March 16, 2020 City Council meeting, discussed in more detail below. Later that day, Councilmember Pfeil submitted a formal discrimination complaint and noted that there were other incidents in addition to those occurring at the March 16 Council meeting.

At 9:00 p.m. on the same day, March 17, Councilmember Pfeil posted on her “Corina Pfeil for Kenmore” Facebook page, above a photo of the Kenmore City Council:

*Sadly, sexism is alive and well on the Kenmore City council. Just before a recent public meeting – City Mayor David Baker told me “You don’t belong up here with me and... But out there in the audience”. Not only is his attack personal, but he also attacked 58.55 % of the voting Kenmore community. *To stop sexism in the work place – we must call it out for what it is, and then demand better.* No Free Pass **#NoFeePass**²*

Councilmember Pfeil also shared the post on her personal Facebook page at 9:55 p.m. the same evening. Councilmember Pfeil told the investigators that some of the content on her personal Facebook profile is public and some is private and that she had set the post to “Friends Only” and not “Public.” However, upon review, it appears the post on her personal page is public. On March 18, Emerge Washington and the National Women’s Political Caucus of Washington shared Councilmember Pfeil’s post. Emerge Washington included Mayor Baker’s contact and social media information and encouraged people to tell him “#NoFreePass #TimesUP #SexismIsNeverOkay”

Mayor Baker responded in the comments section of some of the posts:

² The communications from Councilmember Pfeil and Mayor Baker sometimes include typos and other grammatical errors. Seabold Group has not undertaken the effort to identify those mistakes. Instead, we are quoting relevant communications verbatim, unless otherwise noted.

As many of you may know, councilperson Pfeil has accused me of making sexist comments. I deny that I have made sexist comments or engaged in any conduct that could be sexist. Although I want to tell my side of the story publicly, I believe there is a more orderly way of resolving these issues. When accusations like this are made, I am told that the city council may hire an outside, neutral investigator to look into the allegations and report back to the city council what occurred. If the City decides to bring in an investigator, I will cooperate fully in the investigation. Until the investigation is done, I ask my fellow councilpersons, city employees, and the residents of Kenmore to reserve their judgment on councilperson Pfeil's accusations.

In addition to alleging “discrimination,”³ Councilmember Pfeil believes that the following portions of City of Kenmore Resolution Number 17-293 Council Rules and Procedures are relevant to the concerns she has raised:

Section 3. Structure and Roles of Government

A. Council Role

5. Conduct public deliberations and processes openly, unless legally confidential and privileged, in an atmosphere of respect and civility.

Section 5. City Council Conduct

C. General Courtesy Expectations

4. Foster an environment of mutual respect for each other. Discourteous behavior, such as sidebar discussions, inflammatory language, innuendo, or negative body language, is not permitted.

D. Respect in Regard to Voting

1. Disagreement and differences of opinion are honored and respected features of government in the City.
5. Councilmembers must not engage in personal attacks against other Councilmembers who voted against the councilmember on issues.

B. Summary of Allegations

Councilmember Pfeil alleged that since she was sworn in as a City Councilmember in mid-January 2020, Mayor Baker has engaged in sexist remarks and put-downs. She felt his comments were intended to “intimidate,” “belittle,” and “other” her. She provided the following examples in support of her claim.

³ The City of Kenmore’s anti-discrimination policies do not apply to the City Council.

1. January 13, 2020 Councilmember Pfeil's First Meeting/Swearing-In Ceremony

Councilmember Pfeil

Councilmember Pfeil recalled that 10-15 minutes before the start of the meeting, she said hello to Mayor Baker and commented on what an exciting day it was. She observed he "seemed less than thrilled," and said to her, "You don't know enough to sit in that seat you're about to sit in today. But that's ok, you'll learn." She reported that she was "surprised and taken aback" by his comment and believed that it indicated she was not Mayor Baker's "pick" for the seat to which she was elected and that he seemed to not want her there. She said she "chose to ignore his ugly input," and moved on to welcoming others before moving to her seat.

Councilmember Pfeil also recalled that as she took her seat, she observed the City Clerk, Ms. Chelin ask Mayor Baker if he'd like some water to go with his ice. When he thanked her, he allegedly called Ms. Chelin "sweetheart." Councilmember Pfeil said she "cautiously explained to Mayor Baker – I don't think you can say that anymore, not in today's workplace, it's inappropriate." She recalled Mayor Baker asked Ms. Chelin if it was okay, and Ms. Chelin said it was. Councilmember Pfeil recalled that Mayor Baker told Ms. Chelin he would stop saying "sweetheart."

No other witnesses reported hearing Mayor Baker make the comments on January 13 that Councilmember Pfeil has attributed to him, except for the "sweetheart" comment, which will be discussed below.

Mayor Baker

Mayor Baker denied making the comment to Councilmember Pfeil about her readiness to serve on the City Council. He said he "honestly [did] not believe [he] said that," to Councilmember Pfeil at the swearing in ceremony.

He acknowledged he has said to Councilmember Pfeil that being a city councilmember "takes time for most people to learn" and "it's a learning process." He has said that to all the new councilmembers.

Mayor Baker acknowledged that he had said to Ms. Chelin at that meeting, "You're a sweetheart, thank you," after she had asked him if he wanted water with his ice. Mayor Baker said that Councilmember Pfeil "absolutely had not" raised her concerns about the comment directly to him. He said he understood that Councilmember Pfeil had spoken with Mr. Karlinsey about it.

Mr. Karlinsey

Mr. Karlinsey did not hear the comments Councilmember Pfeil has alleged Mayor Baker made to her before the swearing in ceremony, nor had she ever raised them to him.

Though he did not observe the interaction, Mr. Karlinsey said that Councilmember Pfeil had told him that Mayor Baker used "sweetheart" when talking with the City Clerk. Mr. Karlinsey said he followed up with Ms. Chelin who told him she was not offended by the comment. Mr. Karlinsey understood that the comment had been "you're a sweetheart" as opposed to "Hey sweetheart," and he felt there was a difference. Mr. Karlinsey said he was "pretty sure" that Councilmember Pfeil had "called" the Mayor on the comment "right then and there."

Ms. Chelin

Ms. Chelin recalled bringing the mayor ice before the meeting started, and he said to her something to the effect of, "You are such a sweetheart for bringing me that." Ms. Chelin recalled Councilmember Pfeil saying to Mayor Baker, "Mayor, I can't believe you called her a sweetheart!" Ms. Chelin recalled saying, "No, no, I'm not offended!" Ms. Chelin recalled that Mayor Baker immediately apologized, saying something like, "I'm sorry I didn't mean anything by it." Ms. Chelin said, "Oh my gosh no apology necessary," she understood it was "not meant to be weird."

Ms. Chelin said she thought it was a "non-event," but she decided to tell Mr. Karlinsey about it because she believed Councilmember Pfeil would say something to him. Ms. Chelin had not worked long with Councilmember Pfeil in her role on the Council at that point, but Ms. Chelin had known her from her citizen advocacy.

2. February 12, 2020 SCA PIC Meeting

Councilmember Pfeil

Councilmember Pfeil recalled attending an SCA PIC Meeting with Mayor Baker on February 12. She said that during the meeting, she noticed Mayor Baker looking at his cell phone, then turn to look at her, and then back to his phone. She thought this indicated that he probably wanted to check in with her before leaving the meeting.

She said after the meeting, they spoke for a few minutes. He asked her if she knew that all the Little Leagues were at City Hall. She said she had learned about that after her one-on-one that day with the City Manager. She recalled Mayor Baker commented to her, "Boy they are mad at you! But that's okay. You have three to four years to earn their votes back." She recalled saying, "It sounds as if you're still a little upset about that vote." He said "Yes, I'm mad about the vote."

You don't know enough to vote the way you did that night. You don't even know what you don't know yet. You should let others lead and you follow."⁴

Councilmember Pfeil reported that there were other people around when Mayor Baker made these comments but did not recall who. She said she "kept [her] cool," but was "deeply offended" by Mayor Baker's words.

Councilmember Pfeil recalled responding to Mayor Baker, "The vote we took that night was a vote of the Council, the Council made a decision and a vote we all must stand by, and we all now move forward respecting the decision we took as a Council together." Mayor Baker responded, "That's true." Councilmember Pfeil reported going on to say, "Let us make an agreement here tonight Mayor Baker. Let us agree to treat each other with the dignity and respect we both each deserve. Because I couldn't begin to imagine to tell you what you do and do not know in that head of yours that you carry on your shoulders. I wouldn't do you the same disrespect you have shown me here tonight. Because what you did was more like mansplaining and gaslighting and that isn't right." She recalled Mayor Baker replied, "That's fine we can do that," and then he left.

Councilmember Pfeil said that night at 9:32 p.m., Mayor Baker called a left her a voicemail on his way home, which she provided to the investigators. Mayor Baker asked that she call him back; he wanted to apologize to her.

Councilmember Pfeil said they spoke on the phone the next morning. She said Mayor Baker apologized for his comments to her at the SCA PIC meeting the night before. She reported to the investigators that she "really appreciated the attempt to apologize," and noted that "it seemed heartfelt." She said, "It was a nice, humble talk and much appreciated by myself."

Mayor Baker

Mayor Baker did not recall any sort of gathering of the Little Leagues at City Hall that day. Rather, he recalled talking with Councilmember Pfeil at the February 12 PIC meeting and telling her "they" were mad at her. He said that was regarding an email he received, which he believed had gone to City lawyers as well.⁵ He explained, "They were swearing to get her out of office."

⁴ The vote that was being discussed was a vote taken on February 3 to stop the St. Edwards Park Ballfield project. The vote was 4-3 with Mayor Baker casting one of the minority votes (in favor of continuing the project). Councilmember Pfeil, along with three other councilmembers, voted to stop the project.

⁵ On February 12, the North Lake Little League Board of Directors sent an email regarding the Kenmore City Council's February 3 vote. They stated in part: "Despite overwhelming support for the project, council members Marshall, O'Cain, Pfeil, and Curtis voted to pull the plug on the EIS which would have answered the key environmental questions of the project. The vote reversed the 17-year direction of prior City Council efforts and commitments. And it occurred only because there are new members with their own personal agendas. The Community expects the council to provide impartial representation. Their vote did not represent that pledge." In

He said the email was not directed only at Councilmember Pfeil, but at all the councilmembers who had voted against moving the Saint Edwards EIS plan forward. He noted, "They did not single her out." He acknowledged he could have told her "Don't worry, you have three to four years to earn back their vote."

Mayor Baker did not recall ever telling Councilmember Pfeil that he was mad at her for the way she voted, nor did he believe anything he said could have been misinterpreted that way. He explained to the investigators that as a council, they are seven different people; each of them takes a position, "you vote, it's over, it's gone," and "I don't go and re-live those things."

Mayor Baker denied making the comment, "You don't know enough to vote the way you did." He added, "I don't question people's vote. They vote the way they vote because that's what they believe."

When asked about the comment "You don't even know what you don't know, you need to follow along and learn from others and let us guide you," Mayor Baker did not recall making the comment, but added, "it sounds like something I would say. Meaning there are a lot of people here to help you, you should take advantage of their experience and listen."

Mayor Baker was asked if he had said that to any other councilmember. He said, "if the occasion came up," but he could not think of a specific example at the time of his conversation with investigators. He said he says it "all the time" regarding the National League of Cities and may have made a similar comment to Councilmember O'Cain, saying something like, "There are people who have been through it before, listen to your colleagues, why re-invent the wheel?" He said his thinking is that a person gets involved in organizations like NLC in order to meet people with knowledge and experience that can benefit the person and vice versa.

Mayor Baker recalled that he was irritated with Councilmember Pfeil at the February 12 PIC meeting, but he could not recall why. He knew that he had called and apologized to her after the meeting but could not recall what he was apologizing for. Something about their conversation at the February 12 PIC meeting led him to believe he needed to apologize, but he could not recall the reason.

Other Witnesses

None of the other witnesses interviewed in this investigation had ever heard Mayor Baker make the comments attributed to him by Councilmember Pfeil, either to her directly or to anyone else, including the other councilmembers. It was also reported by all the other councilmembers

the email they went on make additional critical statements including about the councilmembers who voted against the EIS and their "their personal agendas."

that Mayor Baker had never confronted or criticized them about their individual votes. Those who have worked the longest with Mayor Baker said that would be uncharacteristic in their experiences. They said that Mayor Baker does not hold grudges when colleagues disagree or vote differently than him; he typically just moves on to the next issue.

One councilmember said that although s/he did not hear the comments, s/he would agree with them. Another councilmember, who had never heard the mayor make these statements or anything similar, said s/he “could well have believed [Mayor Baker] might have said something like that” to a former male councilmember, adding that in his/her experience, there had been two people who were the “hardest to get along with,” and the male councilmember this witness identified was one of them. The councilmember believed that in his/her years of experience with Mayor Baker, that male councilmember was one person to whom the mayor “may have said something . . . that direct.”

4. March 2, 2020 Coffee with Council

On Friday, February 28, an administrative staff sent an email to all councilmembers indicating that Mayor Baker “was hoping not to have to go” to the Coffee with Council scheduled for the following Monday, March 2.⁶ The administrative staff asked if anyone else could make it. Councilmember Pfeil replied on February 29 that she would attend.

On Monday March 2, at 7:58 a.m., Mayor Baker left Councilmember Pfeil a voicemail, asking if she was at Coffee with Council. Councilmember Pfeil told the investigators she was hosting the event that day, so her phone was on silent and she did not answer his call. Councilmember Pfeil reported that Mayor Baker arrived 30 minutes later and expressed “some irritation” that she had not answered her phone.

Councilmember Pfeil also reported that at the end of the event, Mayor Baker took time to tell her how much she did not know and said, “You don’t even know what you don’t know yet. But that’s ok you’ll learn how things work.”⁷ Councilmember Pfeil did not know if anyone heard her conversation with Mayor Baker that day.⁸

⁶ According to City of Kenmore’s website, Coffee with Council is typically held on the first Monday of each month at 7:30 a.m. It is offered as an informal way for citizens to connect with the City Council. “Residents are encouraged to attend and ask questions, discuss issues and offer suggestions on any topic of interest.”

⁷ Councilmember Pfeil recalled Mayor Baker making a similar comment to her on February 19, 2020, at an SCA networking dinner. She recalled at some point during the event he said to her, “You got a lot to learn. You don’t realize it yet, but there is much to learn – don’t worry you’ll figure it out yet.” She recalled responding to him, “I’m excited to learn and look forward to each new opportunity.” Mayor Baker was not asked about his comment at this event, but he acknowledged that he had made those types of comments to Councilmember Pfeil.

⁸ Councilmember Pfeil identified a community member who had attended the event and said this individual may have overheard Mayor Baker’s comments. This individual also reportedly may have tested positive for the COVID-19 virus, and we elected not to contact him/her because of his/her uncertain health status and the fact that Councilmember Pfeil was not certain that this individual was a witness to the conversation.

Mayor Baker

Mayor Baker told investigators that he originally had something else scheduled during Coffee with Council that day, but because it was canceled, he decided to attend the event. He said that nothing about his interactions with Councilmember Pfeil that day stood out in his memory. He recalled seeing Councilmember Pfeil there but did not recall being irritated with her for any reason and did not recall making the comment she attributed to him. He added that he didn't believe he would have used the phrase, "how things work." Rather, Mayor Baker said he would more likely say, "it's gaining the knowledge to have a basic understanding of the issues you're dealing with."

5. March 3, 2020 Voicemail regarding PIC Meeting Date

On March 3, 2020, Mayor Baker left a voicemail for Councilmember Pfeil. She provided a copy to Seabold Group.

She summarized his message as Mayor Baker telling her that "he made an error, the PIC meeting is not on the 12th, it's the 11th." She also felt that he expressed "frustration that [she] asked Davinia about the meeting." She added, "I had checked the calendar and no meetings were listed online on the website."

In his voice message, the mayor told her he had "screwed up," and that the PIC meeting was on the 11th. He added that, "It's always the second Wednesday of the month." He went on to say, "I don't go to other SCA members. [The SCA Executive Director] sends out messages for different meetings and you got one, she sent it to all the PIC members and all the alternates. Anyway, if you've got any questions give me a call. Thank you!"

6. March 11, 2020 Communications regarding Councilmember Pfeil's Participation in Governor's March 12 COVID-19 Call

On March 10, at 2:52 p.m., SCA sent a daily email update to its members regarding what cities were doing in response to COVID-19. The email also stated, "**SCA has been asked by the Governor's Office to help coordinate a call with Mayors from Pierce, King, and Snohomish Counties.** That call will be held either this evening, or tomorrow morning. Please keep an eye out for that invite when it comes."

Councilmember Pfeil believed that she, as Mayor Baker's alternate on the SCA PIC, should represent the City of Kenmore on the call because Mayor Baker was out of town and would be traveling during the call time. She also noted that because Deputy Mayor Herbig was working in Olympia, he would not be able to participate in the call.

At 12:35 a.m. on March 11, while in Washington, D.C., Mayor Baker texted Councilmember Pfeil:

You are the alternate for the PIC only. You are not the alternate for anything else. I'm Nigel, Rob, and I have things covered for anything else. None of the calls to the Gov are PIC related! Just because they come out of SCA does not mean they are PIC related. SCA and Deanna have many responsibilities. Train yourself to look for messages for PIC ONLY. Now if you are on an SCA Committee the that would concern you. Read all the SCA messages to get understanding it you will not be involved in it. Don't [jump] in where you are not needed.

Councilmember Pfeil reported that Mayor Baker then called her at 1:44 a.m. She said the call woke her family. She called him back to make sure there wasn't an emergency. She said the purpose of his call was "to complain at me," and he told her he would attend the meeting and that "elected talk with elected," and "you can't just talk to anyone." She recalled he again made the comment, "You'll learn."

Councilmember Pfeil also provided a text that Mayor Baker sent her at 2:07 a.m. on March 11:⁹

If you have been in close contact with [omitted] in the past couple of weeks you can do what you want but I don't want you close to me for fear you have COVID-19. It sounds like [omitted] is possibly infected. And you might be too.

At 2:20 a.m., she replied to his text via email, cc'ing Mr. Karlinsey:

Baker - Thank you again for your text message at an unacceptable hour.

No, I have not been in close contact as described by the CDC, with [omitted]. However, I have been in phone communication with [omitted].

Absolutely, at your age - your in the high risk pool and should keep your distance from the community at large.

At 5:13 a.m., Councilmember Pfeil emailed Mayor Baker and cc'd Mr. Karlinsey. She shared that Mayor Baker was welcome to contact her during normal business hours, but attempting to contact her at the hours he had was "rude and unacceptable business behavior." She went on to state:

⁹ Mayor Baker was replying to an email Councilmember Pfeil had sent to him and Mr. Karlinsey on March 10 with the subject line "Re: Resident with close repeated contact." Councilmember Pfeil explained that she'd had "a couple of conversations," with an identified individual who had visited Life Care Center multiple times in the past week. Councilmember Pfeil wrote "consider to have had close contact." She went on to describe the individual's symptoms and other information regarding the individual's experience with healthcare providers and the CDC.

Lastly, for the last two months I have repeatedly how to deal with your mansplaining and dismissive language. I have had to respectfully asked to to speak to me with the same respect I have always given you - and to stop telling me I don't know what I'm talking about.

Thank you again for your apology last month at the PIC meeting - after again being on the receiving end of your dismissive spattering of belittling mansplaning. You may have been able to talk to women like that in the past but not anymore. It's simply not acceptable. Stop being so rude and disrespectful and get over yourself. You are an equal member of the council and nothing more - you are not a strong mayor in our city management form of government.

Mayor Baker replied:

I'm sorry, but I find it necessary to try and remind you you have responsibilities as an elected official. By state law you are policy only. And I am just trying to remind you and keep you channeled to your responsibilities. You keep wandering into areas you do not belong. You've crossed the line with your emails to SCA.¹⁰ The call to the governor is for Mayors, Deputy Mayors and City Managers only, yet you are jumping in through PIC saying you are the alternate, wanting to represent Kenmore on the call. Stay in your elected scope and all is well.

Mayor Baker explained to the investigators, "it's some of the frustration I feel with her jumping in where it's not appropriate." He further explained that her sending the status update was inappropriate because it is "not her position to report on the city status, that is more the city manager's job." He said, "We are elected to do policy only. We are not to get involved in day to day operations and directing staff to do things, I was and will continue to try to help her to focus on the things she needs to focus on. She does not need to focus on administrative tasks, she needs to focus on policy." Mayor Baker did not know what Councilmember Pfeil sent to the SCA executive director, but he had heard from the city manager and from the SCA executive director that Councilmember Pfeil had sent the email.

Mr. Karlinsey confirmed that Councilmember Pfeil had forwarded a press release he had issued. He said he is the point of contact with SCA on that matter and he had already shared it with SCA. He noted, "It was minor, but it made us look a little silly," when Councilmember Pfeil sent it again.

Councilmember Pfeil said she asked Mr. Karlinsey to speak to Mayor Baker about his communications with her—about her participation in the call, telling her who she can and

¹⁰ Mayor Baker is referencing an issue of Councilmember Pfeil sending the City of Kenmore's COVID-19 status report directly to the executive director of SCA. He recalled that Mr. Karlinsey "jumped in" and told Councilmember Pfeil that what she had done was the city manager's job.

cannot speak to, and his generally being “rude and consistently dismissive” of her. Mr. Karlinsey told her he would speak with the mayor.

She recalled that Mr. Karlinsey told her “of course” she could participate in the call and she could have a place in the work. She said that Mr. Karlinsey invited Councilmember Pfeil to listen in on the conference call with the governor’s office, and she was told that city managers were invited to listen in on the call but had to be on mute. Mr. Karlinsey also told her he would talk with Mayor Baker.

Mr. Karlinsey

Mr. Karlinsey explained that the SCA was serving as a point of contact to organize a call, on behalf of the governor’s office, with mayors and city managers regarding the COVID-19 response. Mr. Karlinsey understood that Mayor Baker would be flying back from Washington, D.C., the morning of the call and would not be able participate.

Mr. Karlinsey said that Councilmember Pfeil saw the email from SCA and wanted to be on the call in the mayor’s place. She said, “I’m the alternate on PIC, I should be on this call.” Mr. Karlinsey said the mayor told her, “No. PIC has nothing to do with this; my understanding is that he only wants to talk to mayors and city managers.” Mr. Karlinsey said what followed was “an email battle that lasted into the night.” Mr. Karlinsey was cc’d on some of the emails, but he was not sure if he was on all. He recalled, “once or twice” she accused the mayor of “mansplaining.”

Mr. Karlinsey believed that the deputy mayor “weighed in” and told Councilmember Pfeil, “It’s taken care of, no need for you to be on the call.” Mr. Karlinsey recalled the SCA executive director also weighed in and said, “No Corina, you don’t need to be on the call.” Mr. Karlinsey told Councilmember Pfeil, “if you really want to be on the call, come and listen in in my office.” He explained that city managers cannot participate on the call, they are on mute.

Mr. Karlinsey confirmed that Councilmember Pfeil discussed with him her concerns about the mayor’s communications leading up to the governor’s call. Mr. Karlinsey volunteered to speak with Mayor Baker about her concerns.¹¹

Mayor Baker

Mayor Baker had a 5:00 a.m. EST flight from Washington D.C. to Seattle on the morning March 11. He said he texted Councilmember Pfeil on his way to the airport. He explained to the investigators, “I didn’t realize she would keep the phone right next to her as she slept, and it

¹¹ Mr. Karlinsey reported that he spoke with Mayor Baker about the communications just before the March 16 City Council meeting.

would wake her.” He said he had apologized for waking her and let her know it was not his intention.

Mayor Baker said he had learned that Councilmember Pfeil wanted to be a part of the governor’s call with mayors and city managers. He did not recall how he learned that. Mayor Baker did not recall specifically why he texted Councilmember Pfeil on his way to the airport. He initially thought he had texted her for another reason,¹² but acknowledged it “certainly could have been” regarding Councilmember Pfeil wanting to be on the governor’s call.

He said he called Councilmember Pfeil in response to the text she sent in reply to his. He told the investigators he would not have called her if she had not texted, but because she sent the text, he knew she was up. Mayor Baker did not recall what they spoke about, but he did not remember the call being “unfriendly.”

When asked if he has ever sent the kinds of messages he sent in text and email that morning to other councilmembers, he said, “No, absolutely not. Because they don’t jump into things they’re not involved with.” He believed that trait is unique to Councilmember Pfeil.

When asked if it would be fair to say that Councilmember Pfeil had gotten “under his skin,” by March 11, Mayor Baker said, “I don’t know ‘under my skin.’” He said that Councilmember Pfeil “keeps overstepping her bounds” and “trying to get involved in things she should not be involved in.” He added, “Why would a new councilmember, because she’s on the PIC, feel she can jump in on a call for mayor’s deputy mayors and city managers? She’s been on Council what, one month and a few weeks. No one else I’ve ever come across is naïve enough to think that’s something she should do.”

7. March 11, 2020 SCA PIC Meeting

Councilmember Pfeil

Councilmember Pfeil said that it was her understanding that Mayor Baker was unable to attend the March 11 PIC meeting (which was held by phone) and that she would be standing in for him as a primary committee member. She learned at the last minute that he planned to attend and said that he called in “unexpectedly.”¹³ She believed he did this to deprive her of the opportunity to gain the experience of sitting on the committee. She believes it is part of a pattern of Mayor Baker trying to exhibit power and hold himself out as a more important councilmember than the others.

¹² Initially, Mayor Baker believed he was texting her after learning that she had sent out the City of Kenmore’s COVID-19 status report to the executive director of SCA, as described in Footnote 5.

¹³ Councilmember Pfeil sent Mayor Baker a text at 7:06 p.m. on March 11 stating, “I’m in the call with you.” The mayor replied, “Did you announce yourself?” She answered, “Yes. You did say last week you could not attend this one. I’ll go ahead and stay in the call.”

Mayor Baker

Mayor Baker said that he participated in the March 11 PIC meeting. He said he had “suggested” to Councilmember Pfeil in January that “she might be sitting at the table” for the March 11 PIC meeting. He did not recall telling her that his plan had changed, and he would be calling in to the meeting that night.¹⁴

When the investigator explained that Councilmember Pfeil felt he was intentionally depriving her of opportunities like this and that he decided to “suddenly show up” for a meeting she had understood he was unable to attend, Mayor Baker replied, “No, she’s an alternate, I am the full member and have been for a number of years.” He explained that when he is in town, he “tend[s] to go to all those meetings.”

8. March 16, 2020 City Council Meeting

Email and text communications reflect that before the City Council meeting on March 16, Councilmember Pfeil had been telling Mayor Baker that because he traveled to Washington D.C. the week before, he should not attend the Council meeting in person. Councilmember Pfeil said she had called Mayor Baker before the meeting and expressed the same concern. She said he told her if she didn’t want to come, she did not have to.

Additionally, at the time, Mayor Baker was under the impression that Councilmember Pfeil had come into contact with someone who had COVID-19. He had texted her in part, “I don’t want you close to me for fear you have COVID-19.”

Councilmember Pfeil

Councilmember Pfeil recalled that when she arrived at the meeting on March 16, Mr. Karlinsey told her he had spoken with Mayor Baker, as she had requested.

There were only three councilmembers physically present at the meeting. She recalled that at the dais from left to right facing the audience were Deputy Mayor Herbig, Mayor Baker, and then Councilmember Pfeil. They were in those positions in an effort to socially distance themselves. She also reported that Mr. Karlinsey was seated at the presentation table facing the Council, and Ms. Chelin was at a table to Councilmember Pfeil’s right.

Councilmember Pfeil recalled she was “probably 10 feet” from Mayor Baker, and he told her, “You’re too close. You’re more dangerous to me than I am to you.” She said she smiled and let

¹⁴ He had originally thought he may still be in Washington D.C. during the PIC meeting, but when he learned the City Manager would be delivering a “State of the City” address, he wanted to be back for that. The city manager’s address was the reason Mayor Baker booked a 5:00 a.m. flight back from Washington D.C. on March 11.

it go. She recalled she was going to walk behind him but realized it was “probably too close for him,” so she walked the long way around. The meeting had not yet started, and Councilmember Pfeil recalled Ms. Chelin was working to get the councilmembers who were attending remotely on the conference call line. She knew that two councilmembers were on the line, and two others were pending connection.

She reported that Mayor Baker turned to her and said, “You know, you really don’t belong up here with myself and Nigel Herbig. But really, you belong out there in the audience.”

She reported she was “stunned and shocked” that the mayor was “so blatantly bold this time to belittle, demean and other me in front of our colleagues and city staff.” She reported looking up and seeing Mr. Karlinsey “equally shocked,” and looked to her right and saw Ms. Chelin, “also shocked.”

She reported feeling deeply hurt and upset, but was concerned they were live, so she kept herself calm. She recalled saying, “What the hell is wrong with you?” She perceived that Mayor Baker looked at her “seemingly delighted he struck a nerve,” and then said he was “kidding around.” She said she then “called him out on his deliberate mean behavior,” and he gaveled in.

She said she held back after the meeting and “waited for him to apologize,” but he did not. She recalled he said goodbye to her and she did not respond. After Mayor Baker left, she said she spoke with Mr. Karlinsey. She recalled he told her, “Don’t worry Corina, you two will eventually get along.” She said she agreed and that “it was disappointing, it didn’t have to be this way or get this far. . .” She recalled Mr. Karlinsey agreed with her.

Mr. Karlinsey

Mr. Karlinsey understood that before the meeting, Mayor Baker was concerned that Councilmember Pfeil had been in contact with a community member who believed she was positive for COVID-19. Mr. Karlinsey also said that Councilmember Pfeil had expressed concerns about Mayor Baker attending the meeting after he had traveled to the east coast. He recalled telling her “something like ‘to my knowledge there are no restrictions on people who had been traveling domestically,’” and added, “I don’t see there is any reason he can’t attend,” with the protocols they were following.

Mr. Karlinsey recalled they were reluctant to hold the March 11 Council meeting but needed to. He said they were practicing social distancing and reported they all knew they needed to sit far apart. There were five people in the room, and the meeting was a couple minutes from starting. Mr. Karlinsey recalled the mayor saying, “Okay with this social distancing we need to spread out. I go here at the dais, Deputy Mayor you go over there to the end of the dais, and Corina you go over there in the corner,” and he pointed into the audience. He said his initial reaction was to think, “Ouch.”

He recalled thinking that Councilmember Pfeil responded well. He believed she said something like, "Mayor that wasn't nice, you shouldn't say things like that to me," and said, "something like 'that was mean.'" Mr. Karlinsey did not recall if Mayor Baker said anything in response.

Mr. Karlinsey confirmed that after the meeting, he told Councilmember Pfeil something to the effect that eventually she will be able to work out her differences with Mayor Baker.

Other Witnesses

Two other councilmembers heard Mayor Baker make comments similar to what was reported by Councilmember Pfeil and Mr. Karlinsey. One reported initially hearing some "back and forth" after it seemed that Councilmember Pfeil walked in front of the dais near Mayor Baker. The witness recalled the mayor making "some sort of comment about social distancing and how close" Councilmember Pfeil had come to the dais, "and that was the end of that." The witness recalled that as they were getting close to the gavel time, Mayor Baker said something to the effect of, "You know if we really wanted to do this right, Nigel would sit there, I would sit there, and you would sit there," and he pointed to the back of the room where the audience normally sits. The witness recalled Councilmember Pfeil "did not take that comment particularly well," and "got heated for a couple seconds," replying something to the effect of, "When are you going to stop doing this?" The witness recalled Mayor Baker "chuckled" and started the meeting.

The witness was not "paying 100% attention" to the conversation and wasn't sure what to think of the mayor's comment. The witness was also not sure whether the mayor was joking or serious and noted that "maybe there was an undertone from the mayor."

The witness also reported hearing someone say at the end of the meeting, "You guys need to work together, you need to figure this out." They seemed to agree on that.

The second councilmember reported hearing that they were discussing social distancing when Mayor Baker said, "Me and Nigel should sit here, and you should sit out there." The councilmember recalled it "seemed like a strange conversation . . . like I would hope you're joking but there was something about the tone that didn't feel like it." The witness could not recall exactly what Councilmember Pfeil said in response, but something to the effect of, "What? You can't be serious."

None of the witnesses recalled Mayor Baker saying that Councilmember Pfeil "did not belong" on the dais.

Mayor Baker

Mayor Baker recalled that before the meeting convened, he was sitting at the dais, Deputy Mayor Herbig was there, and Mr. Karlinsey and Ms. Chelin were “in and out.” He recalled that when Councilmember Pfeil arrived, she was surprised he was there. She said something like, “You’re old. You should be home, you’re in the high-risk group.” He replied, “No, I’m fine thank you.” She sat down and continued to talk about how Mayor Baker should not be there, and that he was high risk. He said he replied, “Well great, we just need to maintain our distance. Nigel you go over there,” and pointed to one corner of the audience, toward the windows “back to the back [of the room],” and “Corina you should be out over there,” pointing to the opposite side of the audience, near the staff tables. He added he said this “like laughing and joking.” He said, “I told Nigel he should move further away from me, and I told Corina she should move further away from me. At that point I was joking about it.”

When asked if he recalled Councilmember Pfeil replying, “What the hell is wrong with you?” He said, “absolutely not.” He did not recall her responding to his comment.

He said he did not attempt to speak with Councilmember Pfeil after the meeting and she did not attempt to speak with him. He did not recall anyone speaking with him about the comment after the meeting that day.

He said the next thing that happened was that he received an email or text from a King County Councilmember with Councilmember Pfeil’s Facebook post. He said that was how he initially learned of Councilmember Pfeil’s allegations.

Mayor Baker told investigators, “I never said she didn’t belong up there. She was duly elected; she had a right to be up there. That’s absurd.”

C. Summary of Staff Interviews

Staff interviewed were men and women who had worked with Mayor Baker from three years to 12 years.

Experiences Working with Mayor Baker

All staff interviewed reported having good working relationships with Mayor Baker. One female staff member reported having a “great rapport” with Mayor Baker. Another female staff member reported that she has a “very positive” working relationship with Mayor Baker. She described having worked with Mayor Baker on many different issues in various contexts and has seen Mayor Baker interact with staff, community members, and people in other agencies. She observed, “He’s very polite and respectful of everyone.” She described him as “personable and business-like,” and that he is “prompt and prepared and comports himself very well.” One

male witness reported that the mayor's "bark can be worse than his bite," and noted "He can get kind of grumpy, but I don't let it bother me." That witness reported overall that he "enjoy[s]" working with Mayor Baker.

Observations of Mayor Baker's Treatment of Women

None of the staff interviewed had observed Mayor Baker treat women in a way they felt was disrespectful, unprofessional, or otherwise different than he treats men. However, one of the witnesses who heard Mayor Baker's comment to Councilmember Pfeil on March 16, felt the comment "sounded kind of mean." The same witness had observed Mayor Baker be "more dismissive" of Councilmember Pfeil than he is of other councilmembers.

Experiences Working with Councilmember Pfeil

One staff witness described that Councilmember Pfeil is "still learning what lane to swim in." That witness reported that Councilmember Pfeil can be "overenthusiastic" and make things "bigger than they need to be." This witness also reported that s/he has never observed Mayor Baker have the kind of working relationship he has with Councilmember Pfeil with any other councilmembers, "nothing like this."¹⁵ The witness noted, on the other hand, that Councilmember Pfeil has had conflicts with other councilmembers and that Mayor Baker is not the only councilmember she has expressed she wants to develop a better working relationship with.

Two witnesses reported feeling that Councilmember Pfeil can tend to misunderstand information or make factual representations that are not accurate. One witness reported having "become a little cautious about making sure that [Councilmember Pfeil] hears and understands," the witness's communication saying s/he makes efforts to be "super clear" with Councilmember Pfeil. Another witness reported "being sent on a wild goose chase" by Councilmember Pfeil as a result of her either misunderstanding or misrepresenting a citizen's communications.

One witness did not believe that Councilmember Pfeil had any issue understanding the lines between Council and staff, but another witness felt she initially did not understand the role of a councilperson. That witness described having to "get frank" with Councilmember Pfeil recently and saying, "You're policy, we're operations, you need to let us do our jobs." The witness has noticed some improvement after speaking with Councilmember Pfeil.¹⁶

¹⁵ This witness was not involved with City of Kenmore during the time that another witness identified the mayor and others as having a strained relationship with a male councilmember.

¹⁶ On the morning of March 16, this witness sent an email to all City Council members but directed to Councilmember Pfeil, clarifying roles regarding interactions with SCA. This was after Councilmember Pfeil had sent the City of Kenmore updates regarding their COVID-19 response to the SCA. The SCA executive director replied to

Observations of Mayor Baker's and Councilmember Pfeil's Interactions

One staff member interviewed observed that Councilmember Pfeil has "definitely been getting on the mayor's nerves." The witness noted that Mayor Baker could at times grow "frustrated" with Councilmember Pfeil, saying this was visible through Mayor Baker's body language as opposed to his comments. Although the witness had not directly heard, s/he acknowledged that "maybe" Mayor Baker had made comments like, "You don't even know what you don't know." This witness has observed that Mayor Baker tends to be more dismissive of Councilmember Pfeil than other councilmembers and noted that Mayor Baker and Councilmember Pfeil "equally frustrate each other." This witness thought "They both have valid concerns on both sides." When asked if Mayor Baker's treatment of Councilmember Pfeil was gender based, the witness did not think so, adding, "I think it's behavior based," referring to Councilmember Pfeil's behavior.

Another witness observed that Councilmember Pfeil and Mayor Baker seem to "not know each other very well." The witness had not seen them interact much, but noted one interaction at the Council retreat when Mayor Baker grew "impatient" with a conversation that Councilmember Pfeil was involved in. The witness observed that other councilmembers were part of the same discussion and the impatience did not seem to be directed at Councilmember Pfeil specifically. The witness said Mayor Baker never verbalized anything, but through his body language it seemed he was "ready to move on." The witness also reported that Councilmember Pfeil had shared some of her concerns about Mayor Baker with the witness, but the witness said Mayor Baker had never shared concerns about Councilmember Pfeil.

One witness observed that Councilmember Pfeil and Mayor Baker "tend to disagree on things," but noted that s/he had never seen those disagreements turn "bad." The witness believed the dynamic between Mayor Baker and Councilmember Pfeil was due to the fact that she is a new councilmember. S/he noted examples of Councilmember Pfeil suggesting something, and more senior people on the council like Mayor Baker and Councilmember Curtis telling her "we've already tried that."

None of the staff interviewed had ever heard Mayor Baker tell Councilmember Pfeil that she did "not know enough to be sitting in the seat" she would be sitting in. None of the staff interviewed had ever heard Mayor Baker make that comment or any like it to any Councilmember.

the witness and asked him/her to clarify what information s/he wanted SCA to include and who from City of Kenmore was responsible for sending the updates.

D. Summary of Councilmember Interviews

Seabold Group interviewed all current Kenmore City Councilmembers. The Council is comprised of both men and women who have served on the Council anywhere from three months to twelve years.

Observations of the relationship between Mayor Baker and Councilmember Pfeil

Three of the five other councilmembers said that nothing stood out about the relationship between Mayor Baker and Councilmember Pfeil. None of those three had observed disrespectful or unprofessional behavior, nor had they sensed any particular frustration or tension between them. One of the three observed that while s/he has always seen the mayor treat Councilmember Pfeil professionally, it was her/his belief that Mayor Baker “doesn’t particularly like” Councilmember Pfeil.

Another councilmember felt that although s/he had never seen the mayor treat Councilmember Pfeil disrespectfully or dismissively, there was something “different” about their relationship that s/he could not specifically identify. This councilmember noted “just [having] the feeling she’s not the preferred person he’d be working with.” This councilmember believed that Mayor Baker would have preferred Councilmember Pfeil’s opponent to win the election and perhaps feels “he got second best.”¹⁷ This councilmember was asked what it was that s/he thought “bugged” the mayor about Councilmember Pfeil, and s/he answered, “She’s an activist, she’s forceful . . . to some of us it appears she is trying to solve the problem without having all the information,” and added, “I give people two years to get up to speed.”

Another councilmember observed an “interesting” relationship between Mayor Baker and Councilmember Pfeil. When asked if s/he had ever observed “tension,” the councilmember said s/he did not know. This councilmember understood that Mayor Baker was “wary” of Councilmember Pfeil joining the Council and s/he also shared the mayor’s concerns about Councilmember Pfeil. The councilmember noted that Councilmember Pfeil had been “involved” for a while on city issues, and s/he believed Mayor Baker viewed Councilmember Pfeil as “an outside agitator.”

Two of the five councilmembers recalled that Mayor Baker had expressed concerns about Councilmember Pfeil prior to her election. The concerns he expressed pertained to her role as an activist and about her making the shift to an elected position, as described above. These councilmembers shared the mayor’s concerns. One recalled “offhand comments,” not “in depth conversations,” like “What are we going to do [if Pfeil is elected]?” The witness recalled saying

¹⁷ This councilmember incorrectly identified Suzanne Greathouse as Councilmember Pfeil’s opponent. Ms. Greathouse ran against Councilmember O’Cain. This witness did not believe Mayor Baker had any issues with Councilmember O’Cain.

things like “We’ll be fine, we’ll show her how things work, she’ll learn the ropes and we’ll move forward.”

Councilmember issues with Councilmember Pfeil

The main concerns that councilmembers shared about Councilmember Pfeil were her ability to transition from her role as an activist to an elected member of a City Council, issues around her communications, and “staying in her lane” as an elected councilperson.

One was concerned that, “If she can’t turn off activist and turn on governing mode, it would be a challenging four years.” However, this councilmember felt that Councilmember Pfeil had done “a pretty good job so far” in transitioning to her new role.

Regarding concerns around Councilmember Pfeil’s communications, some councilmembers believed that she has issues around either misunderstanding or stating facts that prove not to be accurate (or both). One councilmember felt that she “chronic[ally] misrepresents facts,” and also misrepresents her role as a councilmember. This councilmember felt those two qualities are “really problematic” in someone who is now a public official.

Another explained, “Her ability to communicate ideas is not always correct. She may read something then jump to conclusions that most people would not reach.” This councilmember recalled that before Councilmember Pfeil was elected, and when she was a politically active community member, councilmembers had to go onto a Facebook group to correct what Councilmember Pfeil reported had happened at Council meetings on more than one occasion. The councilmember observed that what Councilmember Pfeil reported “was mostly right but could lead people to jump to the wrong conclusion.” This councilmember had concerns around there being “some kind of communication gap” that could result in “misunderstandings” and things going “sideways” “pretty quickly.” S/he said that is problematic when one is on the activist side of things but is “very problematic” when the person is in an elected role. This councilmember had concerns about Councilmember Pfeil joining City Council for two reasons: one was that she might put her personal agenda before the City Council’s; the other was that she would miscommunicate the City’s priorities to stakeholders. Both possibilities “could harm the City in a pretty significant way.”

Councilmembers who expressed these concerns and frustrations also knew that Mayor Baker shared similar feelings about Councilmember Pfeil, and they had discussed these concerns in private conversations.

Other Situations

Councilmember Pfeil alleged that Mayor Baker has been particularly rude or dismissive of her in Council situations outside the public eye, like during executive sessions. None of the witnesses

interviewed in this investigation had ever observed the Mayor treat Councilmember Pfeil differently or unprofessionally during executive sessions.

However, some witnesses identified a couple interactions at the Council retreat as standing out in their memories. Though none of the witnesses observed that the Mayor was rude, harsh, or otherwise crossed any professional boundaries during the retreat, three of them identified one or two conversations that stood out in their memories. One witness did not believe Mayor Baker treated Councilmember Pfeil inappropriately during those conversations, but observed, "There was frustration and maybe even a little exasperation," regarding conversations around two particular issues.

Another witness recalled that Councilmember Pfeil "had a definite idea on how to solve the problem" involving one of those issues. The witness observed that Mayor Baker "was pretty skeptical." The witness felt Councilmember Pfeil was "in activist mode," and noted that Mayor Baker "has all kinds of knowledge" regarding the issue that was being discussed. This witness felt that Mayor Baker "was expressing skepticism about trying to solve a problem without knowing all the issues."

A third witness could not recall the subject matter of discussion but believed it may have happened "a couple times," when Councilmember Pfeil was speaking at the retreat. The witness believed the mayor "timed out" on Councilmember Pfeil. S/he recalled feeling that the mayor did not like what Councilmember Pfeil had to say and he wanted to move on. The witness "noticed it more with her, it stood out." This witness pointed out that, "Sometimes [Councilmember Pfeil] just talks too long, and it's like 'what's the point?'"

III. SUMMARY OF FINDINGS & CONCLUSIONS

A. Allegation that Mayor Baker Interacts with and Treats Councilmember Pfeil Differently than Others is Supported.

Councilmember Pfeil's allegation that since she became a Kenmore City Councilmember in January 2020, Mayor Baker has treated her differently than her colleagues and that his conduct and comments have, at times, been dismissive and condescending is supported by the evidence. There was considerable feedback from staff, the other councilmembers, and from Mayor Baker himself, that he has had a contentious relationship with Councilmember Pfeil. In contrast, his other colleagues reported that they share a mutually collegial relationship with Mayor Baker.

It appears that Mayor Baker did not support Councilmember Pfeil in her bid to become a City councilmember. He (and others) have been concerned that Councilmember Pfeil would have difficulty transitioning from activist to elected official. Mayor Baker's early experiences with Councilmember Pfeil, once elected, seemed to have exacerbated his concerns.

There is also factual support for Councilmember Pfeil's allegation that Mayor Baker has made comments, verbally and in writing, mostly privately, suggesting that Councilmember Pfeil is inexperienced and naïve and that she needs to "stay in her lane" as a policymaker. Though we do not find that all the comments ascribed to Mayor Baker by Councilmember Pfeil were made as alleged, there is factual support that on several occasions he has told her, in words or substance, that she is uninformed and should learn from others. Mayor Baker reported that he tells all new councilmembers that being a councilmember "takes time for most people to learn" and it's a "learning process," and that he says this in the spirit of being helpful and supportive. However, none of his colleagues recalled Mayor Baker making comments to them similar to what Councilmember Pfeil has reported. On at least one occasion, after the February 12 SCA PIC meeting, Mayor Baker found it necessary to apologize to Councilmember Pfeil, though he couldn't remember what he was apologizing for when he spoke to the investigators. In contrast, Councilmember Pfeil had a clear recollection that after the February 12 meeting, Mayor Baker chastised her for how she voted on an issue and suggested that she should "let others lead and you follow."¹⁸

There were also email and text messages between Mayor Baker and Councilmember Pfeil in which the mayor makes clear his frustration that she was operating outside her role as an elected official. He candidly acknowledged that he does not send similar messages to the other councilmembers because he believes that they understand their roles as elected officials. Mayor Baker's communications included:

"Train yourself to look for messages for PIC ONLY."

"Read all the SCA messages to get an understanding [if] you will not be involved in it."

"Don't jump in where you are not needed."

"Elected talk to elected. You can't just talk to anyone."

"I am just trying to remind you and keep you channeled to your responsibilities."

"You keep wandering into areas you do not belong."

"You've crossed the line with your emails to SCA."

"Stay in your elected scope and all is well."

Though other witnesses supported the mayor's concerns about Councilmember Pfeil's "going outside her lane" as an elected official, we find that Councilmember Pfeil reasonably perceived

¹⁸ Mayor Baker did not have a specific recollection of making the precise comments but said it sounded like something he would say.

Mayor Baker's statements as condescending and disrespectful. They had not developed the kind of relationship that such comments would be perceived as an effort to be supportive or as an attempt to provide advice and mentoring to a new councilmember.

In sum, based on all that was considered, there was factual support for Councilmember Pfeil's allegation that Mayor Baker has treated her differently than her colleagues.

B. Allegation that Mayor Baker treats Councilmember Pfeil Differently Because of Her Gender is Not Supported.

Councilmember Pfeil believes that Mayor Baker's actions toward her are motivated by a gender bias. In addition to the comments noted above and throughout the report, Councilmember Pfeil points to Mayor Baker's comments to her before the March 16, 2020 Council meeting. She alleged that Mayor Baker said publicly that she did not belong on the dais and that she, in contrast to Deputy Mayor Herbig (a male), should be sitting in the back of the chamber where the audience normally sits.

There had been a series of events leading up to Mayor Baker's comments to Councilmember Pfeil that evening. They both had engaged in contentious email, text, and telephone conversations in the preceding days. They also had both exchanged communications about who was more at risk of exposure to the COVID-19 virus. Councilmember Pfeil told Mayor Baker he should attend the meeting remotely because of his age and recent travel to the east coast. Mayor Baker told Councilmember Pfeil that she was a danger to him because he believed she had been in close contact with someone who had been exposed to the virus. In short, they were both irritated with the other the evening of March 16.

Before the meeting began, Mayor Baker commented to Councilmember Pfeil that she was too close to him when she walked by on her way to her assigned seat. Once they were seated, while waiting for the other councilmembers to join the meeting by conference call, Mayor Baker stated in words or substance that if they were doing social distancing correctly, Deputy Mayor Herbig would sit at one end of the dais, Mayor Baker would sit at the other end of the dais, and Councilmember Pfeil would sit where the audience normally sits. Though Mayor Baker said he was joking, others who overheard his remarks either weren't certain or believed the comments were not made in jest. One witness agreed with Councilmember Pfeil that the comments came off as mean-spirited. Mayor Baker continues to justify his remarks and has offered no apology for them.

Contrary to Councilmember Pfeil's understanding at the time she filed her complaint, Mayor Baker's comments were not captured by the City's livestream, and therefore, they were not audible to the public. It appears that community members and others learned about Mayor Baker's comments as a result of Councilmember Pfeil's social media posts and by word of mouth. There also was no factual support for Councilmember Pfeil's recollection that Mayor

Baker said she “didn’t belong” on the dais. None of the witnesses recalled him making that statement.

We find that the mayor’s comments the evening of March 16 were reasonably perceived by Councilmember Pfeil as mean and insensitive, but there is insufficient evidence to establish that those comments or Mayor Baker’s actions before that evening were motivated by a gender bias.

There was substantial evidence that Mayor Baker has and has had for many years very strong and supportive relationships with female staff and other female councilmembers. Witnesses who have worked with Mayor Baker for many years, both male and female, had never observed any behavior that they considered “sexist” or discriminatory, which undermines the claim that he harbors a gender bias. Rather, those who have observed the tension between Mayor Baker and Councilmember Pfeil believe it is the result of personality differences, as well as Mayor Baker’s frustrations with Councilmember Pfeil’s behavior since she joined the Council. He has made no secret of the fact that he believes she routinely operates outside her role as an elected official. He also believes that Councilmember Pfeil misrepresents information. We find it is more likely that his behavior toward Councilmember Pfeil is motivated by those factors and not because of her gender.

APPENDIX A

Witness List

Corina Pfeil, Councilmember
David Baker, Mayor
Kelly Chelin, City Clerk
Milton Curtis, Councilmember
Nigel Herbig, Deputy Mayor
Rob Karlinsey, City Manager
Joe Marshall, Councilmember
Melanie O’Cain, Councilmember
Nancy Ousley, Assistant City Manager
Debra Srebnik, Councilmember