

FLORISSANT FIRE PROTECTION DISTRICT



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BOARD OF DIRECTORS

MINUTES*

Held via Zoom

May 6, 2022

4:00 p.m.

CALL TO ORDER: The meeting was called to order by Director Kraudelt as interim Board President at 1600 hours. Pledge of Allegiance was said.

THOSE PRESENT: Directors Joe Kraudelt and Allan Applebaum, Erik Holt, Attorney Linda Glesne, Paralegal Sarah Luetjen, forty-three members of the public were in attendance as well.

STATEMENT: Director Kraudelt read a short statement on what this meeting is about and the status of various District matters.

ATTORNEY'S REPORT: Ms. Glesne addressed the group, reminding all that she represents the district and is present to facilitate the meeting. Ms. Glesne then discussed the rules of the public comment portion of the meeting.

OPEN FOR PUBLIC COMMENT: Ms. Luetjen opened the meeting up for public comment allowing 3 minutes per speaker.

PUBLIC COMMENTS:

Mark Waldon discussed his opinion regarding Chief Bailey's employment and request the Board get back on track with Bailey.

Starla Thompson thanked the volunteer fire fighters and asked the Board if they will open an opportunity for applications to serve on the Board. Ms. Thompson also asked if the fire department website was the correct place to get official and updated District information--Director Kraudelt stated the District website is the way to get notices of meetings and other information from the District.

Jim McGovern noted that he is a new resident of Florissant and then discussed his opinions regarding the previous Board not functioning well and ideas for moving forward to appoint board members until a well-publicized election will occur.

Dennis Schorn discussed previous Board matters and the requirements of a quorum and questions about if the District Board is following the District's bylaws. Mr. Schorn then requested an audit of all Board meetings going back to June or July of 2021.

Frank [inaudible last name], discussed that he is a former firefighter with the District and the history of loss of employees and volunteers and the prior lack of training as his reason for leaving the department. He feels that blaming things on the Board is unfair but added that he feels embarrassed by the current situation with the board.

Toni Moore discussed Board issues and her belief there is a need to instate five new Board members. She noted her opinion that the District's website is not where people look; she believes that no one served on the Board because it wasn't able to be found easily. Ms. Moore knows many people that would like to serve on the Board and blames the Board for not getting the word out.

Don Moore discussed the importance of firefighters and their opinions of the current staff and belief in Chief Bailey. Mr. Moore then discussed his expertise on topics including counseling elected officials on fiduciary duty and offered to provide two hours of fiduciary duty training at no cost to the District.

DISCUSSION OF FILING OF OATHS OF OFFICE: Ms. Luetjen noted that because Patti Angell, Designated Election Official ("DEO") of the District, did not receive more Self-Nomination forms than seats available, the May 3, 2022 election was cancelled. Joe Kraudelt and Allan Applebaum, being confirmed eligible electors of the District, were duly elected. Their Oaths of Office were taken and filed with the Clerk and Recorder, Division of Local Government and the Teller County District Court in advance of the May 6 meeting.

DISCUSSION OF VACANCIES: Ms. Luetjen informed the Board there are currently three vacancies on the Board. One vacancy has been for a period of approximately 60 days and Mr. Kraudelt feels it needs to be filled as soon as possible. In order for an interested party to fill a vacancy, they must be registered to vote in the State of Colorado and a resident of the District or a property owner within the District's boundaries. The property owner must own this property in their natural name and not via a Trust, LLC, Corporation, etc.

APPOINTMENT OF ONE DIRECTOR TO FILL VACANCY: Mr. Kraudelt described the appointment to fill one vacancy and the intent to establish a quorum. Received two applications from former Board members: Mike Holmes and Dennis Schorn. Mr. Applebaum and Mr. Kraudelt reviewed the applications and deemed both applicants qualified to serve. Mike Holmes was most recently on the Board, having resigned but re-thinking his decision. Director Kraudelt mentioned his support of appointing Mike Holmes to serve on the Board since he was most recently involved in various pending board matters. Upon motion duly made, seconded and unanimously carried, the Board approved the appointment of Mike Holmes. At that time, Ms. Luetjen administered Mike Holmes' Oath of Office. Once administered, the Board took a brief break while Ms. Luetjen filed Mr. Holmes' Oath of Office with the Clerk and Recorder's office, Division of Local Government and the Teller County District Court. Mr. Holmes then joined the meeting as a panelist to conduct business.

ELECTION OF OFFICERS:

Mr. Kraudelt discussed the positions held in the previous board. Upon motion duly made, seconded and unanimously carried, the Board elected the officers to the Board as follows:

Joe Kraudelt, President
Mike Holmes, Vice President
Alan Appelbaum, Treasurer

RATIFICATION OF PRIOR ACTS: Upon motion duly made, seconded and unanimously carried, the Board ratified all prior actions of the Board.

EXECUTIVE SESSION: The Board then moved that the special meeting of the Board be temporarily adjourned and that the Board reconvene in Executive Session for the sole purpose of conferring with District Counsel regarding personnel matters in accordance with Section 24-6-402(4)b), C.R.S. The motion to move into Executive Session was seconded and unanimously carried.

The Board then reconvened in regular session at 5:33 p.m.

EXECUTIVE SESSION: The Board then moved that the special meeting of the Board be temporarily adjourned and that the Board reconvene in Executive Session for the sole purpose of conferring with District Counsel regarding personnel matters in relation to the Fire Chief in accordance with Section 24-6-402(4)(f), C.R.S. Ms. Luetjen then invited Chief Bailey to the Executive Session and provided call-in information. The motion to move into Executive Session was seconded and unanimously carried.

The Board then reconvened in regular session at 6:08 p.m.

POSSIBLE ACTION AFTER EXECUTIVE SESSION: Chairman Kraudelt noted that no action needed to be taken after both Execution Sessions.

Chairman Kraudelt then stated that more information will need to be gathered before any kind of decision on the status of Chief Bailey's employment is made. Upon motion duly made, seconded and unanimously carried, the Board approved the extension of Chief Bailey's administrative leave until more data can be gathered.

Chairman Kraudelt then asked the interim Fire Chief, Erik Holt if he was willing to continue his status as acting chief. Mr. Holt agreed.

OTHER MATTERS:

Chairman Kraudelt asked Ms. Glesne to review the May 3, 2022 Election procedures prior to addressing the Chat log. Ms. Glesne discussed the process for the May election including the publication and posting of the Call for Nominations and the request and receipt of Self-Nomination forms following the statutory requirements for special districts. Individuals interested in running for a Board position, can complete and return a Self-Nomination form prior to the statutory deadline. Four individuals filed Self-Nomination and Acceptance forms. There were four seats up for election and because the DEO only received four forms, the election was cancelled. It was determined after the conclusion of the May 3, 2022 election that two of the individuals that filed Self-Nomination and Acceptance forms were not eligible electors of the District, they could not run for the Board and did not take their Oath. The other two individuals that filed Self-Nomination and Acceptance forms (Kraudelt and Applebaum) were eligible electors of the District and took their Oaths of Office prior to the meeting; their terms of office expire in May of 2025. Ms. Glesne then noted that the next Director election will be held May 2, 2023.

Ms. Luetjen then stated that the Call for Nominations is statutorily required to be (i) published in a newspaper of general circulation within the District which for this District is the Pikes Peak Courier and (ii) posted on the District's public website.

Director Holmes requested to discuss the interim Fire Chief's authority and control to operate fully. Director Holmes then asked Mr. Holt to describe his current situation and discuss what would be prudent for the Board to support the District operationally. Mr. Holt stated that he suggests the person in the acting role of fire chief should have authority to act in a position to manage as necessary. Mr. Holt then noted that it has been over a month since Chief Bailey was put on administrative leave. Mr. Holt respects that Chief Bailey is still serving as the paid fire chief that was hired by the District but he would like to have the authority while fulfilling acting chief duties for management, payment of bills, personnel actions, training or access to the email. Upon motion duly made, seconded and unanimously carried, the Board granted Erik Holt the full authority and responsibility associated with the Fire Chief's full-time position until a decision has been made regarding Chief Bailey's employment.

REVIEW OF ZOOM CHAT:

Ms. Luetjen then informed the Board and members of the public that she would review the Zoom chat and she or the Board can address any questions that may have not been answered.

Transparency Statement. Ms. Luetjen informed the public that the Transparency Notice is to be filed annually between November and January. If there are changes to the Board, or any contact information or meeting schedule we like to get that information updated on the Notice and posted in the proper places.

Once the election occurred and the new Board members were duly elected, the Transparency Notice was updated and posted on the Special District Association and the District websites.

Meeting Minutes and Notices. It was noted that the meeting minutes of the meetings aren't available on the District's website. Ms. Luetjen could not address this point as she does not update or host the website. The decision whether to retain meeting minutes on the website will be up to the Board to determine moving forward.

A question was raised about publication of notices. Ms. Luetjen informed the public in attendance that the District is required to use a legal newspaper of circulation within the District for all published Notices. As mentioned before the District's legal newspaper is the Pike's Peak Courier.

Vacant Board Seats and Appointments: A member of the public expressed interest in being considered for the upcoming appointment of one of the two vacant Board seats and inquired if there was a time limit for applying. Chairman Kraudelt stated that interested parties have up until three-days prior to next month's Board meeting to submit their interest in a Board position. Chairman Kraudelt then stated that they will have the address for our administrator listed on the board and the date by which you must submit that letter. You would submit your interest and a short bio to the District Administrator. If you would rather bypass the website, you can submit this information via regular mail, sending it to the Florissant Fire Protection District address.

Internal Operations: A member of the public inquired who manages the website—there was not a response to this question.

Ms. Luetjen then stated that there were quite a few comments and questions in the chat regarding personnel matters and Chief Bailey's administrative leave. The Board will not entertain or discuss personnel matters pending completion of internal review.

Election Questions: Various members of the public mentioned the need and/or want for an election recall. Ms. Luetjen and Ms. Glesne referred to the statutory requirements regarding any election recall process.

A question was raised about the legal meaning of "eligible elector" able to serve on the Board. Ms. Luetjen then discussed the definition of an eligible elector, as an individual registered to vote in the State of Colorado, who is either a resident of the District or a property owner within the District's boundaries. The property owner must own this property in their natural name and not via a Trust, LLC, Corporation, etc.

A member of the public asked if there was a certain length of time before one resigns and then can be appointed to the board again? Ms. Luetjen noted that there is no statutorily required waiting period from resignation to appointment and it is the duty of the remaining directors to determine the process and to make an appointment.

Upon further request for explanation of the election process, Ms. Luetjen again discussed the process for special district elections, starting with the posting and publication of the Call for Nominations. An interested party can submit his or her Self-Nomination form to the Designated Election Official of the District within the statutory timeframe. If there are no more Self-Nomination forms received than seats available at the close of the statutory timeframe, the Designated Election Official can cancel the election. As of 7:00 p.m. on May 3rd, those qualified individuals that submitted Self-Nomination forms are officially elected. For the May 3rd election there were four seats available and four self-nomination forms were received (two of which were not eligible electors and were not able to take their oath of office and be seated; two of which were eligible and were seated).

Special and Regular Meetings: Several additional questions were posed about confusion over public meetings. Ms. Luetjen informed the public that special meetings do not replace regular meetings. The District can legally hold a special meeting at any time following 24 hours prior notice of such meeting. Chairman Kraudelt discussed the regular meeting dates and time. Regular meetings are held the fourth Wednesday of each month at 5 p.m. The next regular meeting is May 25, 2022. The Board plans to hold a special meeting prior to the regular meeting date, most likely within the next two weeks.

ADJOURN: There being no further business to come before the Board, the meeting was adjourned at 6:32 p.m.

**NOTE: The Minutes are prepared and presented to the Board of Directors of the Florissant Fire Protection District for approval at the March 2023 meeting, upon discovery that Minutes were not approved and the Zoom audio recording of the May 6, 2022 meeting has an error making it unable to be publicly viewed/listened to past the first several minutes. These Minutes are intended to provide an official record of the May 6 meeting and to correct a mis-statement of fact recorded in the Minutes of the May 25, 2022 meeting that the recording problem rendered the May 6 meeting "no longer in place." No subsequent Motion or action was taken by the Board of Directors to attempt to revisit, change or overturn any vote which occurred at the May 6 meeting or to procedurally call for additional action related to the May 6 Agenda.*