

FLORISSANT FIRE PROTECTION DISTRICT



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BOARD OF DIRECTORS **MINUTES** **Special Meeting** **Online via Zoom** **August 3, 2022 6:00 p.m.**

CALL TO ORDER: The meeting was called to order and conducted by President, Starla Thompson at 1809

Roll Call:

President, Starla Thompson
Vice President, Justin Snare
Treasurer, Jim McGovern
Secretary, Amanda Sutton
Second Secretary, Joe Kraudelt
Interim Fire Chief, Erik Holt

OPENING REMARKS:

Statement from Board President: Clarify on what is prevalent in the immediate future. Lack of comprehension basic duties of the FFPD staff, volunteers, and board members. Lack of personnel policies and procedures, position responsibilities and how the budget is displayed to the public. Basic operation definitions provide transparent and provide public education and awareness. Want the citizens to be involved and have them be aware where their tax money is spent. Board needs updates on where equip is and what has been issued to volunteers. SDA is a member-based organization for the purpose of being legislatively updated to aide the department in operating effectively. Bylaws are not required by law, current bylaws include outdated legal references and need review and amendment. Need an agenda protocol, public decorum, administrative policies, mission and vision statement. Requires a fully functioning board as well as a permanent chief, prevalent to move forward in accomplishing this. Abstaining from voting should be limited to conflict of interest. Abstention for fear of public scrutiny is not a valid reason for abstention from voting. The duties of a board member cannot be delegated as the board is under oath. Personally disappointed in the continued derogatory statements coming from the public. This does not serve our district in a positive light. To adequately make good decision for the district, must be willing to be informed, remaining neutral until we have all the facts. The chief has the ultimate responsibility to advise the community around eh the health, life and safety of the community and will continue to do so on the FFPD Website.

Statement by Jim McGovern: We owe the public as to why current meetings are being conducted on Zoom and would help to explain why we are doing this. Starla responded with as stated in the last zoom meeting there was a non-specific threat which was reported to the Sheriff's department and these types of threats should be taken seriously. We felt we would need go to Zoom unless we can have a deputy available, to allow for needed oversight in these meetings. Board members do not have the ability to monitor was is happening in the open forum. Non-specific threat reported to the Board President from multiple sources, "They should be lucky they don't have guns".

Jim made another comment stating on the record, when the board was putting together the agenda it was overlooked the discussion of the validity of the 2-1 vote on backpay for the Interim Chief as stated in the district bylaws and the SDA manual, any action shall require a majority of the quorum present. Since five were present, Jim believes three votes were needed to pass the measure. This agenda item was confirmed on the final draft of the agenda. Amanda interjected with details of the draft agenda and the duties of the board president to draft and approve the agenda. Amanda clarified the draft Jim is referring to was a final draft version that needed to be reviewed and finalized by either the Starla, the Board President or the Justin, the Vice President in Starla's absence. Jim reiterated a request for discussion on this agenda item and felt that removing agenda item is an abuse of Board President's authority and stated district bylaws do not grant the president sole discretion of what is included on the agenda.

Starla responded this is now old business and no further discussion is needed and shared he is more than welcome to bring this up in more items to come to the board.

PUBLIC CONDUCT AND PARAMETERS FOR PUBLIC COMMENT:

Discussion on how to gather public input in Zoom Meetings and in person meetings.

- Set paraments: Only thing in the bylaws right now is limiting public comment to three minutes. Nothing in statute that says public comment is required. Recognition that without structure it is hard to focus on the discrete individual public input, concerns, suggestions and feedback.
- Justin agrees structure is needed to allow for hearing from everybody. He suggested to have decorum with public comment the best way (using a 4H meeting as an example) using Robert's Rule of Order, make it whenever it is needed in the meeting, 3-5 minutes for a total of about 45 minutes. Also suggest submitting request to sign up for public comment. This will give us a heads up on what is on public comment and allows a fair chance. We cannot do this alone as a board and need help from the public. Folks have said they are here to help and he would like to hear how they want to help.
- Starla shared an opinion there are two variables to consider. 1) At what point in the meeting should we have public comment 2) Also define when there is Q&A, how do we handle this during public comment. Some questions are easy to answer (such as what is the website); some require board discussion and a cohesive unanimous board response 3) How long do we allow for public comment. Suggest 30 minutes (hearing from 10 people) which is a lot of input; any longer becomes a bit chaotic.
- Jim agreed it is critical we get public input and agree there needs to be some structure how public input is received. Public comment up front (first) seems to be standard. Given the number of public interest, 30 minutes may not be enough time. Could consider public comment before each vote, last suggestion was comment at the beginning and time permitting comment at the end. Do not think it should be a free-for-all.
- Public input before discussion and decision. Dedicated time before meetings to take in public input, either an online form for public to submit ahead of meeting specific what we will be discussing. Maybe schedule a meeting ahead, public comment session to gather feedback ahead of time. Trying to take input so quickly to hear and synthesize is difficult to apply in a meeting. Some type of continuous feedback cycle was suggested.
- Interim Chief Erik Holt suggested setting up a public feedback email and recognized Don for providing a suggestion of an online form in the Zoom meeting comments.
- Joe agreed with putting in comments ahead of time to help the board structure the discussion instead of a shotgun approach. This will help prevent jumping around a lot.
- Board to commit to 72 hours' notice and a public comment email to use for the next meeting.

- Suggestion for 25 minutes for online feedback and 25 minutes in present comments and allow additional until the time is expired and amended suggestion to 1 hour public comment – start with pre-submitted 30 minutes, 30 minutes for those present in person for the meeting
- Suggested that it is important to gather comments as we hear them and need a feedback mechanism to show we have acknowledged public comment, that we provide a reason why or why not the public comment has been included or not in decision items. Would need a descriptive agenda to aide in meaningful public comment.

Motion by Starla Thompson: Parameter include 1 hour of time at beginning, attempt made to post agenda 72 hours ahead, email available to submit questions/comments/concerns, allocate 30 minutes for pre-submitted comments, and 30 minutes for those that are present. If not enough pre submitted comments, utilize the whole hour for public comment. Second –Justin. Unanimous agreement. Vote passed.

- Zoom meeting public comment: Post in the comments as a 'sign up' want to public comment to call on individuals and unmute them to speak. Will use a 3-minute timer that the board and public can see. Adopt the one hour for public comment in Zoom for this meeting. Moving forward adopt the same in person protocol that would apply to Zoom meetings. Amanda suggested we use this Zoom meeting as a trial for Zoom Public Comment.
- Table Zoom protocol based on how well it goes for this meeting.
- Starla suggested this current meeting be 30 minutes; Amanda responded that for this meeting we adopt the in-person protocol we would adopt the 1-hour Public Comment; Jim agreed with Amanda this meeting be 1-hour public comment. Starla asked the collective, given the agenda items and already being 40-minutes in, do we believe we have the time for 1-hour public comment. Amanda responded we make the time and Jim responded in agreement. All board members in agreement to move into a maximum of 1-hour public comment to end at any point in which there are no remaining individuals signed up in chat for public comment.

PUBLIC COMMENTS: Public comment was conducted in Zoom chat in which 10 individuals provided public comment on: Personnel matters related to terminations, suspensions and demotions, the fire corps termination, fire corps budget and pancake breakfast being cancelled, Fire Rescue Truck #52, Budget/Finances/Audit, Fiduciary responsibility and Interim Fire Chief backpay, Permanent fire chief committee

PERSONNEL ACTIONS:

- Private issue and cannot be disclosed publicly, they have the right to have this remain private. Starla opened with there appears to be a misconception on how the FFPD works, who runs the dept is the Chief and ultimate authority to hire and fire, budget, runs day-to-day operations. Second statement, audit exemption was previously filed. We are not delinquent with this filing. Joe Kraudelt was duly elected and was elected for a three-year term. Has stepped down from the president officer position, until a tendered resignation letter is submitted, and he is a board member and expected to vote accordingly.
- Erik Holt addressed false information. Clarified a point that was raised that response times were bad, and someone did not come. He stated he looked up the address and this was outside of Florissant. We have more people, more certifications, and qualifications in the department. Comment says we have 1 EMT, and we have 7. We are getting to people faster. Community fears in our response – we have gotten better.
- As requested, updating the website adding new tabs, the website takes a lot of work and trying to add new information to the website.
- Responding to comments about the Fire Authority: There was a past letter sent out by 4Mile, who is now OEM for the county. This was an informative letter a few years back, there is no backdoor and not something anyone is looking at right now.

- Interim Chief Holt stated we serve 5500 people and it's great we get input and for many and years no one showed up. It is an adaptation to accommodate more people showing up; asked the public for grace and there has been a flooding of people looking for gotchas of the board. He shared he has a different standard, culture, and expectations, and as interim chief needs to put in what he believes is important with 21 years of service.
- Starla clarified that Colorado is an at-will state and may be difficult to understand with previous chief and current. Amanda interjected that we have an agenda item specific to this.
- Status of #52 it has been a couple weeks (career professional named Bill) it was deployed at his house. This has been recovered. Will investigate if there is another vehicle in question.

PART TIME POSITION REQUEST(S):

- Interim Chief Holt started with a point of clarification no, not he is not hiring friends. Initially seeking to have one position approved now. Officer is already in the department. Would also like to get a training in place in the 4th Quarter. This position will be responsible for two nights of coverage. Not just to have time off, and is for handling multiple calls at once, large incidents, and succession planning; must have others trained in Incident Command.
- Current situation this will address: Fire chief is the only fulltime paid position in department, there is a hole and people need to be trained and qualified; need to have this established for Florissant Fire. Need to have people assigned to squad trucks, shared that data was presented in March had a 5-6 minute improvement in response times. He shared that the previous Fire Chief requested multiple positions that were significantly higher; one of the previous requested position was higher salary than all three of current requested combined. This is a fiscally responsible way to cover this district and respond to multiple calls. The department does not have anyone currently certified to the level needed, whomever is in position would commit to training and certification internal or at the State to the Officer 1 (Captain/Asst Chief) within two years; to include EMS Training Ops/Wildland and become and SME and train within the branch within their respective chain of command. This would result in having a Fire Chief all days, plus 6 nights out of 7 staffed with 2 personnel that are paid and qualified.
- Justin asked Interim Chief Holt, for first position what is the cost and the next two positions in the next fiscal year budget. One position is an internal candidate, does all EMS services already to request to be promoted, \$20K Captain, once complete training and promoted to Asst Chief \$25K, 2 nights per week and additional duties within the department. This position will be responsible for: EMS supplies ordering, stock and maintenance, oxygen bottles, gear bags for rigs, monthly emergency reports, EMT/EMR certs in dept, and coordinating EMS with the Med Director.
- Starla summarized the total amount as \$10,416 given there are 5 months remaining of the current 22FY budget.
- Discussion about Patti's position was budgeted for over twice what she actually makes; leaves this position completely paid for and coverage for the district. Jim not necessarily opposed to the consideration of adding part time staff to dept at one point; there should be consideration of current budget constraints. Decision should be made with permanent position and the position should be posted.
- Jim shared he met with Patti and Victoria CPA going through actuals and prior years; total district expenses are already over budget. Due primarily to 1) Authorization of backpay to interim chief (15% higher than what was in the budget), Amanda shared she agrees to hear from Jim on the budget; Jim stated he is the Treasurer and the only CPA; feels this is important for the board to make an educated decision. He posited three areas of why we're going over budget 1) Additional pay at higher rate previously budgeted 2) \$35K penalties and interest; not previously properly recognized 3) Significant overruns legal and accounting fees; \$41K. Appears to be the District revenue also overbudget – receipt of property taxes; should have been received and recognized last year. FY22 budget already at deficit budget by about 57K; 2021 ran a deficit \$389K.

- There was an interjection by Interim Chief Holt, this is not accurate. Starla asked for clarification from Joe and he stated it is disingenuous to say the department was in a deficit of \$389K; the bookkeeper failed to put in for audit on time. Funds were then released and put into the FY22 budget and there is excess funds this fiscal year. Jim stated this is adding a recurring expense. Amanda asked to Jim, if there is salary cost savings, expected expenditure that will be less than what was budgeted from the admin salary, would we then be able to create a new line item to cover this new position cost. Jim replied that is a possibility, but we need more time to review than doing this in a meeting. Amanda asked Jim, what would you need to do for that to be viable. Jim's response was to: Look at budget, current YTD, expenditures for the rest of the year and identify places where money is available.
- Interim Chief Holt stated he has done this and tried to meet with Jim to do this; there was a continued disagreement between Jim and Interim Chief Holt regarding attempt to meet and discuss the budget.
- It was suggested by Jim we amend the budget before we spend the money. Further discussion around a budget line that is going to underspend and how we may find money for the requested position. There was a clarification that the budget line for the bookkeeper will not be budgeted into the next fiscal year at the current budgeted amount. It was proposed to redefine the bookkeeper position and set the salary about \$24K and redefine the position description.
- Amanda posed to Jim how quickly we can act on this position request given there is hesitancy. Jim says he does not make sense to make a budget decision on this position simply because we are underspent in the bookkeeper salary. Given we are overbudget on expenses it was suggested to go through the budget amendment process. Amanda suggested that as a board we need to decide how to make budget decisions based on the needs of the department and recommendations from the fire chief and ensure the services we provide to individuals escalate to the top.
- Interim Chief Holt agreed to provide Jim with details on what items we are not going to spend in the budget. Jim stated he can review the budget and make a recommendation and assess the numbers by the end of next week
- Table this item pending an item by next Friday. All board and Interim Fire Chief in agreement.

RECENT TERMINATIONS, SUSPENSIONS AND DEMOTIONS:

- Interim Chief Holt started the conversation stating there will be no discussion of people's names. Shared we have more members than we did; with the last board brought in career FF and asked permission to bring on as full members and have done that; this is a benefit to our community. People need to be trained to use and understand equipment before moving into roles. We have 7 EMTs and a net gain of one since he was brought on.
- Interim Chief Holt stated we are responding faster and putting qualified personnel on scene, more than in April. Per the bylaws, the Fire Chief will enforce policies impartially; and he has waited three months and made many attempts and there were several instances to stifle this. The weekend the interim fire chief was appointed he stated that if membership is doing this we will lose public trust. Department members are held to policy. Interim Chief shared there is currently no mission or values as a basis for a professional culture. Our Mission is: Fire and emergency services, and focus is on the life, safety and people's homes and property. The community needs to know we have more people that are qualified and getting to people faster. This is the most important metric in evaluating a fire department.
- Jim shared we have terminations, suspensions, demotions. He understands there are five volunteers, and Interim Chief Holt clarified there are four terminations and one termination of duties with the option to remain in the department.
- Jim shared he is not aware of anything in the previous or current board that grants the interim chief unilateral authority; believe chief's actions are currently in violation of the bylaws. Intent of the BOD preserves the right to remove any person in consultation with the chief. Also believes acting chief's actions in violation in bylaws Title IV; violating bylaws, members would be brought to the board of review.

- Jim shared an opinion that the interim chief eliminated well credentialed volunteers with multiple years of service that have been assets to serve the community; goal shouldn't be to replace volunteers and weakens the department. Taking actions to not notify or the board demonstrates a lack of judgement and respect and move that the board declare those terminations null and void.
- Amanda responded to Jim, that terminations, per the Volunteer Bylaws Section 6 general conduct, any cause for terminations, for any of the reasons listed in (a) through (i), that any volunteer can be terminated, members or probationary for just cause. The oversight of the membership is strictly by the Chief, it does not say the board needs to be consulted or we make the decision termination of the membership. Jim and Amanda agreed the bylaws and district bylaws have inconsistencies, and Amanda referenced the SDA manual says if we have more specific or stringent processes, that is what to defer to and this is volunteer bylaws specific to the membership. Amanda clarified specific reasons, when looking at the conduct these are every egregious. Qualifications and certifications were not the reasons for being terminated. It was specific to the general conduct of the fire membership. Jim replied that he is not debating the district has the right to terminate, stated he has a difference of opinion if the chief has the sole authority.
- Starla clarified a point that was suggested that this was without consultation to the board. Interim Chief Holt had placed a call to the President to inform he has disciplinary action to take. Starla took time to understand and stated to the Chief he is in charge of personnel, asked if he had clear on reasoning for disciplinary action, he replied he was and she stated he does not need approval. Jim asked Starla if she made the decision *for* the board; her response was she did not and reiterated that the Interim Chief did not need to have our permission.
- Further discussion across the board and Interim Fire Chief about the qualifications and certifications points of experience needed to interpret and assess by the Interim Fire Chief. Discussion about people being terminated because of conduct, separate from people and emotions. There was also a point of clarification members have the right to appeal. Justin asked for a clarification that volunteers sign a code of conduct. Interim Chief Holt stated yes, and he had conducted staff training on code of conduct, setting standards to give staff an opportunity.

Motion by Jim McGovern: The terminations, suspensions, demotions be overturned. No second. Motion died.

PERMANENT CHIEF SELECTION PROCESS – INTERVIEW COMMITTEE:

- Jim started the conversation and stated we received notice from the volunteers who their appointed representative was, reached out to several fire professionals to serve on our interview committee.
- Amanda and Jim had a prior conversation which prompted Amanda to request to have this meeting before continuing any other interview committee actions. Amanda stated this process requires due diligence and full integrity in this process. The topic of apparent biases based on the past meetings and this meeting and that there is not a willingness to hear new information and that there is bias present on the interview committee. Amanda suggested opening the permanent fire chief process to the whole board or making a change to the interview committee.
- Starla shared Erik's commitment is 30 days or until time of hiring a permanent fire chief; we have a moral commitment how much more time are we going to need to comply with legal expectations how to conduct the interview; approximately two weeks left of an interim chief. Amanda clarified this is an imparted date we are working against and is not a hard date.
- Justin clarified that we previously voted for Jim and Amanda and the identification of the other committee members. This is a selection committee not an interview committee. Clarification on delegation of board duties and the duty of the board to interview. Gathering of questions, vetting minimum qualifications, to shorten the applicant list. Amanda suggests this be the entire board and believe this will control for bias.
- Discussion of the vetting committee to draft additional questions, in addition to the memorandum of currently drafted interview questions and criteria as a resource.

- Erik Holt made a point that one of the members of this committee motioned to terminate him. Starla reiterated that is a point of this discussion being brought up about bias.
- Clarification that this committee is looking at minimum qualifications and using an SME for those that are beyond our skillset to narrow down the applicant list to meeting minimum qualifications and use the volunteer member and expert/fire chief to draft interview questions.
- Full board in agreement with Justin's suggestion to call this a vetting committee.
- Starla suggested identifying a target date to have a list of applicants to interview on Zoom and then post the finalists per statute.
- Jim and Amanda in agreement to schedule volunteer 1:1 interviews in the following week.
- Starla stated we will work quickly to act and asked for agreement from Interim Fire Chief commitment to give the board an opportunity to make progress and reiterated he has the discretion to stay 30 days or until such time as a permanent fire chief is hired. He
- Applicant screening was set to begin July 20th and as a board given the previous vacancies, we are not that behind. Amanda reiterated we are working against artificial timelines. Three paths: 2) Vetting the applicant list 2) Volunteer interviews 3) Work on developing questions (with existing resources, volunteer representative and fire chief).
- Amanda accepted an action item to reach out to the applicants to confirm continued interest and will create a script to send each applicant.
- The board may have a need for an additional special meeting to finalize who needs to be interviewed and address the part time position.

BOARD OPERATIONS:

- Discussion about how to conduct meetings, a lot of special meetings, recommendations agenda items, statutes, laws and confirm interpretation before we continue discussion or make decisions as to not be in a position having meeting after meeting and suggest tabling items for more investigation and research needed.
- Sarah with the legal team is our resource for statute interpretation and we can appoint a legal liaison and a statute liaison. Joe, Jim, Amanda agreed with the President as the direct legal liaison.

Motion by Starla Thompson: Nominate Amanda as statute liaison, Jim – Second, Justin-Y, Joe-Y, Starla-Y, Amanda-Y, Jim-Y. Vote passed.

- Jim shared an opinion that if any board member has concerns, they are individually able to be addressed with legal input; Starla clarified our legal counsel is giving legal advice and the legal team has offered to host an executive session to provide a legal overview. Legal has provided a priority list of what they believe is recommended list and critical need.
- Bylaws need to be redrafted and if updated correctly should be specific, effective and, easy to follow in alignment with current statutes and are written to provide additional guidance and detail beyond that is specified in the SDA guided document.
- Bylaws are up to the board to interpret – the board can bring interpretation to a vote. This is a standard expectation, If the board has a disagreement, we can bring it to the board to vote.

ANY OTHER ITEMS TO COME BEFORE THE BOARD:

Recovering an apparatus; unauthorized payments

- Apparatus is out of district and has not been returned as requested. A department member billed for maintenance in addition to items that were not maintenance. To the Interim Chief's knowledge, maintenance was performed. The invoice billed presented also has meetings, trainings and volunteer items.
- Work order estimate was not provided or approved; no authorization B) Invoice does not have details re: parts or labor C) Includes invoice items that include meetings with previous Chief
- Options proposed: Go pick up vehicles, ask for breakdown parts and labor, research if there is a work order approved
- Joe provided historical information: Verbal agreement with mechanic in Cripple Creek, still had work to be done. A Department Member said he could work on it in a location in the Springs. The individual performing work said it has been available for pick up for two months. Invoice=\$1800K
- Proposed that Jim as Treasurer investigate work being performed. Erik to send Jim a copy of the invoice and by next meeting authorize payment for correct amount or utilize law enforcement to recover a vehicle being held illegally. Request to put this on the next agenda to make a decision on how to proceed.

Jim requested a discussion of the validity of the 2-1 vote

- Jim stating the vote is not valid per the bylaws; believes majority of the quorum in attendance is required to pass a vote. Jim shared he sought clarification from our legal counsel, and they did not respond to his request and then he reached out to the SDA executive vice president, Alison Ulmer for their interpretation on the SDA guidance on voting requirements. Further discussion about the bylaws and reference to Title 32 providing very limited detail around the nuance of voting, particularly abstention. Restated that the board has the authority and governance to interpret bylaws and the board can vote on interpretation of understanding.

Motion by Jim McGovern: The board invalidate the 2-1 vote, if chooses to award backpay in whatever it decides that it take a proper vote and get three affirmative votes. No second. Motion died.

Jim posed a question regarding the recent promotion of Captain Quick

- Did the board previously approve that promotion? Unanimous agreement this was approved unanimously at a past meeting.

Agreement to adjourn; no formal motion to adjourn was made.

Adjourn 2132pm