



FLORISSANT FIRE PROTECTION DISTRICT

Special Meeting of the Board of Directors of the Florissant Fire Protection District

4 pm – June 22, 2023
Station 1 Florissant Fire
2606 W. Hwy. 24, Florissant CO 80816

Zoom meeting

[https://zoom.us/j/95897737493?pwd=cTVZVVVSUVFC
KzA3bHlkdlR0VmtPdZ09](https://zoom.us/j/95897737493?pwd=cTVZVVVSUVFC
KzA3bHlkdlR0VmtPdZ09)

AGENDA

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Executive Session
 - a. Pursuant to Section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice regarding (1) federal and state employment law and its application to the District; and (2) District operations.
5. Executive Session
 - a. Pursuant to Section 24-6-402(4)(f)(1), C.R.S., for the purpose of discussing personnel matters related to the performance and employment of Erik Holt as Fire Chief
6. District Operations
 - a. Results of District Investigation regarding Non-Payment of Insurance
 - b. Consideration of separation of employment with Erik Holt as Fire Chief
 - c. Consideration of hiring of an interim Fire Chief (if necessary)
 - d. Discussion re Fire Chief hiring process (if necessary)
7. Adjourn

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

FLORISSANT FIRE PROTECTION DISTRICT

Held: Thursday, June 22, 2023 at 4:00 p.m.
Via Zoom and in person at Station 1 Florissant Fire,
2606 W. Hwy. 24, Florissant, CO 80816

Attendance

The special meeting of the Board of Directors of the Florissant Fire Protection District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualifications to serve on the Board, were in attendance:

Judy Dunn
Dave Groat
Bob Perry
Allen Schultz
Paul del Toro

Also in attendance were Jeffrey E. Erb and Glory S. Schmidt Erb Law, LLC., Eric Holt, Amanda Sutton, Starla Thompson, District volunteer firefighters and emergency personnel, and members of the public.

Call to Order

A quorum of the Board was present, and the meeting was called to order at 4:00 p.m.

Pledge of Allegiance

The Board performed the Pledge of Allegiance.

Roll Call

All Board members were present.

Executive Session

Director del Toro made a motion to enter into executive session pursuant to Section 24-6-402(4)(b), C.R.S. for the purpose of receiving legal advice regarding federal and state employment law and its application to the District and District operations. The motion was seconded by Director Dunn. The Board unanimously voted to enter into an executive session. The Board convened its executive session at 4:05 p.m.

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The Board relocated to a private room for the executive session.

Upon motion made, seconded and unanimously carried, the Board voted to exit the Executive Session and reconvene the special meeting at 4:22 p.m.

All Board members reconvened in the public meeting room for open session at 4:31 p.m.

Personnel Matters

Chief Erik Holt was notified at least 24 hours before the meeting of the meeting and the agenda item to hold an executive session pursuant to Section 24-6-402(4)(f)(1), C.R.S., for the purpose of discussing personnel matters related to the performance and employment of Erik Holt as Fire Chief. Chief Holt confirmed his availability to attend.

As allowed by Section 24-6-402(4)(f)(1), C.R.S., Chief Holt requested that the discussion be held in open public session. Accordingly, no executive session was convened.

The Board raised concerns it had with Chief Holt's job performance. These concerns included: (1) the negative method and tone of communications with the Board; (2) general lack of cooperation on providing information to the Board regarding the operation of the District, including (a) refusal to provide the computer of a former employee to the Board after given an opportunity to do so; (b) failure to provide any information regarding the volunteers who provide the District's fire and emergency services; and (c) failure to assist the Board with transitioning access to the District's bank account and providing financial information; (3) failure to attend previously scheduled meetings with the Board President to discuss District operations and activities; and (4) failure to ensure the timely payment of District financial obligations, most importantly the payment of the District's insurance. The Board noted that the relationship between Chief Holt and the Board is poor and there are clear disagreements between the Board and Chief Holt regarding the operations of the District.

Chief Holt discussed his belief that he had total control over District operations and did not need Board oversight, and his belief that additional Board meetings were required before he was obligated to follow any direction from the Board.

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The Board presented the results of its investigation into the series of events that led to the failure of the District's insurance bill to be timely paid. In sum, the invoice was provided on May 9, 2023 to Chief Holt. The insurance broker repeatedly followed up with Chief Holt regarding the status of payment through and after the payment due date of June 1, 2023. The current Board was notified of the lack of payment on June 6, 2023 and the lapse of insurance coverage, and arranged for payment immediately via the use of personal funds of Director del Toro since access to the District's bank account had not yet been given to the current Board. The Board finally obtained access to the District's bank account and accounting software after June 6, and discovered that no insurance payment check had been requested by Chief Holt or issued at any time by the District.

Chief Holt read a prepared statement regarding the District's Facebook page.

The Board discussed the performance of Chief Holt. The Board noted that many of them had reached out to Chief Holt directly about creating a working relationship but had been met with strong resistance and lack of participation by Chief Holt in creating a working relationship. While they had hoped they could work to improve the relationship over time, the failure to ensure the insurance was timely paid, the lack of accountability regarding this failure, and the clear lack of appreciation of the severity of this failure significantly damaged the Board's faith in Chief Holt's ability to perform as the District's Fire Chief, especially in light of Chief Holt's belief that he had total control over District operations.

The Board noted that Chief Holt can be terminated for cause if the Chief's actions cause injury or damage to the financial or ethical welfare of the District by his negligence, misconduct, inabilities or inattention to duties and responsibilities; and if the Chief fails, in the judgment of the Board, to perform at the standard required of the Fire Chief.

Upon motion made by Director del Toro to terminate Chief Holt for cause for the reasons discussed, seconded, and unanimously carried, the Board terminated Erik Holt's employment with the District, effective immediately.

District Operations

Results of Investigation regarding Non-Payment of Insurance.

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The Board noted that the results of the investigation were previously discussed.

Consideration of Separation of Employment with Erik Holt as Fire Chief.

The Board noted that this item was previously addressed.

Consideration of Hiring of Interim Fire Chief.

The Board noted that they are committed to the District's purpose of providing fire and emergency services to the community. To ensure these services continue, an interim Fire Chief is needed to run the District's fire and emergency service operations until a new permanent Fire Chief can be hired.

The Board discussed the potential appointment of David Quick or Randy Munch as interim Fire Chief. Captain Munch provided a statement regarding his qualifications. Additional input regarding Captain Munch and Captain Quick was provided by the volunteer firefighters present at the meeting. The Board discussed each person's qualifications, past performance, and ability to lead.

A motion was made to appoint Captain Munch as interim Fire Chief. Further discussion was held regarding Captain Munch's ability to work with the Board in the way desired by the Board. Captain Munch and the other volunteer firefighters present at the meeting walked out of the meeting.

Upon motion made, seconded and unanimously carried, the Board determined to take a ten-minute recess at 6:06 p.m.

The Board returned from recess at 6:20 p.m.

The Board noted that Captain Munch and five other volunteer firefighters resigned from their positions during the recess.

No second was provided to the motion to appoint Captain Munch as the interim Fire Chief. The motion did not proceed.

A motion was made to appoint Captain David Quick as the interim Fire Chief. Following a second and unanimously

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carried, Captain David Quick was appointed as the interim Fire Chief.

The Board discussed the need to notify the District's mutual aid partners of the change in leadership and obtaining District equipment from the terminated employees. The Board also noted its concern over the safety of the District's facilities and potential for vandalism or theft to occur until locks and access codes can be changed. Upon motion made, seconded and unanimously carried, the Board approved the overnight patrol of the fire stations by community volunteers, who were directed not to engage with any trespassers and to call the Sherriff if any activity occurred.

Upon motion made, seconded and unanimously carried, Directors Schultz and Groat were appointed as the Transition Committee to work with Interim Fire Chief Quick and the remaining volunteers on a smooth transition and to ensure District services remain in place.

Discussion re Fire Chief Hiring Process

The Board noted it will discuss this at its next regular meeting.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 6:27 p.m.

Secretary for the Meeting

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ATTORNEY STATEMENT REGARDING
ATTORNEY-CLIENT COMMUNICATIONS PURSUANT TO § 24-6-402(2), C.R.S.

Florissant Fire Protection District – Special Meeting – June 22, 2023

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing the Florissant Fire Protection District, I attended the executive session on June 22, 2023 for the sole purposes of providing legal advice on specific legal questions regarding federal and state employment law and District operations as authorized by § 24-6-402(4)(b), C.R.S. I further attest that it is my opinion that all of the executive session discussion constituted attorney-client privileged communication as provided by § 24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept of the executive session pursuant to § 24-6-402(2)(d.5)(II)(B).



Jeffrey E. Erb, Esq.
General Counsel
Florissant Fire Protection District

STATE OF COLORADO)
) ss
COUNTY OF DENVER)

Subscribed and sworn to before me this 23rd day of June, 2023 by Jeffrey E. Erb.

Witness my hand and official seal.

My commission expires: 03/06/2024

Natalie Fleming
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID# 20304009338
MY COMMISSION EXPIRES 03/06/2024



Notary Public

Florissant Fire Board of Directors June 22nd 2023.

INDEX for AUDIO RECORDING. This is not the official minutes.

At station 1 with Zoom

4:00 PM

Start Recording File name "06 22 2023 Audio Pre Exec Session.WMA"

Call to order

Pledge

Roll Call. Bob, Allen, Paul, Dave, Judy are present.

4:03 PM

Motion to go into Exec Session. 2nd. Unanimous.

Stop Recording

Exec Session held in the admin building at Station 1.

4:26 PM

Start Recording File name "06 22 2023 Post Exec Audio.WMA"

Start

Resume public session.

4:31 PM

Holt waives the right to an executive session.

Discussion ensues. Refer to recording.

5:13 PM

Paul reads summary statement ending with conclusion that termination with cause is appropriate. ~~See page 4.~~ SEE PAGE 11 OF FILE "06 22 2023 FFRD

5:18 PM

Holt reads his statement about new Facebook page.

INVESTIGATION RE NON PAYMENT
OF INSURANCE 300 DPI FOR EMAIL PDF 11

5:23 PM

Paul poses the question: "Is the relationship salvageable?"

5:24 PM

Allen presents his opinion.

5:27 PM

Judy presents her opinion.

5:34 PM

Dave presents his opinion.

5:36 PM

Paul presents his opinion.

5:37 PM

Lawyer speaks.

5:40 PM

Paul reads reasons for just cause.

5:42 PM

Paul makes motion to terminate Erik Holt for just cause. Seconded.

Bob, Allen, Paul, Dave, Judy all answer yes.

5:47 PM

Allen says we have to choose an interim chief and states he's been considering Dave Quick.

5:48 PM

Randy Munch self nominates. Holts agrees. Volunteers agree. Randy disparages Dave Quick.

5:51 PM

Jeff Adams endorses Randy.

5:55 PM

Allen states what better demonstration of democracy than to let the volunteers choose their leader.

6:04 PM

Motion made to make Randy Munch interim chief. Comment by public member to Randy Munch. Brief exchange between them. Dave expresses concern that he does know what kind of chief he would be and expressed he did not want an Eric Junior. Comment was not taken as Dave meant it, Munch exploded in anger, and he, Jeff Adams, and all members of the fire department walked out. Four of them, including Randy and Jeff, came back in, and turned in their equipment, access cards, and vehicle keys – if they had one.

6:06 PM

Motion made, seconded, passed unanimously, to make Captain Dave Quick the interim Chief.

10 minute break called. Paul went outside to talk to the volunteers and all but one of them was hostile and rude. Randy Munch returned gear and handed Allen two access cards. Jeff Adams returned gear and access card. A couple more volunteers threw their

gear and radios on the ground. Names unknown to us. Do not know if all gear issued to them was returned.

6:25 PM

Resume

Motion made, seconded, voted unanimously, for members of the public to remain at the station for a couple of nights to keep the buildings secure from angry volunteers.

Meeting adjourned.