

## **Pine-Strawberry Fire District**

### PINE-STRAWBERRY FIRE BOARD SPECIAL BOARD MEETING MINUTES July 13, 2022

The meeting was called to order at 6:00 pm.

**1) Pledge of Allegiance**

- 2) **Roll Call** – Present were Board Clerk Bob Papke, Board Member Bruce Dow, Board Chairman Chuck Ackerman, and Board Member Dave Burkhart. Board Member Mel Palmer was present via telephone.

**3) New Business**

- a) Discussion/Possible Action on a grievance/Complaint filed by PSFD Members against the PSFD Fire Chief John Wisner. (\*Note: The Board may elect to go into an executive session for reason of a Personnel Matter pursuant to A.R.S. § 38-431.03(A)(1) re: Fire Chief's evaluation and performance review.)  
Chief Wisner was in attendance via Zoom.  
Several PSFD Members attended in person.

Board Member Dave Burkhart asked the Chief two questions that were posed to him during the previous meeting:

Do you think you can be an effective leader here after the “Letter of No Support”?

Do you think you can fit in and complete your job in the as Chief of the Pine Strawberry Fire District?

Chief Wisner stated that he understands the questions. He also stated that those were questions that were asked last week in Executive Session and so he assumed it was “ok” to answer those questions in a public meeting.

His answer to both of those questions is “Yes.” And he would like to share with the Board in more detail how this could be accomplished, but that it would not be able to be discussed tonight because there is also a financial component to it.

Mr. Burkhart stated that after looking at everything and knowing that the Board had talked about hiring an investigator to look into everything – there's only a few things that could be investigated such as the letters that were received and whether or not the person who wrote the letter felt “coerced” into writing that, the other would be the letter from the three Captains regarding what the Chief had said to them, and the email that followed the next day. “The only thing I feel the investigation would do is extend the problems we have and not resolve it, therefore I think it's in the best interest of the Pine Strawberry Fire Department that I make the following motion:

Under the Fire Chief's Contract, section 5, item H, I make the following motion, that the Pine Strawberry Fire Board terminate the Chief's contract/appointment of John Wisner, for cause, effective July 13, 2022, the cause - for violation of Pine Strawberry policy 3.9, Section 5, items D and J and the Pine Strawberry Fire District policy 3.2 – Section 1 and Section 2 and item 7.”

There was no “second” on the Motion.

Motion died for lack of a “second”.

Board Chairman Chuck Ackerman stated that as asked by the Board, and with the help of Mr. Whittington, he spoke with three investigators - Katherine Baker, Stacy Gabriel, and Brenda Tranchina.

Prices vary depending on the scope of the investigation. The bids are as follows:

Brenda Tranchina - \$145/hr. and felt she could have this completed by the first of August.

Katherine Baker - \$195/hr. She could start sometime in the next week or so and felt she could be done in 1-2 weeks.

Stacy Gabriel - \$300/hr. She is a lawyer. She stated that it would probably be somewhere between \$10-15,000 for the investigation.

Mr. Ackerman stated that he believed we have used Brenda Tranchina previously and that he knew she was familiar with Fire Districts. It is his recommendation was that we go with Brenda Tranchina. Mr. Burkhardt pointed out that she is the one who was hired by Chief Wisner to write our policies and that he felt there would be a “Conflict of Interest” there. Captain Thomas Cordova pointed out that she had done the investigation on another issue we had about 2 years ago.

Mr. Ackerman then stated that the second choice would then be Katherine Baker – that her travel rate was the same as the others and that she was confident she could provide a “High Level” Executive summary as soon as the investigation is done. Mr. Ackerman pointed out that the turnaround time would be based on the scope of the investigation.

Mr. Burkhardt asked, “The scope? Do you want a full-fledged investigation? All the letters from every member that wrote a letter? Whether or not they wrote the letter? Were they enticed to write the letter? Were they given information to put in the letter? Or do you just want to investigate the cause of violation of Policy 3.9 that took place between the chief and the three Captains and the email that was a follow up to that? And having the investigator respond back to whether or not there WAS a violation.” Mr. Burkhardt also reminded the Board that we have talked to our attorney, Bill Whittington, and inquired as to whether or not that was policy violation and he said “Yes.” And whether or not that was grounds for termination? He also stated “Yes.” And as far as the investigation he didn't say we had to do one. Again, as far as the investigation, Mr. Burkhardt doesn't feel that we will find anything different. If it was only one person to one person there may be a need to get other witnesses, but as far as a conversation between the Chief and 3 Captains, he doesn't feel we will find anything different, and that the only thing it would do is postpone getting this thing resolved.

Mr. Palmer stated that he would like all the letters to be investigated, other “witnesses” investigated, Robert McCormick for one – he did not enter into it, and a couple of letters did not state any specific situations so he thinks we need to go forward with that.

Mr. Dow stated that if we are going to do an investigation he felt it needs to be a thorough as possible including the violations that were stated, to verify what the attorney says.

Mr. Papke said, “I feel that if we are going to spend money for an investigation, we need to do an investigation. Not all of the letters bring up specific policy violations and maybe some of those can be eliminated. But if you’re going to talk to people, you might as well talk to everybody.”

Mr. Burkhart responded that you don’t have to have a specific policy violation. They can specify things that took place, and if it makes them feel uncomfortable, or that they weren’t worthy, or that they weren’t trusted, that’s where Policy 3.2 comes in – with sections 1, and section 2 and item 7, that is classified as a “hostile” environment. That is an environment where individuals feel uncomfortable in their duties, that they cannot perform their duties in a proficient manner, and that they just feel fearful when they come to work. That is what the letters indicate. You can ask whether they were coerced into writing these letters or if they were given specific information, or even if there was 1 or 2 individuals who did not write a letter, or even if they do not believe it was factual. That’s 1 or 2 against 14 members who are stating something different. Again, you’re going to extend this out and it’s going to cost a lot of money just to try and bring back anything that is different.

Mr. Papke pointed out that for 30 hours of investigation at \$195/hr. it is \$5,850. But Mr. Burkhart responded that she would only be able to interview a few individuals each day and with travel time from Phoenix, or a charge for staying up here, and her interviewing all 14 individuals plus the 3 Captains incident and the Chief, you are probably looking at more than just 30 hours.

Mr. Palmer stated that he feels that is what we need to do, and that we need to get to the bottom of this and if we don’t do it there is going to be a big question about it from now on, and he strongly recommends that we hire this person and get this thing resolved. We can give her the letters and all the information we got and she can suggest to the Board how she would like to proceed.

Chief Wisner had a question about the “Scope” of the investigation. “It was proposed that the scope include “harassment” and “hostile work environment”, and I wondered if that would include the photographs and evidence I brought in to the previous meeting?”

Mr. Burkhart responded, “Yes, that would be part of her interview with you. You would be able to provide anything you feel was pertinent to the investigation to her.”

Board Chairman Ackerman stated that he agrees that we should do an investigation, that it should be a thorough investigation so that we understand the mechanics to it, and he feels that Katherine is a good choice. He stated that we need to hear it, we need to understand it, and make sure we get it right, and he feels that is the fair thing to do because the items we are

talking about are cause for termination. In light of that, we need to ask all the right questions, and have an outsider take a look at it and validate it then we can move from there.

Mr. Ackerman made a motion that we hire Katherine Baker to do a complete investigation of the whole complaint.

Mr. Palmer seconded the motion.

Discussion: Mr. Burkhart stated that since this was going to take a month or so to complete that he feels it is in the best interest of the District, the Chief and the crews that the Chief be placed on paid administrative leave until the investigation is completed. That is standard operating procedures in any organization when a complaint is filed that could have an adverse effect on the members, that the members should be separated. We are a small organization and it is impossible that the members are separated so it is in the best interest of all those concerned that the Chief be placed on administrative leave until such a time as the investigation is completed and the Board meets for a final decision.

Chairman Ackerman clarified that there has already been a motion and a second so this cannot be added to the original motion. He re-stated that the motion that has been made and seconded is that we hire Katherine Baker to do a thorough investigation of all the information in regards to the Chief. The votes were as follows:

Mr. Papke – Aye

Mr. Dow – Aye

Mr. Burkhart – No

Mr. Ackerman – Aye

Mr. Palmer – Aye     Motion carries 4-1

Mr. Burkhart made a motion that the Chief be placed on paid Administrative Leave pending further investigation.

Mr. Ackerman seconded the motion.

Discussion: Mr. Palmer feels that “Chief can do his administrative duties and it is clear by the letters that the crews have been staying out of the office, there are administrative things that need to be done, I’m opposed to the motion in that respect. They are all grown people and I feel that they can get along for a 3 or 4 weeks.”

Mr. Burkhart reminded Mr. Palmer that there is an administrative person in the office on a daily basis, they have to work in close proximity and that can cause a conflict, which could also put us in a legal bind. Also if the members are not going in to the office and working with the Chief at all, he will not be able to complete his tasks as well. We can have a tentative Chief to do some of the administrative duties in the interim.

Mr. Palmer still maintains that everyone can just be an adult and do their job, that they’ve been getting along up till now and that they can just continue to get along for another 3 weeks.

Mr. Burkhart stated that it has “come to a head” and that if they were getting along, we wouldn’t be here.

Mr. Dow stated that he feels the Chief should be on “Administrative leave” and that we should get somebody to come in in the meantime.

After no further discussion, Chairman Ackerman called for a vote.

The Votes were as follows:

Mr. Papke – Aye  
Mr. Dow – Aye  
Mr. Burkhart – Aye  
Mr. Ackerman – Aye  
Mr. Palmer – No      Motion carries 4-1

Chairman Ackerman made sure that Chief Wisner was able to hear the previous conversation/motion.

Chief Wisner stated that, Yes he did, and was assuming that Mr. Ackerman would get that to him in writing.

Mr. Ackerman confirmed that he would get something to him the next morning. (July 14, 2022)

Mr. Burkhart posed the question as to whether we wanted to bring in an outside source as a tentative Chief if we wanted to assign that duty to one of our Captains. Mr. Ackerman had no ideas on that particular item.

Mr. Burkhart stated that we have a senior Captain, Joel Brandt, who has indicated that he would be capable of stepping in and fulfilling that role in the interim and that we also have another Captain who is a Chief of another District who would be able to help him out. It would be a minimal amount of cost to just cover his hours. The other idea is to go back to one of our previous Chiefs and see if he would be willing to come in on a temporary basis.

Mr. Ackerman asked Captain Brandt if he would be interested in that, and he stated, yes.

Captain Thomas Cordova was recognized by the Board Chair and stated that we have had Captains move up in to the “Chief” position in the past and that he believes it would be appropriate. He also stated that if a previous Chief was available that that would be appropriate as well.

Mr. Palmer feels that we should contact previous Chief, Gary Morris and see if he is even available or interested before we make a motion to hire anybody.

Mr. Burkhart stated that he has an idea of how to accomplish that. That the Board has their next regularly scheduled meeting for Wednesday, July 20<sup>th</sup>, and that he would like to make a recommendation (motion) that the Board bring Joel Brandt on as the Chief for the next week, to cover any administrative services that need to be done, and in the meantime, we can contact Mr. Morris to see if he is available and then the Board can make a decision at that time to either hire Gary Morris as an independent contractor or to stay with Joel Brandt.

Chuck Ackerman seconded the motion.

There was no further discussion.

Mr. Ackerman called for a vote. All in favor – unanimous.

Any opposed – None

Motion carries unanimously.

Mr. Burkhart stated that several members had expressed their desire to say something to the Board. And that he would like to give them that opportunity.

Captain Paine stated his name – “Phil Paine, My letter was not coerced.”

Mr. Burkhart stated that he should wait for the investigation.

Captain Paine repeated, “Just putting that out there. Phil Paine – My letter was not coerced.”

Engineer Mike Peters – “I believe we are all in the same boat. No one forced us to write these letters.”

Several members agreed with this comment.

Captain Billy Chester stated that we all want to see this resolved as quickly as possible, and that he would like to thank our elected officials for the small mercy of the last motion that was passed and that he believed that was the best solution for the number of things that need to be addressed. He didn't want to say a whole lot in this setting but did wish say that he appreciates the Board for their support.

Captain Thomas Cordova – Just wanted to go on record as saying “My letter was not coerced - That I appreciate you. I know that this is a very high stress, tense environment right now and I want to thank you gentlemen for being transparent on our behalf, and for being transparent on Chief Wisner's behalf and that I hope this goes as smoothly as possible, and that the correct decision is made.”

Captain Brandt – wanted to let the Board know that he is willing to do whatever is needed for as long as it is needed.

Captain Billy Chester agreed that we are all willing to do whatever is needed for this organization because that's who we are, and we will get it done.

Chairman Ackerman asked if there was anything else.

Mr. Burkhart informed the Board that the investigation should be done by the beginning of August, and that unfortunately, he will be out of the Country until the 25<sup>th</sup> of August. He requested that the Board move their next meeting to at least the 25<sup>th</sup> of August, as he would be in a place where he cannot even call in.

Mr. Palmer stated that he will be gone from the 18<sup>th</sup> – 28<sup>th</sup> of August.

Some discussion ensued about having the regular Board meeting and not addressing this particular subject in that meeting.

Mr. Papke stated that he felt that given the nature of this subject, he felt it would be best if all Board members were present for the meeting that concerns the outcome of this investigation.

Mr. Ackerman asked if there was any other business.

One more member spoke up.

“Garrett Turley – I just want to go on record as saying MY letter was not coerced, and honestly, just so you know my dedication to this cause and this district, I cancelled my Family vacation just to be at these meetings.”

Mr. Ackerman thanked Garret Turley for that and said that before he closed the meeting he wished to “Thank everyone for their professionalism and how everyone has “their head in the game” and that the Board truly, truly appreciates that. This is a difficult time – there's 2 sides to every coin and sometimes it's hard to figure out which one is right and which one is wrong, and we hope that you appreciate that we are doing our due diligence which is what we would do if YOU came to us, or someone came to us or we came to you over a certain issue. I think we are trying to be fair and equitable. It's going to take a little bit of time, and I ask for everyone's patience, and keep your head in the game. Thank you.”

Captain Zach Graham responded, “Well said, and thank you.”

Mr. Papke wished to echo what Mr. Ackerman said, “I think it’s important that we be fair to our members, I think it’s important that we be fair to our Contract employee, Chief Wisner, I think it’s important that we take the time to do this thoroughly and have an outside party give us their impression from the investigation, and then move on with whatever action we need to take but there are no guarantees of what that action will be.

Charmain Ackerman called for a motion to adjourn.

**Adjournment** – Mr. Burkhart made a motion to adjourn. Bruce Dow seconded the motion and it passed unanimously at 6:44 pm.