



DEER MOUNTAIN FIRE PROTECTION DISTRICT SPECIAL BOARD MEETING MINUTES January 03, 2019 @ 1000 hours.

CALL TO ORDER: The meeting was called to order at 10:00 am.

DIRECTORS PRESENT: J.R. Niblett, Elaine Foster, Crystal Warner & Patrick Smith (Absent: Sarah Killough)

PRAYER: By Patrick

PLEDGE of ALLEGIANCE: Led by J.R.

PUBLIC COMMENTS: None.

MINUTES: Crystal motioned to approve the December 10th, 12th and 19th meeting minutes. Elaine 2nd. Motion carried.

FINANCIAL:

- **Payroll dates and Payroll Direct Deposit:** This board previously established 2019 EMS pay dates of 1/2/19, 1/15/19, 2/1/19 and 2/15/19. It was proposed that for the time period from 2/15 through 3/3 EMS would be paid on 3/4/2019 by Karen. For the pay period of 3/4/19 through 3/17/19 EMS will be paid on 3/22/19 (by new bookkeeper). Thereafter for each two-week period starting on Monday and ending on Sunday payment will be made on the following Friday. Elaine motioned to approve the above pay plan system. Patrick 2nd. Starting 3/22/2019 pay date would be every other Friday. Motion carried.

- Fire fighter pay schedule was discussed. It was also discussed that the Firefighter Pay Agreement might need to be changed. Engine bosses need to turn in all paperwork from an incident by a deadline and the billing agent may also need to be given a deadline to finish the billing for an incident in order to pay the firefighters in a timely manner. Deadlines for firefighters to repay the District for any overpayments of salary should also be included. J.R. motioned to pay the remaining 5% owed to firefighters as soon as possible. Patrick 2nd. Motion carried.

- Elaine motioned to transition to direct deposit as soon as possible starting with the new bookkeeper. Patrick 2nd. Motion carried. Karen will work with Janice Graham to get a form and/or instructions to give to employees so that the direct deposits can be set up.

- **Update on bookkeeping transition:** Karen has sent an email to Janice to inform her of the board's decision to utilize her bookkeeping services. Karen will work with Janice Graham to initiate the transition.

- **EMT-I Contracts:** There are still outstanding EMT-I repayment contracts. They were approved by the board and signed by Patrick for the students to sign. Robert Themel and Darcy Themel are the only contracts completed. Some personnel want changes to their contracts. Patrick will get with Joe and the remaining students to work out individual changes to the remaining contracts that need to be complete.

VICE-CHAIRMAN:

- **Local Firefighter Safety and Disease Prevention Fun Grant:** Elaine said that the most that can be obtained from this grant is \$10,000. Joe feels that SCBA equipment is needed but the list of qualified products on the preferred list needs to be reviewed. Elaine presented a contract for her to write the grant and complete the grant including grant reporting and updates to the board. Elaine's contract price for this process is \$300. Payment would be due at the first board meeting following the submission of the grant. J.R. motioned to approve the contract and proceed with pursuing the grant. Patrick 2nd. Motion carried. Elaine abstained.

2019 EMS Provider Grant: Elaine gave an update on the 2018 Provider grant. The Lifepak-15 was received and she is proceeding with ordering of the power cot and performance load for the Med 1 (2014) ambulance. The 2019 EMS Provider Grant submission is due on 02/15/2019. Elaine would like to write this grant for a second Lifepak-15 and possibly more tough books. Items to be applied for are to be determined. This is a complicated grant and requires two interviews and excessive documentation. Elaine presented a contract for her to write the 2019 EMS provider grant for \$800.00 to be paid at the board meeting following the submission of the grant. The contract specifies that Elaine completes the whole process. J.R. motioned that Elaine applies for the grant and to approve the contract. Crystal 2nd. Joe would like a Lucas compression/CPR machine. Motion carried. Elaine Abstained. Elaine needs to know soon if Dr. Numsen will support obtaining a Lucas CPR machine. Robert said he will contact Dr. Numsen today and have an answer for Elaine by today or tomorrow Elaine said within the next three days would be great.

- **Hand-delivered fundraising letter money:** Elaine believes that fundraising letter money is in the boot. If there are checks in the boot made to the District they need to go into the District account to be used for the items that were specified in the letter.

NEW BUSINESS:

- **Robert Themel:** Robert said that on 12/19/2018 he utilized the board's open door policy and went to discuss matters with J.R. (Chairman). Robert Themel said that he, John Loyo, Darcy Themel and Liasa Loyo were told that the remaining monies owed to personnel for the Nevada Support incident would be paid by Thanksgiving. That did not happen. Then they were told that they would have their payments by the 12/19/2018 board meeting and that did not happen. It was not stated who made the payment date commitments.

Robert overheard a phone conversation, on the afternoon of 12/19/2018, between J.R. and Elaine relating to early payment of the remaining 5% of his firefighter pay for an incident. Robert interpreted Elaine's comments during this conversation between J.R. and Elaine, to be disrespectful, showing favoritism and discriminating, as it seemed Elaine would not approve paying Robert early, but yet would approve the early payment to another firefighter. Robert stated that Elaine was a member of the board and took an oath to carry out the laws and statutes of this state, therefore Elaine violated her oath and Robert asked for her resignation immediately. J.R. interrupted Robert and stated that Robert is an employee of the district and he could not ask for Elaine's resignation.

59:25

Elaine asked if Robert is asking for an apology? Robert stated that he is not asking for an apology. Elaine said ok, but, I would like to apologize. Robert said that his morals and work ethics should have never been questioned.

Elaine explained that she was still upset after the long board meeting earlier in the day (12/19/18). Elaine explained that what she said was not expressed as clearly as she meant it. Elaine stated she had no idea she was on speakerphone and J.R. told her that he had received a new "Tablet" with AT&T phone built into it and was using it at the time. The sound just comes out its speaker. Elaine said that she thought she was having a private conversation with J.R. and had no idea she was on a tablet phone and did not know Robert had come in. When Elaine initially agreed to pay the remaining 5% it was intended to be for all personnel on the incident and not just one person. Then about 8 or 9 minutes after the first phone conversation with JR, she called JR back and stated that the personnel could not be paid early as it was not allowed in another situation and that the policies need to be upheld and be uniform for all. Elaine did state that she remembered Crystal asking for her husband's check early and she did not get it early and if she had given the checks out early she would have discriminated against Crystal. Elaine apologized for the way she spoke and for not clearly stating what she intended to mean and that she had no intention to show any favoritism.

Elaine stated that she thought she deserved an apology for not knowing she was on a speaker. Joe asked, with everything you said, why would and did you say you would pay John? Elaine said that J.R. said that by paying Robert, and then John would get paid too. Elaine said, she said it wrong and totally agreed that she should have not said what she said, and had said it in anger. Joe stated that Elaine was a member of the board and what she said was wrong, that she had picked favoritism and it was very wrong. Elaine agreed with Joe and said that she quickly corrected her error. Patrick pointed out that paying anyone early would have needed to be a board decision. Joe asked Elaine if she made the comment, if John needs the money then it's ok to give Robert the money? Elaine answered that it probably sounded like that. Joe asked JR if this is what he heard and if he felt it was favoritism, JR answered, at that time, yes. Elaine said she made a bad statement she was sorry that Robert heard a conversation she thought was private and she would be seriously more careful. Elaine told Robert that she never wants anyone to think that she does not appreciate what Robert does Robert asked, how is he supposed to feel after this conversation, if these roles were flipped how would she feel? Elaine said she would accept an apology. Robert said he is not the type of person who accepts apologies, that actions and work ethics speak volumes, apologies are meaningless, to truly apologize, take the deficiency and work on never doing it again. Elaine said she planned on never making that mistake again.

Elaine stated that no one was paid early and there was no discrimination. She also stated that she appreciated the work that Robert and all the EMTs do.

In Robert's final statement he cited the District's By-Laws also pointed out that he feels Elaine broke the District's By-Laws by not working in the best interests of the District. Robert asked: How is it in good faith to play favoritism or discriminate

against an employee of the district? Robert stated that by Elaine's actions she put the district in jeopardy of a costly court battle. Is it in the best interest of the district to allow one member of the board to willfully and unjustly put an employee of the district in a humiliating position that the work is so paltry that they can just assert their value? Your steadfast conviction to cause undue duress and to spend thousands of dollars of district money, vital time, and resources of the board members as well as the fire chief in defense of your vile and unjust behavior, I can't do that. I cannot in good faith and conscious subject this district to malarkey and upheaval. Time, resources, and personal always seem to be in short supply here, and without a doubt this would lead to more of the aforementioned to become even scarcer. Your actions speak volumes of where your moral character lies. It is my hope that the members of this community, EMT's, fire fighters, and members of the board do not think this behavior the paradigm.

Elaine restated that no one was paid early. The Fire payment from the state arrived in the mail that afternoon and payments were made by 5:15 that evening according to the firefighter pay agreement. Joe said, that was fine, but that this has nothing to do with what was said and the intent of what was said was what Robert was bringing up. Elaine asked, short of resignation is there anything she could do? Robert said no ma'am.

Joe wanted to know how Elaine and Robert will be able to work together in the future. Elaine stated she would work with Robert. Patrick said this is a serious matter and that everyone needs to work together going forward. Patrick expressed that he respects and trusts Robert and does not think that Elaine in anyway intended to discriminate.

J.R. apologized to Elaine for having Elaine on speaker phone without notifying her. J.R. said it was a gift from his children and the first time that he and Robin had used the phone on the tablet. Elaine accepted J.R.'s apology. Patrick emphasized that if someone says something out of line that it be addressed promptly so that the situation can be clarified rather than dwelt upon.

- **Glen Vista's sign request:** Patrick had a request from Dave Colwell, president of GVPOA, to put something on the electronic sign. Patrick motioned that GVPOA be allowed to announce the Glenn Vista meetings on the sign at a rate of \$50 per announcement for a two-week period. Joe recommended that operations be allowed to decide what announcements for the public be placed on the sign as the chief is over the property. The income from sign advertising would go to the District. Patrick withdrew his motion. Patrick motioned that control of the sign is passed to operations. Elaine 2nd. Motion carried. Robert will contact Dave Colwell.

- **Sale of Brush Truck pending title and contract:** Patrick motioned to sell the Brush truck for \$2,800. Elaine 2nd. The truck is being sold to a fire department east of Limon. J.R. will work on getting the title. Motion carried.

EXECUTIVE SESSION: Liasa Loyo personnel matter - per C.R.S.24-6-402(4)(f): J.R. motioned to go into Executive session. Patrick 2nd. Motion carried

The board came out of executive session and resumed the special meeting at 11:45 am

Patrick motioned to support Joe's decision to terminate Liasa Loyo and to only allow her on the property for public/community functions. J.R. 2nd. Motion carried. Elaine opposed, stating that she saw no benefit to the community from having EMT Liasa Loyo fired.

ANNOUNCEMENTS: Next regular board meeting – January 16, 6:00 PM

VOTE TO ADJOURN: J.R. motioned to adjourn the meeting at 11:48. Patrick and Elaine both 2nd. Motion carried.