



**DEER MOUNTAIN FIRE PROTECTION DISTRICT**  
**SPECIAL BOARD MEETING MINUTES**  
**6181 County Rd. 28, Cotopaxi, CO 81223**  
**February 21, 2020 at 3:00 PM**

**CALL TO ORDER:** Sherry Hastings called the meeting to order at 3:00 PM.

**DIRECTORS PRESENT:** Sherry Hastings. (Absent: Chairman, Mike Kevilus & Vice-chairman, Elaine Foster)

**PRAYER:** Led by Jerry St. John

**PLEDGE of ALLEGIANCE:** Led by Robert Themel

**CHANGES TO AGENDA:** J.R. will make a statement under New Business.

**BOARD VACANCIES:**

- Accept Karen Fritsche's resignation: Sherry motioned to accept Karen Fritsche's resignation. Second by Sherry. Vote: Unanimous – motion carried.
- Accept Brady Johnson's resignation: Sherry motioned to accept Brady Johnson's resignation. Second by Sherry. Vote: Unanimous – motion carried.
- Appoint two board members: Sherry motioned to appoint JR (Marion) Niblett to the board of directors. Second by Sherry. Vote: Unanimous – motion carried.  
Sherry administered the Oath of Office and JR completed the Notice of Appointment.  
Sherry motioned to appoint Patrick Smith to the board of directors. Second by JR. Vote: Unanimous – motion carried.  
J.R. administered the Oath of Office and Patrick completed the Notice of Appointment.

**SECRETARY POSITION:**

- Jeannie Johnson submitted her resignation. Sherry motioned to accept Jeannie Johnson's resignation. Second by J.R. Discussion: None. Vote: Unanimous – motion carried.
- Sherry motioned to appoint Karen McKee as secretary until March 10<sup>th</sup>. Second by J.R. Vote: Unanimous – motion carried.

**DEO:**

- Appoint DEO: Sherry stated that board has received a resume from Linda Gallegos for the position of DEO. Sherry motioned to pass Resolution 20200221-01 appointing Linda Gallegos as the DEO so that we can continue with discussion. Second by J.R.  
Discussion: Linda had a prior appointment and was able to attend the meeting. Sherry sent Linda all the information regarding the DEO position and duties. Linda has reviewed the material and feels confident that she can handle the job. Patti Myers, who has served as DEO multiple times for the District is also willing to help Linda.  
Vote: Unanimous – motion carried. (The resolution is **attachment #1**)
- Approve Call for Nominations and submit to paper: Sherry Motioned to approve the notice for the call for Nomination and send it to the paper now. Second by JR. Discussion: The Secretary of State is aware of this District's problem and will work with us if we get this submitted ASAP. Sherry is acting upon the recommendations of the District's county commissioner Dwayne McFall.  
Vote: Unanimous – motion carried. Sherry promptly emailed the notice to the Daily Record at approximately 3:10 PM.
- Director Terms (3 year versus 4 years): Sherry stated that the State is requiring special districts to change their elections so that they are held on odd years rather than even years. There will be 2 board positions up for election for a 2-year term. And 3 board positions up for election for a 3-year term rather than a 4-year term. In 2022 the people that were elected for 2-year term will be up for re-election. The people that were elected for a 3-year term will be up for election in 2023. After 2023 elections will be held every other year and all terms will be for 4 years unless a person is appointed in which case the appointed member's position must be voted on in the next regular election. An update transparency notice will be posted inside and outside the community building and it will be posted on DMFPD.net.

**MINUTES:**

Sherry motioned to approve minutes: Dec. 27, 2019, Jan. 9, Jan 15 & Jan. 28 2020. Second by J.R.

Discussion: Minutes needed to approved in order to be posted on the website. Vote: Unanimous – motion carried.

## **TREASURER'S REPORT:**

- Treasurer's and Bills reports: Sherry presented the January Treasurer's report.

January 1 <sup>st</sup> beginning checkbook balance:	\$310,295.19
January deposits:	\$ 3,690.70
Income plus beginning balance:	\$318,870.15
Total Expenses to date:	\$ 58,799.90
Total checking account funds:	\$260,070.25
Emergency Reserves	\$ 50,429.82
Capital Improvements	\$ 19,839.27
Total funds as of 01/31/2020	\$330,728.80

February Bills report:

Beginning Checkbook Balance on Feb. 01	\$260,070.25
February Income to date:	\$ 49,582.88
Total income plus beginning balance:	\$309,653.13
Total Expenses to date:	\$ 17,373.12
Checkbook balance to date:	\$292,279.41

Sherry motioned to pay the bills and pass the Treasurer's report. Second by J.R. Vote: Unanimous – motion carried.

- Sherry motioned to approve only one signature ON CHECKS for the month of February bills paid. Second by J.R.

Discussion: Sherry sent Elaine an email asking for her approval to only have one signature on checks that are over \$500.00 for this month, Elaine and Sherry are the only board members that can sign checks at this time. Elaine is on a leave of absence and has not responded. Vote: Unanimous – motion carried.

- P&L Statement: Sherry is not happy with the report received from Lenny, Sherry will get the budget to Lenny so that he can enter the budget numbers so that it will appear on the next profit and loss statement.

- 2020 Budget Amendment: Sherry heard no response or objections to the proposed 2020 budget amendment, from any board members after emailing them the budget on Feb. 6, 2020 that was developed by the people that attended the budget committee meeting on Feb. 6, 2020. Sherry reached out again to the board members asking them for input on Feb. 12, 2020. Sherry received no responses regarding the budget from any board members. The proposed budget amendment was circulated to the new board members yesterday so that they could review it.

Sherry Motioned to proceed with the proposed budget and hold a budget hearing at 6:00 PM on March 18, 2020 at the regular meeting and for Sherry to be authorized to put the budget hearing notice in the Canon City Daily record.

Second by Patrick. Discussion: The proposed budgets will be posted on the outside on the Community bulletin board and in the community room. Sherry reminded everyone that if this proposed budget is passed, just because there is money in a certain budget category it does not mean that it can be spent without authorization. The board must vote to spend the funds and to approve the bills to be paid.

Vote: Unanimous – motion carried.

## **CHAIRMAN'S REPORT:**

New Volunteer/EMS Applications Sherry ran the background checks for the applications that she had using Goodhire, as the board has never voted to use anything other than Goodhire.

Sherry motioned to approve Desiree K Dalla-Guardia. Second by J.R. Vote: Unanimous – motion carried.

Sherry motioned to approve Jessica Britt. Second by J.R. Vote: Unanimous – motion carried.

Sherry motioned to approve Amos Gingerich. Second by Patrick. Vote: Unanimous – motion carried.

## **COMMUNICATIONS REPORT:**

- Status of radios/batteries: Robert said that the radio for Engine 14 is ready to go. Model 1500 and 2500 radios are being phased out over the next couple of years, so the District may want to start saving up for new radios. The battery supply is getting low and Robert has not been able to find any grants to obtain more radio batteries.

- Robert also reported that the repeater that was going to be put up to cover some of the dead spots in the area would have cost about one million dollars - it will not be installed. Robert is talking to the Forrest service to see if the District could use their repeaters.

**STATION REPORTS: FIRE & EMS:** Interim Chief Robert Themel Reported:

- The survey has been done at Station 3. Jerry has been spear-heading that with Lester Limon. They are working on getting crews together to start work.
- Jerry is also working on Station 4 to get bids for the concrete slab. Robert will send more information to the board as he gets it.
- Wildland: The refresher course is coming up and new members coming in are either trainees or part of the crews. The crews are now set and two trucks can go to national incidents without affecting the coverage of the District.
- Ambulance inspection is coming up. \$240 is needed for the license renewal for both ambulances in late March/early April.
- Lifepaks need to be recertified this year. Cost not yet known.
- EMS training hours & runs: There were 28 EMS runs and 168 hours of training.
- Fire training hours & runs: There were 13 fire calls and about 188 of training
- J.R. motioned to schedule the ambulance inspection and pay up to \$500 total to cover alignments/repairs on both ambulances and the license renewal fees. Second by Patrick. Vote: Unanimous – motion carried.

**OLD OR UNFINISHED BUSINESS:**

- Tom Adams status: Sherry said that: As Tom Adams never submitted a resignation and the board never voted to accept the resignation that didn't exist, I motion, for clarification, to retain Tom Adams as a volunteer Firefighter. Second by Patrick. Discussion: Sherry stated that if other board members got together and decided to accept Tom Adam's resignation that didn't exist, it was illegal because it was not done in a properly announced public meeting. Vote: Unanimous – motion carried. Jerry read a statement from Tom Adams (See attachment #2)
- Mill levy update: J.R. indicated that the Mill Levy does not have to go through the county because the election can be held here for the Mill Levy increase on May 5<sup>th</sup>. J.R. will work with the DEO to get it on the ballot.

**NEW BUSINESS:**

- J.R. statement: J.R. thanked Karen McKee for her help over the last seven years. J.R. stated that the last three months have been very difficult and that the one person that has been here has been Sherry Hastings. She has been doing everything she can and working long hours. J.R. thanked her dedication.
- Advertisement for fire chief. J.R. motioned to table the advertisement for Fire Chief for the time being. Second by Sherry. Vote: Unanimous – motion carried.
- Vote of No Confidence (5 min time limit) - Patrick Smith. Patrick thanked the community for stepping up. And thanked the people of the new committee for stepping up. Patrick motioned to put the oversight committee on the agenda so that they have a voice at every meeting. Second by J.R.. Discussion: None. Vote: Unanimous – motion carried.

**Executive Session** – personnel matter/security/legal CRS24-6-402(4)(f),

24-6-4023(4)(d), 24-6-402(4)(b) I.C. Robert Themel, personnel problems

Sherry asked Robert he wanted an executive session or for the matters to be heard in public. Robert opted for a public session.

- Interim Chief Robert Themel gave a statement saying Building A is Limited access building due to the OSHA and HIPPA regulations and that Sherry is the only HIPPA compliant board member. He explained that he has done everything that he could in accordance with the law. Title 32-1001 is in conflict with HIPPA laws. The demands that Chairman Mike Kevilus and prior board member Karen (Kala) Fritche were making put him in a difficult position and they did not provide him with the tools to complete their demands. Robert further stated that he will not break the law to comply with board members' demands. (See attachment #3 for I.C. Themel's statement.)
- Sherry responded to Robert: There have been many emails going around from prior board member Kala who was not present to hear all of the discussions between Chairman Mike & IC Themel as well as with Tom Adams. Much of Kala's information was hearsay provided by board member, Mike, who is on leave of absence. Then IC Themel filed a complaint against Kala, that Sherry doesn't know how to handle and to which Kala has not bothered to respond. This chaos has become absurd and I think has become a source of disgrace in the eyes of

our community.

Sherry **motioned to lay the matters to rest, continue to retain IC Themel in his current position as Interim Chief/Assistant Chief and that the board support him in continuing to provide Fire and EMS services to this community to the best of his ability. May I have a 2<sup>nd</sup>, Second by JR.**

Discussion: Sherry stated: Certain members of this board have attacked IC Themel and put him in a situation where if he did one thing it would be illegal and if he didn't follow through with their demands, they threatened dismissal. Kala and Mike both made demands of IC Themel, without the board voting to authorize Mike and Kala to take such actions. The problem is that the board never authorized Chairman Mike to make the demands that he made, nor did the board authorize Kala to follow up on the situations for which she was not even present and make demands for information and keys. Mike and Kala were acting out of line without board authorization. If they want to make changes then those changes must be voted on and approved in a properly announced board meeting.

Sherry said that Kala was NOT authorized by the board to email the District's attorney, Dan Slater, on 01/13/20, with regards to Robert. Kala should pay for the Attorney's time reading and responding to her email.

Mr. Slater responded on 01/15/20. Sherry read a section of Mr. Slater's email pertaining to this matter:

"Finally, there is some mention of a potential disciplinary action to be taken by the IC. As I understand the chain of command, the Chief (or, in this case, interim chief) is in charge of the day to day operations of the District. That would include any disciplinary actions. If an employee is dissatisfied with the action taken by the Chief, I would hope there is a method to appeal that decision to the Board. The Board should not get in the way of the Chief's operation of the District prior to the imposition of such disciplinary action, as that would violate the chain of command that is set up.

Next to Kala's email:

I am concerned that the Board is getting involved in day-to-day personnel matters. As mentioned above, I think the Board needs to give the Interim Chief the authority to do his job, which includes discipline. If an employee has an issue with a disciplinary decision, the employee should be able to appeal that matter to the Board. The Board should not get involved prior to such appeal on the employee's behalf."

During discussion, Patrick stated that the fire department and the EMTs need to have the authority to do their job, they need to have the tools to do their jobs. The board needs to provide them with that, that is the board's job.

Vote: Unanimous – motion carried.

**PUBLIC COMMENTS:** 3 minutes / No disrupting pursuant to CRS 18-9-108" & DMFPD Bylaws

- Sherry said that if issue is not on this agenda, it may be placed on next meeting's agenda. She clarified that this is a public input session. Public input is not a question and answer session. Public members are allowed 3 minutes to provide a statement and can request a topic to be added to the next meeting agenda.
- Howard Dixon announced a Lasagna dinner Saturday, Feb. 29 from 4:30-6:30. Cost is \$9 for adults 5 for kids.
- Jerry St. John thanked the community for coming together to back up the fire department (F.D.). The F.D. needs the community as much and the community needs the F.D. Station three will proceed. He expressed that the oversight committee and the community support is needed so that the problems in the past aren't repeated.
- Ken Vito thanked Sherry for her effort and enduring through everything without the support of the other board members. He stressed that the oversight committee needs to come up with good candidates to run for the election. Ken suggested that the board research what is happening in surrounding communities so that employees are paying their people and Deer Mountain should be commensurate with these communities.
- Rachel Vinson asked for timely responses in communications from the board for. She requested at a minimum an acknowledgment within 72 hours. She wondered if there needs to be a meeting to review SOGs & SOPs.
- Patrick Smith read a lengthy statement from Sharon Baker with details of an incident which resulted in an unhappy mother that was contesting the incident. Sharon plans to file a criminal complaint for harassment against the woman. The allegations are so outrageous that she is leaving the Deer Mountain Fire Department.

**ANNOUNCEMENTS:** Sherry announced that the next regular board meeting will be Mar 18, 2020 at 6:00 PM

**VOTE TO ADJOURN:** Sherry motioned to adjourn this meeting. Second by Vote: Unanimous – motion carried.  
Meeting adjourned at 7:15 PM