

RECORD OF PROCEEDINGS

West Metro Fire Protection District
Civil Service Committee Meeting
January 13, 2022

I. CALL TO ORDER

The regular meeting of the West Metro Fire Protection District Civil Service Committee was called to order by President Don Sherman at 6:00 p.m. This meeting was held in accordance with the applicable statutes of the state of Colorado, at West Metro Fire Protection District's Administrative Office Building, at 433 South Allison Parkway, Lakewood, Colorado, and available remotely via Zoom.

II. ROLL CALL

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| President Don Sherman | Present |
| Vice President Peggy Valdez | Present |
| Member Susan Emsbo | Present |
| Member Dick Igel | Present |
| Member Leo Johnson | Present |
| Member Jim Roos | Present |
| Member Danny Turney | Present |
| Board Liaison Mike Williams | Present via Zoom |

Also present were Fire Chief Don Lombardi; Division Chief Doug Hutchinson; Captain Reed Norwood, representing IAFF Local 1309; Ms. Cathy Tallerico, Esq. (legal counsel for Chief Lombardi and the administration); and, Ms. Jennifer Wheaton as recording secretary. Present for the appeal hearing were: Mr. Paul Tenorio, Esq. (attorney for Mr. Bourne); Lieutenant Mike Mulcahy (union representative for Mr. Bourne); Mr. Richard Lyons, Esq. as special counsel to the CSC, and Mr. Wyatt Foreman, Esq.

III. PUBLIC COMMENT

None.

IV. ADOPTION OF AGENDA

MOTION: It was moved by Leo Johnson and seconded by Jim Roos to accept the agenda for the regular meeting of the West Metro Fire Protection District Civil Service Committee of January 13, 2022, as presented. The motion was voted upon and carried.

V. APPEAL HEARING FOR THE COMMAND ORDER OF DISCIPLINE BY FIREFIGHTER PARAMEDIC NICKALUS BOURNE

A. Disciplinary Hearing Heard by the Civil Service Committee

Firefighter Paramedic Nickalus Bourne requested a review hearing before the Civil Service Committee (Committee) of the determination of the District's Board of Directors dated November 23, 2021, which affirmed the decision of Fire Chief Don Lombardi to impose disciplinary action to terminate Mr. Bourne's employment with the District. Prior to arguments, Mr. Sherman as chair, made several rulings on procedural issues. The Committee then proceeded to hear oral arguments from Mr. Bourne and his attorney, Mr. Tenorio.

MOTION: At approximately 7:22 p.m. it was moved by Peggy Valdez and seconded by Danny Turney to enter into an executive session pursuant to § 24-6-402(4)(b) CRS for purposes of receiving legal advice regarding the hearing and pursuant to § 24-6-402(4)(f) CRS for purposes of discussing a personnel matter regarding Firefighter Paramedic Bourne's appeal. The motion was voted upon and carried unanimously.

MOTION: At approximately 7:53 p.m. it was moved by Jim Roos and seconded by Leo Johnson to adjourn the executive session. The motion was voted upon and carried unanimously.

President Sherman announced that no motions were made nor were any votes taken in executive session.

B. Appeal Decision

MOTION: It was moved by Jim Roos and seconded by Leo Johnson to uphold the board's ruling and order with respect to the discipline of Firefighter Paramedic Bourne, as the board's decision is adequately supported in the record, and that all applicable policies and procedures were followed by the fire chief. I direct Mr. Lyons to draft a written decision for the Committee's approval. The motion was voted upon and carried unanimously.

VI. REVIEW OF MINUTES

MOTION: It was moved by Leo Johnson and seconded by Danny Turney to approve the minutes of the regular meeting of the Civil Service Committee dated December 9, 2021 as presented. The motion was voted upon and carried unanimously.

VII. REPORT OF THE FIRE CHIEF – Fire Chief Don Lombardi

Response to COVID-19 continues. West Metro is doing well weathering the increase in cases currently affecting the country. At present, there are around 10 employees infected with the virus with the majority of individuals reporting mild symptoms. Chief Lombardi credited the high vaccination rate, commitment to mask wearing, and allowances for remote work for day personnel for the relatively low infection rate within the organization.

Navigation through the vaccine mandate for federal contractors continues. West Metro will continue with the current directives while Chief Lombardi continues to closely follow the outcome of the appeals court case pertaining to federal contractors. In the meantime, 27 employees have received a vaccine exemption and will be subject to weekly COVID PCR testing.

West Metro provided immediate resources to the Marshall Fire, including two medic units that assisted in evacuating Avista Adventist Hospital, followed by ongoing support over the next four days. Chief Lombardi noted some of the extraordinary work accomplished by West Metro in response to protecting neighborhoods in the affected areas. As soon as the final report on this fire is available, Chief Lombardi will arrange to have the wildland coordinator, Brendan Finnegan present to the CSC at a future meeting. Chief Lombardi commented on a mitigation strategy plan that West Metro has proposed to the City of Lakewood to stop or slow the progression of fire in vulnerable areas within the District.

VIII. REPORT OF THE TRAINING CHIEF – Division Chief Hutchinson

Due to COVID precautions, multi-Company Drills scheduled for the month of January have been postponed to a later date in the summer. In the month of February, a wildland refresher course is scheduled for delivery to all members as part of a requirement for certification with the National Wildland Coordination Group – Red Card Certification. The recruit academy 22-01 will begin on February 1, 2022 with 11 recruits from West Metro, 9 Arvada, 4 Tri-Lakes-Monument, and 4 from Castle Rock Fire. These recruits will graduate June 8, 2022. The Red Rocks Community College spring academy held an orientation earlier in the week with 25 students attending this session. Lieutenant Dan Fahrney will be leaving the Training Division to return to a line duty role. Lieutenant Chad Stodden has been transitioning into the role as Lieutenant Fahrney’s replacement over the last two weeks.

IX. REPORT OF LEGAL COUNSEL – Cathy. Tallerico, Esq.

None.

X. REPORT OF BOARD LIAISON – Secretary Mike Williams

None.

XI. REPORT OF THE UNION – Captain Reed Norwood

Captain Norwood updated the Committee on the 20 new firefighters who graduated from recruit academy 21-02 in December that are now assigned to shifts and working as firefighters. The Union has begun swearing the new firefighters into the Local 1309 during the monthly meetings.

Captain Kevin Reichenbach has resigned from the union e-board as secretary/treasurer and has taken a role with the Colorado Professional Fire Fighters (CPFF) as the state secretary/treasurer. Captain Norwood wished Captain Reichenbach well in his new role. Captain Norwood has been sworn in as the new secretary/treasurer, creating a vacancy for the role of vice president. Interviews will be held for the new vice president position next week. Firefighter Paramedic Michael Long has been sworn in as a new trustee, responsible for end of year financial audits.

The IAFF Affiliate Leadership Training Seminar (ALTS) in Orlando, Florida just concluded. Five Local 1309 members were in attendance.

23 IAFF firefighter homes were in the vicinity of the Marshall Fire. No fire fighter homes were lost during the incident.

XII. REPORT OF THE RCS SUBCOMMITTEE – Captain Reed Norwood

The new hire testing process is open for applications for two more days. Application turnouts are lower than in years past. Captain Norwood still considers West Metro to be in a good position with over 300 applicants, in comparison to fire departments from across the nation that are reporting very low applicant turnouts. The written exam will occur on January 29. Candidates can familiarize themselves with the entry level written exam by accessing an on-line practice test. Practice physical agility testing (PAT) dates have been a success, allowing applicants a hands-on opportunity to become familiar with the physical aspect of the process. PATs will occur in late January and in February. The oral board interviews will be in-person in March.

XIII. FINANCIAL REPORT – Division Chief Doug Hutchinson

A. Budget Review

Chief Hutchinson reviewed the 2022 year-to-date budget.

XIV. OLD BUSINESS

A. 2022 Captain Promotional Exam

The written exam will occur next week, followed by the assessment center during the week of February 7. In the meantime, Chief Hutchinson is in the process of fine tuning the exercises involved in the assessment center.

B. 2022 3rd Grade Developing Firefighter Written Exam (2021-01)

The written exam will occur on February 11, followed immediately by the practical skills test at the Training Center.

XV. NEW BUSINESS

None.

XVI. DESIGNATION OF POSTING PLACES

West Metro Fire Protection District Website, and the main lobby of the administration building when the website is unavailable or inoperable.

MOTION: It was moved by Leo Johnson and seconded by Danny Turney to approve and authorize continuation of posting public notices and agendas for the Civil Service Committee meetings on the West Metro Fire Protection District website; and, the main lobby of the administration building of West Metro Fire Protection District. The motion was voted upon and carried unanimously.

XVII. ELECTION OF OFFICERS

MOTION: It was moved by Peggy Valdez and seconded by Susan Emsbo to nominate Don Sherman for president. The motion was voted upon and carried unanimously.

MOTION: It was moved by Danny Turney and seconded by Jim Roos to nominate Peggy Valdez for vice president. The motion was voted upon and carried unanimously.

XVIII. OTHER MATTERS

Ringling out ceremonies for retiring members are temporarily on hold until further notice due to the current rise in COVID cases.

XIX. EXECUTIVE SESSION

None.

XX. ADJOURNMENT

MOTION: There being no further business to be presented it was moved by Leo Johnson and seconded by Danny Turney to adjourn the regular meeting of the West Metro Fire Protection District Civil Service Committee. The motion was voted upon and carried unanimously.

The meeting adjourned at 8:40 p.m.

Recording Secretary: /s/s/ Jennifer Wheaton
/s/ Don Sherman