

RECORD OF PROCEEDINGS

West Metro Fire Protection District
Board of Directors Meeting
November 16, 2021

I. CALL TO ORDER

The regular meeting of the West Metro Fire Protection District board of directors was called to order by President Cassie Tanner at 6:31 p.m. This meeting was held in accordance with the applicable statutes of the state of Colorado, at West Metro Fire Protection District's headquarters, 433 S. Allison Parkway, Lakewood, Colorado and also made available remotely via Zoom.

II. ROLL CALL

President Cassie Tanner	Present
Vice President Marta Murray	Present
Secretary Mike Williams	Present
Treasurer Jerry Cassel	Present
Director Bill Clayton	Present
Director Mike Feeley	Present
Director Carolyn Wolfrum	Present

Also present were Fire Chief Don Lombardi; Deputy Chief Mike Kirkpatrick; Deputy Chief Jeremy Metz; Deputy Chief Scott Rogers; Deputy Chief Dan Pfannenstiel; Ms. Adele Reester, Esq.; Ms. Cathy Tallerico (via Zoom), Esq.; Mr. Bruk Mulaw; Lieutenant Mike Mulcahy representing IAFF Local #1309; and, Ms. Jennifer Wheaton as recording secretary.

III. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

President Tanner led the Pledge of Allegiance and requested a moment of silence to honor all fallen firefighters.

IV. PUBLIC HEARING ON THE 2022 BUDGET

President Tanner opened the public hearing on the 2022 budget. As no one signed up to speak in the public hearing, President Tanner announced that the public hearing on the 2022 budget was closed at this meeting. The budget hearing will be continued at the December 7, 2021 board meeting at which time the board will proceed to discuss the budget for adoption.

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

A. Personnel matter to be heard in executive session.

MOTION: At approximately 6:34 p.m. it was moved by Marta Murray and seconded by Jerry Cassel to enter into an executive session pursuant to § 24-6-402(4)(f)(I) CRS for purposes of a personnel matter regarding Firefighter Paramedic Bourne's appeal of the Order of Command of Disciplinary Action. The motion was voted upon and carried.

MOTION: At approximately 7:33 p.m. it was moved by Mike Feeley and seconded by Mike Williams to adjourn the executive session. The motion was voted upon and carried.

MOTION: At approximately 7:34 p.m. it was moved by Bill Clayton and seconded by Carolyn Wolfrum to enter into an executive session pursuant to § 24-6-402(4)(f)(I) CRS for purposes of a personnel matter regarding Firefighter Paramedic Bourne's appeal of the Order of Command of Disciplinary Action and pursuant to Section 24-6-402(4)(b), C.R.S. for legal advice regarding Paramedic Bourne's appeal of discipline by the fire chief. The motion was voted upon and carried.

MOTION: At approximately 7:52 p.m. it was moved by Mike Williams and seconded by Carolyn Wolfrum to resume the regular board meeting of the West Metro Fire Protection District. The motion was voted upon and carried.

B. Appeal Decision

MOTION: It was moved by Mike Feeley and seconded by Jerry Cassel to affirm the fire chief's decision with respect to the discipline of Firefighter Paramedic Bourne.

Discussion was had by all directors regarding how the facts in the record on appeal established that Firefighter Paramedic Bourne lied to Chief Lombardi and supported findings of violations of multiple sections of the District's Code of Conduct; that the District's administrative procedures provide for termination as a consequence of such actions; that discipline procedures were followed and due process was provided to Firefighter Paramedic Bourne at all stages of the discipline and appeal process in which he and his union representative participated in; and that Chief Lombardi's decision to terminate Firefighter Paramedic Bourne is supported and there are no reasons to overturn it.

The motion was voted upon and carried unanimously.

President Tanner announced that the appeal decision will be delivered to Firefighter Paramedic Bourne on Tuesday, November 23, 2021.

VI. REVIEW OF MINUTES

MOTION: It was moved by Jerry Cassel and seconded by Mike Williams to approve the minutes of the regular meeting of the board of directors dated October 26, 2021, as presented. The motion was voted upon and carried.

VII. PUBLIC COMMENT

None.

VII. REPORTS

A. Report of the Fire Chief – Fire Chief Don Lombardi

1. Covid-19 Update

Command Staff and the Union representatives continue to navigate the vaccine mandate for federal contractors. Currently, the organization is 87% fully vaccinated, 32 employees applied for an exemption from the vaccine mandate with 29 employees receiving approval. The majority of the exemption requests were for religious reasons. None of the medical exemption requests were granted by the District physician and all decisions are final. A number of individuals have recently submitted vaccination cards, with more anticipated once fully vaccinated. At present, there are 26 individuals who have not produced documentation of vaccination and have not received an exemption. The rules for the mandate have changed somewhat and the new deadline for compliance is January 18, 2022. Chief Lombardi will be sending out an updated directive pertaining to the vaccine mandate date change, as well as mask wearing requirements for unvaccinated employees, and mask wearing criteria for vaccinated employees.

2. Finance Division

- a. September 2021 Financial Statements

Mr. Mulaw reviewed the September 2021 financial statements which will be brought to the board for approval at the December 7, 2021 meeting.

3. Accreditation Update

- a. Upcoming Strategic Work Plan Briefing at the December Board Meeting

4. Budget Update

The December board meeting is adjusted to December 7 to allow time for board approval of the budget and other resolutions before being submitted to the state by the December 15th deadline.

- B. Administration – Deputy Chief Jeremy Metz

1. Administration Update

- a. Budget Update

Since the 2022 budget books were distributed, a change to Fund 17 (the Apparatus Replacement Fund) has occurred to account for current supply chain issues that are causing significant delays in the delivery of apparatus. The change will allow advanced purchasing of apparatus in order to maintain delivery consistency. This change will require the temporary utilization of reserve funding to accomplish these advanced purchases. The board will be asked to approve this change at the December 2021 board meeting.

b. Grant Funding Update

The Assistance to Firefighters Grant (AFG) provides financial assistance for personal protective equipment (PPE), self-contained breathing apparatus (SCBA), etc. Due to the projected need for updated SCBAs in the year 2023, which will cost approximately \$2 million, the decision has been made to hold off requesting funding from AFG in 2022 in favor of making a larger request in 2023 to ease the financial burden of the future SCBA purchase.

The Division of Fire Prevention and Control has a state grant due in December for which we will submit an application to assist with the purchase of wildland fire PPE.

Early work is being done to prepare the application for the Medicaid supplemental reimbursement program for 2022.

c. Contracts for the Denver Federal Center and National Renewable Energy Laboratory (NREL) have been recently updated.

C. Operations – Deputy Chief Dan Pfannenstiel

1. Operations Update

The wildland fire season is winding down with no deployments at the moment. West Metro is assisting with monitoring the Estes Park fire which is at approximately 133 acres.

Notable calls included a structure fire that occurred recently at a 12-unit slot home community. The fire was contained to the first two units. The other notable call was a structure fire in a 3-story, multi-family property where the sprinkler system extinguished the fire, containing it to the room when the fire originated. The fact that the fire didn't breach the hallway is a testimony to the great work done by the Life Safety Division.

Chief Pfannenstiel reminded the board members about their access to the WMFR Dashboard, a live data portal which allows board members to remain updated on call processing, turnout times, travel times, incident types, etc. The staff uses the Dashboard to measure the success of responses, and to identify needed areas of improvement.

D. Life Safety – Deputy Chief Mike Kirkpatrick

1. Comprehensive Project Report – Electronic Report
2. Edgewater Fire Code Update

The City of Edgewater approved the 2018 version of the fire code, which will go into effect on January 1, 2022.

3. The Life Safety Division will be involved in the planning for a CDOT-funded project in Wheat Ridge between 35th and I-70. The updates will add bike lanes, sidewalks, fire hydrants, medians, and improve traffic infrastructure.

E. Other Matters

None.

F. Report of Legal Counsel – Adele Reester, Esq.

The legal update occurred in executive session.

G. Report of the President – President Cassie Tanner

None.

H. Treasurer’s Report – Treasurer Jerry Cassel

MOTION: It was moved by Jerry Cassel and seconded by Mike Feeley to approve the August 2021 financial statements as presented. The motion was voted upon and carried.

I. Report of the Union – Lieutenant Mike Mulcahy

President Mulcahy reported that he was reelected as of president of the Local 1309.

President Mulcahy invited all board members to attend the Union Holiday Party and Awards and Recognition Ceremony on December 11, 2021.

President Mulcahy announced that the 2022 Working Agreement was voted upon by the membership and was overwhelmingly approved.

J. Report of Civil Service Committee – Treasurer Jerry Cassel

Mr. Cassel reported on the November 4, 2021 Civil Service Committee meeting. The next meeting of the CSC is scheduled for December 9, 2021.

IX. OLD BUSINESS

A. 2022 Financial Risk Analysis – Fire Chief Don Lombardi

Chief Lombardi reviewed the 2022 Financial Risk Analysis. The board will be asked to adopt a resolution approving the 2022 budget at the December meeting.

B. Apparatus Purchase (1 Tower, 2 Engines, 4 Medics) – Division Chief Tom Richards

MOTION: It was moved by Carolyn Wolfrum and Seconded by Mike Williams to approve the purchases of the apparatus with associated components and authorize Chief Lombardi or his designee to execute all associated contracts. The motion was voted upon and carried.

X. NEW BUSINESS

- A. Request for Sabbatical Leave by Kimel Brent – Fire Chief Don Lombardi

MOTION: It was moved by Bill Clayton and seconded by Jerry Cassel to approve the request for sabbatical by Kimel Brent, beginning January 8, 2022 through April 29, 2022. The motion was voted upon and carried.

- B. Request for the Top Five Names from the Civil Service Committee for the Rank of Lieutenant – Fire Chief Don Lombardi

Chief Lombardi requested and received consensus from the board members to request the top five names from the eligibility registers for the rank of lieutenant, from the Civil Service Committee

XI. BOARD BRIEFS

None.

XII. OTHER MATTERS

- A. December 15, 2021 - Board and Civil Service Committee Holiday Event

XIII. EXECUTIVE SESSION

MOTION: At approximately 9:31 p.m. it was moved by Mike Feeley and seconded by Carolyn Wolfrum to enter into an executive session pursuant to § 24-6-402(4)(b) CRS for purposes of a litigation update for the Bourne and Axtell matters. The motion was voted upon and carried.

MOTION: At approximately 9:50 p.m. it was moved by Mike Feeley and seconded by Bill Clayton to resume the regular board meeting of the West Metro Fire Protection District. The motion was voted upon and carried.

President Tanner announced that no motions were made nor were any votes taken.

XIV. ADJOURNMENT

MOTION: There being no further business to be presented it was moved by Mike Williams and seconded by Marta Murray to adjourn the regular meeting of the West Metro Fire Protection District board of directors. The motion was voted upon and carried.

The meeting adjourned at 9:51 p.m.

Recording Secretary: /s/ Jennifer Wheaton
/s/ Mike Williams

CERTIFICATION OF EXECUTIVE SESSION

On November 16, 2021, it was duly moved and seconded that the West Metro Fire Protection District Board of Directors enter into an executive session pursuant to §24-6-402(4)(f) C.R.S. for purposes of discussing a personnel matter regarding Bourne appeal for decision of Fire Chief and § 24-6-402(4)(b) C.R.S. for legal advice regarding the same from the Board's legal counsel, Adele L. Reester, such advice constituting privileged attorney-client communications in the opinion of Ms. Reester. The motion carried unanimously and the Board entered into an executive session from 7:34 p.m. until 7:51 p.m.

CERTIFICATION BY REGISTERED ATTORNEYS

I, Adele L. Reester, Reg. No. 28549, hereby certify that the executive session was devoted to providing specific legal advice to the Board of Directors regarding the personnel matter regarding Bourne's appeal and that all such communications for that portion were privileged under applicable Colorado law and Supreme Court rules.



Adele L. Reester

CERTIFICATION OF EXECUTIVE SESSION

On November 16, 2021, it was duly moved and seconded that the West Metro Fire Protection District Board of Directors enter into an executive session pursuant to § 24-6-402(4)(b) C.R.S. for legal advice for a litigation update for Bourne and Axtell matters from the Board's legal counsel, Adele L. Reester, such advice constituting privileged attorney-client communications in the opinion of Ms. Reester. The motion carried unanimously and the Board entered into an executive session from 9:37 p.m. until 9:50 p.m.

CERTIFICATION BY REGISTERED ATTORNEYS

I, Adele L. Reester, Reg. No. 28549, hereby certify that the executive session was devoted to providing specific legal advice to the Board of Directors regarding a litigation update for the Bourne and Axtell matters and that all such communications for were privileged under applicable Colorado law and Supreme Court rules.



Adele L. Reester