



Gateway-UnawEEP Fire Protection District

SPECIAL BOARD MEETING

GATEWAY-UNAWEEP FIRE PROTECTION DISTRICT

BOARD MEETING MINUTES

THURSDAY, SEPTEMBER 27TH, 2018

1830 9/27/2018

Meeting called to order by Chair Joe Tyson at the Gateway Community Building

Present Board Members

Jim Vlasak, Dennis Brock, Dean Rickman, Mike Branham

Attorney John Justus

Chief James Barnett and administrative assistant Chasity Cable

Public John Steward, Nancy Smith, Charlie Tyson, Fred and Amy Bolton, Joshua Jukes, James Wood, Bob and Lisa Eakle, Al Sisson, Paul Ashcraft, Christian Lutsow

Request for public present to fill out public input cards to Mike B before speaking

1834

Call to Executive Session confined to 2014 Services Agreement

Dean motioned - second

Vote- 1 nay, 4 in favor, motion carried

James Barnett had 1 item, requested for any discussion regarding him to be done in open public forum

Fred Bolton- requested board move to station room and allow public to stay put, agreed by Chair

Attorney- would be a violation of client privilege for open forum. Discussion will be confined to the contract. Personnel matters may be discussed in public forum as requested.

1837 board moved into station for an Executive session

1857 board returns and Chair resumes regular session

Chair requested to go into Executive Session confined to Chief Barnett 's contract

1858 Chief Barnett requested an open forum

Attorney- not allowed, personnel matters would be allowed

Dean Motioned to go into Executive Session, second

1 nay, 4 in favor, motion carried

1900

Board goes into the station for an Executive Session confined to the contract

1932

Board returns from Executive Session, conversation was confined to the contract

Chair resumes regular session

Chair- Comments from the board? Remind everyone the board voted to have the attorney negotiate with the chief regarding his contract. Chief acknowledged and was willing at the last meeting, and later said he was uncomfortable and would not negotiate with the attorney.

He then wanted the negotiations to be held in a public forum.

We reject this request.

Board member- Motion to not renew the contract

Board member- motion second

Public interruption- Lisa Eakle recommendation for public forum

Chair- rejected

Board Member Dennis Brock- At a loss for why the Chief would not negotiate, really hoped he would.

Chair- calls for vote on motion

4 in favor

1 nay

Motion carried

Public interruption

Attorney- Chief is still an employee of the district until the end of his contract

Chair- The board is not happy with the existing contract. Reminds public of policy for public input.

Chair read policy aloud.

Attorney- The contract is in effect until the end of 2018. The contract had to be agreed upon and renewed before the October 1 deadline.

Chair- Requests an Executive Session confined to administrative leave.

Attorney- An open session is advised. The board has plenary authority over district policy. The board has the ability to place an employee on administrative leave. This can be with or without pay.

Traditionally, leave is with pay if there is no wrong doing.

Chair- Calls for a motion to place the Chief on paid administrative leave for the balance of the year.

Board Member- Is the Chief able to enter into negotiations on Administrative Leave?

Attorney- Yes. He would be able enter into negotiations. Would need to be defined whether he is able to be recalled or not.

Public- Interruption and unhappy about the new boards "quick decisions".

Board Member- Would like to make a motion to go into Executive Session with the Attorney. Would like to continue working on the current contract in a work session.

Public- Interruption. Attempting to clarify.

Attorney- It would need to be made part of the October Board agenda for advice from the attorney in a work session.

Chair- In an Executive work session we could rediscuss what happens

Board Member- This was ignored by the Chief

Public- Interruption

Board Member- Subject was agreed upon that the Board would go through the Attorney to negotiate with the Chief

Board Member- This did not get results

Board Member- Monday morning the board received an email from the Chief stating that he was uncomfortable with negotiating through the attorney.

Public- Interruption

Board Member- The previous board meeting agreement was broken by not negotiating with the attorney.

Public- Interruption

Chair- Gives an explanation for the positive reasons to negotiate with the attorney

Public- Interruption

Chair- This is circular. The Chief and present public want input, but the board has already voted not to do the negotiations in a public setting. Back to the board members motion. Can I get a second...no second. Going back to the previous request for a motion to place the Chief on paid Administrative Leave.

Board Member- I motion to place the Chief on indefinite paid administrative leave and that he

surrender all GUSD property and access

Board Member- motion second

Vote- 3 in favor, 1 abstention, 1 nay

Motion Carried

Board Member- direct to Chief, things have been very contentious.

Motion to have the board and attorney script a new contract.

Public, Al Sisson- I would advise to have the contract ready ASAP.

Public- Interruption

Chief- Only he is able to access \$, projects, and personnel. He would like to pass along.

Chair- Access needs to be turned over tonight.

Board Member- motion to start writing 2019 contract ASAP in a work session

Chief- Are you aware of CEO/CFO requirements?

Attorney- The Board has not hired those positions

Chief- Defer

Attorney- What is the problem? If you truly care, please pass along what you know. The board has placed you on administrative leave.

Chief- How can I pass along the information then?

Attorney- You May be placed on retainer to call back.

Chair- The contract must be rewritten.

Chief- What about the confidential material?

Attorney- Only the HIPPA would fall under confidentiality. Everything else goes to the board.

Personnel is in the purview of the board.

Chair- clarifies what is to be turned over

Attorney- The Board has the fiduciary duty to know where and what property is owned by GUSD.

Chief- The Board has in the past known the policies of the department. Discussion of property, content, access, and confidentiality

Attorney- I recommend that you pass along the information

Chief- CORA compliance

Attorney- Have you set up a system only you can operate?

Chief, Attorney, Chair discussion on CORA

Chair- Quickbooks access?

Chief- Will turn over

Public- Interruption

Chief- needs legal counsel for access

Attorney- Chief misunderstanding role of the board

Chief, Chair, Attorney- discussion on access

Chair- Last month's Minutes, should we wait to review and approve?

Attorney- Reminds the importance of reviewing with a fresh memory, recommends approving them.

Chair- please review the minutes

Chair- motion requested to receive the minutes

Board Member- motion to receive the minutes

Board Member- second

Vote- all in favor

Chair- need to appoint a budget officer, Board Member Dean Rickman volunteered

Board Member- motion to accept Dean as the budget officer

Board Member- second

Chief- budget complex, glad to show his work

Vote- 3 in favor, 1 nay

Motion carries

Attorney- need his continued presence?

Firefighter Devon- who do I report to?

Attorney- direct report to the board

Chief- drew up an extensive organizational diagram with 1st & 2nd command, recommend using

Chair- Opens to public comment for those who filled out the form

Public-

Bob- speaks to Board

Saw transition, Fire house unclean, unkept before. Now better training. Board making huge mistake. Wish Chief well.

Lisa- part of board that hired chief, they have no idea what it takes to hire, team wasn't professional before. Previous board was desperate to hire. This was wrong in how it was done. 2 questions: who is EMS Director? Is Gateway Canyons aware?

Al Sisson- We are aware. \$ comes from Mr Hendricks not the resort to GUFD. Recommend to put a date to have contract completed ASAP. The commitment is to the community and not to a person.

Chief- found \$80-90k through county commissioners, recommended to talk with them

Fred Bolton- meeting repugnant, Board contentious, does not like having MCSO on site, repugnant not to discuss in public the contract, board cowards, counsel misled and lied, threatens with subterfuge, resigns as dynamite shoot coordinator and turns in keys

John Stewart- hopefully all is duly noted

Paul Ashcraft- worked under Chief for 4 years, GUFD Chief 's #1 priority, Chief better human than board, resigns as volunteer firefighter and dynamite shoot volunteer

John Stewart- agreed with prior comments, board not operating in productive manner, wish board well

Nancy Smith- heard personnel matters discussed in parking lot, heard Security Officer Tom Early talking with MCSO

Chief- causes great anguish

Chassity Cable- worked alongside for 1 year, best boss yet, likes Gateway will not work under the new board, resigns

Firefighter Christian L- new firefighter, came to gateway because of Chief, resigns, volunteer at another department, disrespect by board nauseating

Al Sisson- we volunteer to a community not a person, was interrupted and Security Officer James Wood stopped Interruption, remember who your neighbors are.

John Stewart- Dynamite shoot still a go?

Chair- unknown

Chief- final statement

Felt improved on face to face, November 20- 20 years EMS service, career based on best interest in patient, colleagues, public; teaches those 3 things, arrived at GUFD to have Chief resign and then become chief, ambulance was not ready or working, listened to prior, focal point was the district and change his desire, respected prior who served, consulted many with vision for impeccable service and patient care, refined work on vision; preferred choice tonight to continue, pass on baton, not leave tonight; reiterates his parting will hurt the district, glad to see public at the meeting, priorities are to provide emergency services, community prevention, both still in critical phase, please stay involved. Asked who would be his point of contact.

Chair- Board Member Dean Rickman will be your point of contact

Board Member- 1 more item

Chief- please don't, need well rounded board

Board Member- resigns, states what was done is criminal and end of the department, it was a witch hunt, accused Chair of loading the board, will probably lose everything, urges public to vote them out, won't be at the dynamite shoot

Firefighter Devon- plan? Direction, personnel qualified, feel disconnected from board, here for community

Chief- there seems to have been previous discussion with Firefighter Devon Bogle

Board- no

Chair- requests motion to adjourn

Board Member- Motion to adjourn

Board Member- second

Vote- all 4 in favor

Meeting adjourned @ 2135 hours

Statement of Attorney re: Executive Session of the Gateway-UnawEEP Fire Protection District

I, John P. Justus , am a licensed attorney in the State of Colorado, Attorney Registration Number 40560.

At the September 27, 2018 meeting of the Board of Directors of the Gateway-UnawEEP Fire Protection District (the "District"), a motion was made and passed, pursuant to C.R.S. § 24-6-402(4), to enter into executive session to confer with and receive legal advice from the District's attorneys, pursuant to C.R.S. § 24-6-402(4)(b), regarding the 2014 Services Agreement between the District and Gateway Canyons LLC.

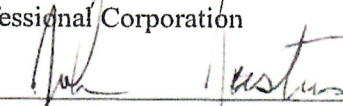
At the September 27, 2018 meeting of the Board of Directors of the District a motion was made and passed, pursuant to C.R.S. § 24-6-402(4), to enter into executive session to confer with and receive legal advice from the District's attorneys, pursuant to C.R.S. § 24-6-402(4)(b), regarding the employment contract/agreement of Fire Chief/Paramedic James Barnett.

I attest that the District's attorney was providing the board legal advice on the specific legal matters identified above, which would reveal privileged and/or confidential matters or compromise a negotiating strategy if discussed in open session, that the discussion during the executive sessions constituted a privileged attorney-client communication, and that discussions were limited to the announced topic. Therefore, no electronic record was kept of the discussion.

DATED this 28th day of September, 2018.

HOSKIN FARINA & KAMPF
Professional Corporation

By



John P. Justus, #40560
Attorneys for the District