

# INDIAN HILLS FIRE PROTECTION DISTRICT

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## SPECIAL BOARD MEETING MINUTES

Wednesday, February 29, 2012

*The Minutes are intended to reflect the discussions that occurred and decisions that were made by the members; they are not intended to be a transcription of the meeting.*

### **MEETING ATTENDED BY:**

***Fire Protection District Board Members:*** Paul Pettit — President; Bret Roller — Treasurer; Marc Rosenberg — Secretary; Ron Walton; Kelley Lehman

***Fire Department Members:*** Don Schoenbein — Chief; Emery Carson — Assistant Chief; Matt Griffin — Rescue Lieutenant; Steve Bruns; Bob Fager

***Non-Members:*** Karen Nelson — Recording Secretary

**MEETING CALLED TO ORDER AT: 17:35 Hrs.**

### **ELECTION RESOLUTION:**

Mr. Pettit made a *motion* to adopt the Board Resolution for 2012 Special District Regular Biennial Election May 8, 2012. Mr. Rosenberg seconded the motion, which passed unanimously.

### **LAND ACQUISITION UPDATE:**

In reference to the offer that the District made on the Noble property, Mr. Roller said that he hadn't heard back regarding a counteroffer. He said that he assumed a counteroffer would still include a letter of donation. Mr. Rosenberg stated that he had spoken with the owner's son, who shared that there might be problems with getting his sister out of the house. Mr. Rosenberg relayed that the owner's son had admitted that he hated to sell the property but would like to see the District get it.

Mr. Roller suggested that a counteroffer could include a provision for the sister to stay in the house for a period of time. He said that he would call Ms. Nemer the following day and share the idea. Mr. Fager asked if it would make sense to push the closing date out. Mr. Roller said that he'd rather close on the property and delay possession. He expressed that he wanted to get the deal done. Mr. Pettit shared that he had spoken to Ms. Nemer two days prior and that she had already submitted the offer. He said that he was glad that the son was on board with the deal.

Mr. Schoenbein turned conversation to the potential substation land. He said that it didn't appear that it would be a problem to get the land rezoned, especially since it wasn't in a flood plane. Mr. Roller said that Mr. McLean was a good contact. Mr. Schoenbein said that there was no record of the land being sold. He said that he would talk with the Harrises. Mr. Pettit advised getting the property surveyed.

**CHIEF'S DUTIES/RESPONSIBILITIES:**

Mr. Pettit asked how the discussion should be handled. Mr. Roller asked if anyone had anything to say before the Board members went into an Executive Session. Mr. Fager said that he didn't have anything to say at that time. Mr. Pettit explained that the Board would be going into an Executive Session since the topic was a personnel issue.

**EXECUTIVE SESSION:**

Ms. Lehman made a *motion* to call an Executive Session per CRS 24-6-402 to discuss personnel issues. Mr. Rosenberg seconded the motion, which passed unanimously. Mr. Pettit called the Executive Session at 17:47. All meeting attendees left the room except for Board members and Ms. Nelson. Recording commenced using the District's recorder.

**REGULAR SESSION:**

Mr. Pettit called the regular Board meeting back to order at 20:21.

Mr. Pettit explained to meeting attendees that the Board had tried to have a discussion with the Chief, but that he had decided to leave. Regrettably so, he added. Mr. Pettit said that the District needed to move forward, adding that it wouldn't happen overnight.

Mr. Walton made a *motion* to suspend the current Employee Handbook and grant authority to the IHFPD Board of Directors to make all personnel decisions. Ms. Lehman seconded the motion, which passed unanimously.

Mr. Roller spoke up to say that a Chief needed to be appointed. He also clarified that while the Employee Handbook dated 11/1/2005 is still the guide for doing business, the Board needs the flexibility to make personnel appointments. A new document would be received from Ms. Nemer, he continued, and the District could work through it then. Mr. Roller emphasized that the course of action that evening was not a "power grab." Mr. Fager interjected that the Employee Handbook had really been done away with when Mr. Schoenbein had been hired.

Mr. Walton stated that he and Ms. Lehman would serve as a committee to work through any personnel issues that might arise.

Mr. Roller made a *motion* to form a committee of Ms. Lehman and Mr. Walton to be answerable for all Department personnel issues. If necessary, issues could be presented to the full Board as well. Ms. Lehman seconded the motion, which passed unanimously.

Mr. Roller made a *motion* to form a committee of Mr. Pettit and Mr. Roller to work with Ms. Nemer on the District's operating documents. Mr. Rosenberg seconded the motion, which passed unanimously.

Mr. Pettit made a *motion* to appoint Mr. Carson as Chief. Mr. Walton seconded the motion, which passed unanimously.

Mr. Rosenberg clarified that Mr. Carson would be empowered with appointing the officers. Mr. Roller explained that the reason the Employee Handbook had been suspended was to give the Board the ability to appoint Mr. Carson to his position. Mr. Pettit said that the Board would be looking for input moving forward. Ms. Nelson may or may not be willing to take on additional responsibilities, he added.

Discussion moved to the best way to announce the events of that evening. Mr. Rosenberg expressed that email is very impersonal. Mr. Pettit agreed but said that it's the most expedient and that he would send a message the following day. He then reminded that any emails that are sent between or to Board members become a part of the public record, which is why he sometimes doesn't respond, he explained. Even phone calls are considered public record, but there's no way to document those, Mr. Pettit added. As such, he strongly cautioned people about what they write.

Mr. Pettit then moved discussion to the "Catch 22" nature of the District's current documents. He admitted that the Board didn't have the right to hire a Chief under the current operating documents and added that the discrepancy should have been addressed long ago. The new documents will be a melding of the old and new and will allow the District to catch up on current laws. The Board had given Mr. Schoenbein powers in his contract that didn't agree with the operating documents, Mr. Pettit admitted. He encouraged Department members to step up and help out with the transition.

**MEETING ADJOURNED AT: 20:35**

There being no more business to discuss, Mr. Rosenberg made a *motion* to adjourn the meeting, which was seconded by Mr. Walton and passed unanimously.

*President:*

*Secretary:*

**MOTIONS MADE AND PASSED:**

- To adopt the Board Resolution for 2012 Special District Regular Biennial Election May 8, 2012. *Motion made by Mr. Pettit; seconded by Mr. Rosenberg; unanimous.*
- To call an Executive Session per CRS 24-6-402 to discuss personnel issues. *Motion made by Ms. Lehman; seconded by Mr. Rosenberg; unanimous.*
- To suspend the current Employee Handbook and grant authority to the IHFPD Board of Directors to make all Department personnel decisions. *Motion made by Mr. Walton; seconded by Ms. Lehman; unanimous.*
- To form a committee of Ms. Lehman and Mr. Walton to be answerable for all Department personnel issues. If necessary, such issues could be presented to the full Board as well. *Motion made by Mr. Roller; seconded by Ms. Lehman; unanimous.*

- To form a committee of Mr. Pettit and Mr. Roller to work with Ms. Nemer on the District's operating documents. *Motion made by Mr. Roller; seconded by Mr. Rosenberg; unanimous.*
- To appoint Mr. Carson as Chief. *Motion made by Mr. Pettit; seconded by Mr. Walton; unanimous.*
- To adjourn the meeting. *Motion made by Mr. Rosenberg; seconded by Mr. Walton; unanimous.*