

MINUTES OF THE RYE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS MEETING

Regular Meeting of May 19, 2010

Present: Directors - Henry Asbury, Ed Sutcliffe, William Monck, and Doug Branch

Absent: None.

Others: Phillip Daniels, Fire Chief, Deputy Chief Dave Mower, Deputy Chief Zane Owens, Captain Jim Beach, Captain Scott Carlton, Lieutenant Steve Bennett, and Engineer Wade Wills.

Call to Order

The meeting was called to order at 7:00 p.m. by Mr. Asbury.

Mr. Asbury recognized the individuals that were present. Sonny Hood stated that there were several people that would like voice opinions and concerns. Mr. Asbury stated that he would allow 3 minutes for each speaker.

Mr. Asbury asked Mike Hood if he would like to be first. Mr. Asbury asked Mike to introduce himself for people that did not know him.

The following is as close to a complete transcription as I could manage - SB

Mike Hood: "I have had communication with the fire department. I would like some justification of why I got fired. I feel it was unjust, because I blew the whistle on some safety issues, the grievance letter that is in the packet, everything that I was told on why I got fired or take the month off were half truths or flat out lies. I wants to know why.

Mr. Asbury: "This was discussed with his supervisors and the command staff and we cannot discuss his personnel records."

Mike Hood: "I don't care. I want everyone to se it. And I want to see what is in it as well. What I saw in the file was not the truth. It was made up stuff to get me fired. I want to know what I was fired; what I did in the probationary period to get me fired. If you read in the packet there is a letter, states that there was a probationary period and states that I had to follow the policy, directives and procedures, wants to know what I did to break that?"

Mr. Asbury: "Chief Daniels, would like to address any of this?"

Chief Daniels: "Under the advice of counsel, we can't speak about anything that is in the personnel record. However, if he wants to sign a release we will send it to our attorney and we can open it up at that time, or, have an executive session with the board."

Mike Hood: "No, I want it out in public."

Chief Daniels: "We cannot do that at this time. If he signs a release and are allowed by counsel to do so, then we will."

The Rye Fire Protection District

Mike Hood: "What about the letter I received on the day that I got fired, it says terminated for cause. What is that cause? What did I do during probationary period to get me fired? What I saw in the personnel record was not true. All started because I put a stop to the water issue, and it started from there.

Mike Hood: "Dave, stop laughing."

Chief Mower: "I'm not laughing. Don't start with me. We have been through this over and over."

Mike Hood: "I have never been able to state my side of the story."

Chief Mower: "Yes, you have."

Mike Hood: "No, I haven't."

Chief Mower: "Unfortunately, we are not able to discuss this at this time."

Sonny Hood: "Why not?"

Chief Mower: "Because we were advised by our legal counsel. The law states that we cannot bring anyone's personnel record into public view without a signature and approval that it is legal. So we are not at liberty to discuss anything that is in Mike personnel file."

Someone in the audience: I think he has the right to read anything in his own personnel file.

Mike Hood: "In their defense, they did let me see it. I didn't read it all, just part of it."

Mike Hood: "The whole thing with the water issue, no one knows exactly what happened. You guys don't know what happened, there was 10's of thousands of water that was taken, the whole department was upset about it. I'm the one who got in trouble for it. I don't understand all of that, just like me getting the month off, it was just me trying to get to you guys to talk about safety issues. I got singled out and shut down in a hurry. There were legitimate safety issues, and I was the one that caught all the gruff over it. There is a lot of people on the department, wished they would of showed up, but they didn't. They are worried about things, but are scared to death about losing their jobs, as he is living proof of that."

Mr. Asbury: "We have no access to your personnel records, and this is between you and the supervisors, you were given a job to do. The supervisors were given a job."

Mike Hood: "I don't understand why I got fired, wait I do know why I got fired, but what they are saying is not the truth."

Mr. Asbury: "These are pretty strong allegations."

Mike Hood: "I lived it, I knows what the truth is and what isn't."

Mr. Asbury: "There are two sides to each story."

The Rye Fire Protection District

Mike Hood: "Exactly. You were never able to hear the other side of the story. If we would been able to come to the board and talk about the issues that are in the letter given to you this would of never happened and we would of been able to solve all these issues without any problems. But it did not work out that way."

Mr. Sutcliffe: "Why doesn't Mike sign a release so the board can get the file and review it?"

Mr. Asbury: "It is not our business to know the day to day operations."

Mike Hood: "I agree with that but aren't you as the board the ones who oversees who gets hired and fired? Don't you have the final say on who get hired and fired? Yes you do."

Sonny Hood: "Yes, you do. Read the personnel manual."

Mike Hood: "As far as I am concerned an informed decision is all I want and all I wanted from the get go."

Chief Daniels: "As I have suggested before, we should have an executive session with Mike in attendance. This would be a perfect solution to all of this and I am more than happy to provide this. Mike, you have had access to your file. They are not sealed from you, however, the board, administration, the people behind me do not have access to them."

Mike Hood: "If I sign a release they do."

Chief Daniels: "If a release is signed, we will have to discuss with our attorney what we can release and how we release it and where we release it. The personnel file is the department's property, and it is not within good order to have it published within the newspaper or such. But if it becomes public record it becomes public record. I suggest that we should have this discussion in executive session, acquire the file and discuss with the people that have access to it, and go forward from there."

Mr. Asbury: "Do you wish for that to happen?"

Mike Hood: "I do, but I don't want to go into executive session to do it. I would rather have it out in the open and public."

Mr. Asbury: "This is as open as it is going to get without a court order for the public release and without going through our attorney."

Mike Hood: "I'll sign the release."

Mr. Asbury: "If you sign the release it will go through the proper channels."

Mr. Asbury: "Chief Daniels to get a form for Mike to sign and we will go from there."

Chief Daniels: "I will ask our attorney which would be the appropriate form. She will review and let us know what is and what is not allowed."

Mike Hood: "Does someone else wanted to speak?"

The Rye Fire Protection District

Sonny Hood: “You guys told me before I resigned that I had to have Dave Mower settle everything. I know some issues, there is proof of it, about what it boils down to, what they call a red card. When someone can’t pass the physical examination they cannot get a red card. If they fail it, and I know for a fact that there was a fireman that failed it, and the Fire Chief instructed the guy that kept time to go ahead and give her a passing time. I talked with Greg Goodland whether you like it or not Hank, Greg is with the US Forest Service, I inquired about falsifying the passing times, Greg Goodland stated that he hoped someone would not falsify something like that because it endangers other firefighters lives, he told me also that it is a federal offense. Now Mike got a letter saying that his grievances were not grievable, they swept it under the rug. Our lawyer is telling us that it is grievable, I was trying to tell you that there were things going on that were not right, and by god you would not listen to me, would you Bill Monck?”

Mr. Monck: “Yes, we listened to you.”

Sonny Hood: “You did not.”

Mr. Monck: “We did listen to you Sonny Hood,

Unintelligible – Mr. Hood advanced toward Mr. Monck in a threatening manner.

Mr. Asbury: “This is getting out of hand and we have barely started.”

Sonny Hood: “Then give us a chance to talk.”

Sonny Hood: “This water issue, all these people here, almost all these people pay a water bill, you guys don’t care your are on wells up in Rye, there was tens of thousands of gallons of water stolen, do you think its right, my water bill is about 100 dollars a month.

Someone from audience: “Mine was \$300.”

Sonny Hood: That is another thing you guys want to sweep under the rug. You made a hero out of Phil Daniels.

Someone from audience: “Can you explain the water deal for those of us that don’t know.”

Sonny Hood: “There is a valve over here at the fire department, the station, that bypasses the water meter, years ago there was an agreement with the CCMD that fire department could fill the trucks with that valve, and would not have to pay for that water for the trucks to fight the fires. Part-time employee, was, or she is a secretary or something like that, her and her husband would come and fill up their 220 gallon tank from that water valve with no meter, no one was paying for it.

Someone from audience: Is it for their personal use?

Sonny Hood: “For their personal use, there is a coin operated water dispenser right up the street.”

Bert Johnson: “I have lived here for 40 years, been here a long time, I have never heard of such underhanded, going ons to steal water and from those of us that pay for it and our water bills have gone up because there are many things that didn’t get done that should have, but to have

The Rye Fire Protection District

somebody steal it whose not down here living really burns me up, and to know that people in that fire department knew it is even more stinking.

Sonny Hood: “And besides that, this Murphy Vorndam, that was taking the water threatened Mike, turned around and told lies about him, and this is the deal, they said they believed her, because she put it in writing, they believed her instead of Mike, Mike did not lie, he did not cuss that woman out over the phone, he would not do something like that. You guys don't care, and now we have dishonest people running this department, and I don't think its right. We need good honest people running this, she should not even be working in the department.

Bert Johnson: “She certainly should not be stealing our water.”

Someone from audience: “They are still employed?”

Sonny Hood: “She got two weeks vacation pay, I heard, Mike got six weeks off, without pay, had to use his comp-time.

Mr. Asbury said he does not know who got what off,

Chief Daniels stated she did.

Sonny Hood: “Phil Daniels told us they gave her two weeks off.”

Mr. Asbury: “If she got two weeks off, this makes no sense.”

Chief Daniels: “In October, when the issues were occurring she was given two weeks of administrative leave, paid.”

Someone in the audience: “Have we filed charges against her?”

Chief Daniels: “No. We did not file charges against her. To set the record straight, I think a lot of you have been hearing misinformation. In early summer, she came to me and stated her well had dried up, and she needed some water. I allowed her, gave her permission to get water from the tap. I did not supervise it, and over a period of time, four months or five months it was still going on, but I don't think it was 10,000 gallons or even 5,000.

Someone in the audience: “But you knew about it?”

Chief Daniels: “Yes, several times.”

Sonny Hood: “Did you get permission from the Metro to do this?”

Roberta Johnson: “can pay for the water not take the free water.”,

Someone in the audience: “Let him finish.”

Chief Daniels: “I would like to finish. In October when this all came to a head, I went and spoke to Metro manager, Mr. Valdez, advised him of the issue and told him I would be personally responsible for the water, not the fire department. We discussed it, at that time we settled it. He did not wish to be paid at that time.

The Rye Fire Protection District

Mike Hood: "Excuse me Phil, how many loads did you tell him they took?"

Chief Daniels: "I estimated two loads a week for this time period."

Mike Hood: "No, that is not what I understand. It was 8 - 10 loads per week."

Chief Daniels: "Once again, what you have heard, what Sonny has heard or is saying or what these gentlemen have heard,-- What I have told you is what I said and what was discussed. At the end of that, it was done. It was brought up again by Mr. Hood in one of our board meetings, he then went and met and spoke with member from the Metro District board, and Mr. Valdez, and I believe we have yet concluded that issue again."

Mike Hood: "But isn't that one of the reason why I got my month off unpaid?"

Chief Daniels: "I am not going to divulge why you have what you have. So that is what happened with the water."

Sonny Hood: "Phil, tell them about the valve and Valdez."

Chief Daniels: "What about the bypass valve?"

Sonny Hood: "We instructed you as a board to go and talk to Mr. Valdez, you went over there and said, well, I gave some water away, you never mentioned that they took it unmetered. Dave told me I did not care someone is paying for it, but I did not think it was right that the fire district was paying for it, but someone was paying for it. You did not tell him about the bypass valve."

Chief Daniels: "Mr. Valdez is not here to verify anything being said."

Sonny Hood: "That is why we had the meeting. Hank chewed me out because we had to go meet with Valdez."

Mr. Asbury: "We have hashed this out numerous times. Phil has gone over to speak with Valdez, and talked it over and thought it was a done deal."

Mike Hood: "Yes until I got a month off for it and ultimately get fired as it is one of the issues."

Mr. Asbury: "I don't know, but there has to be more to your firing than that. I don't know what all the issues are regarding your termination."

Mike Hood: "Yes there are other issues, but I have told you how I feel about them."

Sonny Hood: "The whole thing boils down to Mike or these other firefighters that came to me with the same grievances that never got to tell their side of the story, Mike never got to defend himself for all these lies that were told about him. You know it Hank as well as I do. You know that Mike did not get to defend himself."

Mr. Asbury: "He got to defend himself to the people he has to answer to."

Sonny Hood: "But they swept it under the rug, just like I told you."

The Rye Fire Protection District

Mr. Asbury: "The board does not get involved with the daily issues."

Mike Hood: "You do though."

Sonny Hood: "You better get with it because there are things that are going to happen."

Mr. Asbury: "Thank you very much. Is there anyone else that would like to speak?"

Michelle Dye: "I would just like to say that I have known the Hoods for a very long time, I have know some of you gentleman for a very long time as well, I think that the fact that the Hoods character is in question it is a huge mistake because these are some of the best people in the valley and they have been for a very long time. There's nothing they have not done for people in this valley and there is nothing they would not do for people in this valley, and I find that this is totally ridiculous that their character is being questioned."

Mr. Asbury: "Thank you, is there anyone else that wishes to speak?"

Rich Clennin: "I'm shocked, obviously we all don't have all the answers and we don't know all of it, but its time we find out more what's going on around here. There's a lot of money being spent, and maybe you guys have a lot of money to spend, but I am telling you what, just like this federal government deal, its going to come to a stop, there has got to be a limit, not always going to have all this big income, that's putting this country down."

Mr. Asbury: "We have a very efficient administrative staff, they do their jobs very well. They do their best to take care of the community, the best they know how and the overview of the whole thing, they do a very good job, and thank goodness we have never had a major incident, but these guys are in charge of the department, we do not micromanage. It's their job to manage."

Sonny Hood: "When it comes to safety issues, life threatening, its time that we do look into things."

Mr. Asbury: "We have heard this over and over again."

Chief Daniels: "May I speak? I appreciate what Michelle said, I wish she was still here to listen to my reply. Not once in this meeting, not once in any board meeting of the Rye Fire Protection District, has the personal integrity been impugned of Mr. Mike Hood or Mr. Sonny Hood."

Someone in the audience: "Yes it has",

Chief Daniels: "No, it has not. "You have heard stories. The official record is confidential and we have kept it confidential, with the exception of executive sessions. If Sonny was in executive session and heard things and decided to say those things out loud, that is his doing. But we have not placed an ad in the paper, we have not gone around and found as many friends as we could to come to the meetings. We have done our job and we are following the rules put down by the courts, the State and by the Federal government. We will continue to do that. These issues of safety that are being talked about are like me stating that 'the sky is brown.' These are opinions. This letter of grievance was evaluated by Jim Beach, and Steve Bennett and under confidentiality they looked through it, discussed it, and dealt with it, as per our policy."

The Rye Fire Protection District

(Mike Hood keeps interrupting)

Chief Daniels: Mike, if you continue I will ask you to leave.

Mike Hood: "I am not doing anything wrong."

Chief Daniels: We are following the policy that was established. For a period of 18 months we have worked with Mr. Hood. There have been multiple issues beginning well before October of this past year that included violations of not only policy but could stretch into other activities. We evaluated those. We have found that in Colorado that we were within our rights to terminate in January. We chose not to. We chose to work with Mike some more, put him on a probationary period and throughout probationary period certain actions continued again and we chose to break our employment relation with him. That is what occurred. Multiple things occurred in parallel we have nothing to say that is coincidence, its unfortunate that we have had to do this as in the 7 years of being Chief I have terminated precisely 3 people. It is not something we do every day, it is not something we use as a stick over people. That is where we stand with that. His personnel record is confidential, we will get a document to him to sign, I truly believe you gentleman should have an executive session to review that record if you so choose, and then if he wants it in the open then so be it. Having said that if you have any question I will be happy to answer.

Virginia Hood: "The personnel record is hearsay too. It was all written up within the last month and it is not true."

Chief Mower: "That is what you have heard, because you have not seen or heard nor has Sonny or anybody else any of the facts that are contained within the file. These are facts."

Virginia Hood: "You know something, I raised Mike, has been a wonderful son, and if he had done any of the things you say he did I would say Mike, you did it you got to pay the consequences, I know Mike did not do these things, I know he was cussed out up one side and down the other by the two people stealing the water, and called every name in the book, and everything else."

Chief Mower: "That is hearsay."

Mike Hood: "No its not sir, I have witnesses to both accounts."

Sonny Hood: "You guys think it's right that Murphy Vorndam still be working here, in the district? I know you don't believe that she told lies about Mike, because she put in writing and Mike did not, he did not even know about it for 3 or 4 days, but do you honestly think that a dishonest person that steals and lies should be working for this district, do you think those kind of people should be working for the district?"

Mr. Asbury: "Sonny, you are sitting out there and you're allowed to say anything you choose. We are not allowed to sit up here and say anything we want to or think. Without the personnel recorded being open, Sonny, this a past issue, I can't do anything about it. And these gentleman right here in front of me, their job is to run this department, to manage the employees. I think they are doing a fine job."

Mr. Asbury: "Are there any other comments?"

The Rye Fire Protection District

Michelle Dye: "Would like to know if we plan on putting some type of meter on this water line so this problem does not happen again?"

Mr. Asbury: "We just got done with an agreement with CCMD. All of this is a done issue and has been worked out between CCMD and Rye Fire."

Sonny Hood: "What do you think the responsibilities of the board are?"

Mr. Asbury: "To oversee the function and operations of the fire district, but not to manage each person within the personnel."

Sonny Hood: "Don't you think that it is the board of directors' job to represent the people in this district and do it honestly?"

Mr. Asbury: "Absolutely."

Sonny Hood: "Then why is it not being done?"

Mr. Asbury: "That is what you believe, that it isn't. You were on this board Sonny."

Mr. Monck: "Are you accusing us of being dishonest?"

Sonny Hood: "I am accusing you of not getting to the bottom of this. The board of directors represent the people in this valley, and should give them the best they can."

Mr. Monck: "I could not agree more."

Roberta Johnson: "I would like to lady to come forward and pay for the dag gone water that she took. She should stand up and be an honest person. I don't appreciate getting hit for the water."

Mr. Asbury: "Chief Daniels has offered to pay for the water."

Mr. Asbury: "This is as far as we can discuss without the personnel records. We will be moving on with our meeting. Thank you for your input."

Minutes of April 21, 2010

The Minutes for April 21, 2010 meeting were motioned to approve.

Motion:	Mr. Sutcliffe
Second:	Mr. Second
Aye:	All Present

Accounts Receivable

Chief Daniels stated that the Medicare monies are still pending. Should have them start coming in soon. We have sent some letters out to residents within the District for them to sign off and eliminate their costs for services rendered.

Motion to approve April, 2010 accounts receivables.

Motion: Mr. Sutcliffe
Second: Mr. Monck
Aye: All Present

Accounts Payable

No questions.

Motion to approve April, 2010 account payables as presented.

Motion: Mr. Monck
Second: Mr. Sutcliffe
Aye: All Present

Old Business

Personnel Policy

Chief Mower stated that this was the final draft. Some comments have not yet been included in the copy present, but they have been inputted. Chief Daniels and Chief Mower would like to have discussed and implemented by June 1, 2010. However, attorney needs to review the changes. We will send to the attorney, get a quick turn around time, but would not be implemented until July 1, 2010. Dates that are within the policy would change with amendments. This is to read and review to make final changes. We are continuing to work on individual policies for fleet and other situations around the department and these will be for station purposes and within a different set of policies.

Placer Fire

We will have a conference call June 2, 2010 at 10:00 am. This is concerning the bankruptcy. chief Daniels is requesting an executive session to give the information to the board members for the conference.

Pepsi Truck Purchase

We have the truck, this is sitting under the tanker and is in good condition.

Radio Tower

Fence is in place, box for the repeater is in place. We are going to use an equipment box which will be smaller and less clutter for the site.

Rich Clennin asked what the new truck was for that is with the tanker trailer. This will be the tractor that goes with the taker. If our transport is out we have no way to haul the water. This is used throughout the district as needed.

Board moved to executive session to discuss items which may be subject to court action.

Following executive session, board returned to regular session at 8:42 p.m.

New Business

Natural Gas

The board asked about the natural gas project and inquired if the station was going to hook up with it. Chief Daniels stated that we need to replace our furnace in the station. it currently is outdated and pull air from the bays. We have obtained estimates, this would reroute the air coming from outside rather than the bays with some modifications to duct work and a new furnace, this would also put the furnace efficiency up. The bid we have received is \$8,740. this includes all labor and new furnace.

Motion to approve bid for new furnace, installation, and reroute.


Motion: Sutcliffe
Second: Monck
Aye: All

Adjournment

Motion to Adjourn was made at 9:00 p.m.

Motion: Mr. Sutcliffe
Second: Mr. Asbury
Aye: All Present

Dated this 26th day of May, 2010.



Submitted by Steven E. Bennett, Lieutenant