

**MINUTES OF THE REGULAR MEETING OF
BOARD OF DIRECTORS OF THE
MOUNTAIN VIEW FIRE PROTECTION DISTRICT
June 15, 2015**

I. OPENING OF REGULAR MEETING.

A. Call to Order

The regular meeting of the Board of Directors of the Mountain View Fire Protection District was held at the Administration Building, 3561 N. Stagecoach Road, Longmont, Colorado, on June 15, 2015, and was called to order by Joe Baker at 1800 hours.

The meeting was attended by the following Board members: Joe Baker, Catherine Henze, Jerrod Vanlandingham, Scott Barcewski and Debbie Brodhead.

Quorum is established.

Staff members present were: Mark Lawley, Jessica Scheopner, Donna Mullison, Roger Rademacher, Keith Long, Dave Beebe, and Mike Lee.

D. Approval of Agenda

Debbie Brodhead moved to approve the agenda with Action Item B removed. Scott Barcewski seconded such motion, and it was thereafter unanimously approved.

II. CONSENT AGENDA

A. May 18, 2015 Regular Meeting Minutes

Jerrod Vanlandingham moved to approve the April 20, 2015 regular meeting minutes. Catherine Henze seconded such motion. A roll call vote was taken and is as follows:

Director Brodhead voted yes.

Director Barcewski abstained due to absence.

President Baker voted yes.

Director Henze voted yes.

Director Vanlandingham voted yes.

The motion was approved with four (4) voting in favor and one (1) abstaining.

III. PUBLIC/MEMBER PARTICIPATION

NONE

IV. ACTION ITEMS

A. Financial Statements—May 2015

Donna Mullison, Finance Director, reported the following:

In the packet please find the financial statements for May, 2015. The benchmark for the end of May is 58.33% remaining. The District was under budget in expenditures at the end of May

with 61.64% remaining. As of the end of May, we have received nearly 74% of our budgeted revenue for the year.

We continue to wait for clearance from the State of Colorado to finalize and close out our FEMA public assistance grant. We have gone on one wild land fire.

Jerrold Vanlandingham asked how much are we waiting on and who the contact with FEMA is. Donna Mullison replied we are waiting on approximately \$11,000 and the contacts vary.

Catherine Henze moved to approve the May, 2015 financial statements. Scott Barcewski seconded such motion, and it was thereafter unanimously approved.

B. Board Censure of Director Henze

This item was removed.

C. 2009 Resolution

President Baker explained the following:

For the Board of Directors, this item has been discussed and if there are questions please do not hesitate to ask. If it is deemed legal advice is needed, our Attorney Rick Shearer will advise the Board and possibly in an Executive Session, if needed. He asked everyone for their patience as we go through this item.

Chief Lawley reported the following:

At the April meeting the Board gave direction to develop a set of parameters for staff, District legal counsel and the Union to address in a new resolution. The Board asked for staff, District legal counsel and the Union to meet and develop a resolution together. District staff, District attorney and Union attorney met twice but came to no agreement.

President Baker stated we have received a lot of information. He asked that the Board of Directors help him discuss and work through all the information necessary. Further, he asked them to come up with, if necessary, an addendum to the 2009 resolution to address issues. He explained that the District's draft resolution appears to be the best agreement. He explained more that he felt that the process was not broken, thus did not need fixed. To his best recollection, he has not been told or approached by anyone that something was not working until just a few months back. He is asking for any thoughts from the Directors.

Jerrold Vanlandingham asked to hear from the District's Labor Attorney, Brent Case, Esq. Looking at the final and best offer the District provided in the packet, does it address the following:

- maintaining management rights,
- impasse resolution,
- discipline procedures,
- grievance procedures,
- language for promotion procedures
- negotiation procedures
- compensation
- health and safety.

Attorney Case stated yes to all items.

Scott Barcewski asked Attorney Case to elaborate on Health and Safety.

Attorney Case stated they looked at the draft resolution and the topics discussed in negotiations. Speaking with the IAFF, health and safety could include just about anything from equipment to number of firefighters on an apparatus, basically items customarily retained in management rights in fire departments around the state. In order to address the health and safety portion, language was added for personal health and safety equipment. This language is standard for departments with collective bargaining.

Scott Barcewski asked Attorney Case who at the IAFF he spoke to. Attorney Case stated he spoke with the local Union attorney and President Flagg.

Scott Barcewski asked if the Board intends to seek legal advice through executive session. Joe Baker replied that if the situation warrants it we will. The District Attorneys will advise us if we need to take this route.

Jerrold Vanlandingham stated there are a couple of options. We can do nothing; adopt the best and final District resolution, or send them back to continue to negotiate.

Joe Baker explained that if approved the 2009 resolution would be replaced with the draft in front of you if you adopt. No action keeps the resolution as it stands. He explained further that this meeting was to get items of issue out and resolved. He stated in his professional opinion he became a Board member of a fire department that is moving forward with hiring, expanding, and providing great service. He has seen, in other places, this is not the case.

Jerrold Vanlandingham stated that per the Local Union letter, it was apparent that a mutual decision was not made. He asked if the Union is prepared to address us and can they tell us what they are not happy with specifically. He asked if we adopt this resolution what the Union's intentions are.

Scott Barcewski asked if we could stick with the draft resolution presented and look at some key points that seem to be issues. In his opinion, and from his experience, there is no difference between a Captain and a Lieutenant. He asked why we keep the Captains out of the collective bargaining agreement.

Attorney Case explained the resolution allows for them to join if they want too.

Catherine Henze explained her perspective. She believes that you will have dissension among the ranks when you put a so called management personnel in the station with the Union people. She stated that in her experience Captains and Lieutenants were always included in the bargaining unit; and even in some cases the Battalion Chiefs. She stated that she sees a Captain as a glorified Lieutenant.

Jerrold Vanlandingham asked if Captains supervise the Lieutenants. Chief Lawley stated yes.

The Board decided it was a moot point because the draft resolution allows for them to be a part of the collective bargaining agreement if they vote to do so. Per Attorney Case, having the Captains choose to be part of the collective bargaining agreement was above and beyond what was asked from the Board at the April meeting.

Joe Baker asked for President Sean Flagg to come up and explain.

President Flagg explained what they initially asked for was to follow Senate Bill 25. This was the Union's intent all the time, which means including Battalion Chiefs in the collective bargaining unit. They understand that this is the scope of the bargaining agreement. He explained through a timeline what the Union has proposed in the past starting with 2009, specifically regarding the

inclusion of Captains. He stated that they were included all the time but an AOG forbids them from being a part of it. Majority of locals in the state include the Captains.

Jerrold Vanlandingham asked what specifics the draft resolution has in it that causes the inability for both parties to agree.

Union President Flagg stated that the Captains not being included are an issue of not agreeing. He explained that especially since the 2009 Resolution some Captains have been hired from outside of the organization. There is a fear of retaliation from these Captains. He stated further that it is not necessarily fear of retaliation but fear that they will pick sides. He explained that Union members do not fear they will lose their job.

Board President Baker asked that Mr. Flagg be careful with his choice of words because words are powerful. For him, the word "retaliation" comes with a strong connotation. He asked Union President Flagg to either elaborate further or use a more appropriate word.

Union President Flagg continued to explain that since the 2009 Resolution Captains and above are considered management, while Lieutenants and below are just labor; thus causing a divide in the staff. Everybody has advancement goals. We all want the Chief on our side. We do not want to go against the Chief.

Jerrold Vanlandingham asked then if the divide is a perception then. President Flagg stated yes it is just a perception and not the reality.

President Flagg continued to explain the perception is that the Captains fear being part of the Union because they receive an entirely different benefits package. The Union's goal is to bring everyone up to the same set of benefits; or possibly grandfather them in. He assured the Board they do not want to take away anyone's benefits.

Board President Joe Baker asked if the Captains do get better benefits. Catherine Henze stated as management they have more but if they were Union they would not. Union President Flagg stated that currently Captains receive a separate benefits package.

Board President Joe Baker stated that from his experience in both non-management and management positions, why would Captains want to go backwards in terms of benefits. He explained when he promotes someone to management it comes with extra benefits afforded to the position.

Union President Flagg explained they want everyone from the Fire Chief down to get the same benefit package. At this time it does not happen. He made it clear it is not the positions salary they are disputing. It is the benefit package. The Union believes management should only be rewarded with more salary and not with more benefits. His example is giving a better health care plan to management then to labor. The Union does not see this as fair. Before the 2009 Resolution everything was the same.

President Flagg continued to explain that the promotion process for Captains is another issue. This affects the Lieutenants. He stated that both Administration and the Union, during the negotiation process, had a lot of give and take. They want to be able to be a part of the process and have the say. We want to ensure that the Union can bargain the Captain Promotion process, as well as the disciplinary process, they want a say into the process as well. He stated they understand the need to preserve management rights. The Union wants to decide the process in the bargaining arena. He stated they wanted to have a say in the policy regarding hiring; for example, having a certain pass rate on the test. According to his understanding, anything they put into the agreement that would limit the Fire Chief's ability to pick and choose whomever he wanted is unattainable. He gave an example of the Rules of 3. Through that process the top three would be

considered for whom the Chief would choose to be hired not anything less. This would limit the Fire Chief from hiring anyone he wants and this is what they want.

Jerrold Vanlandingham asked about putting together a promotional committee for brainstorming ideas to resolve this issue with Administration and how each piece of the process would be weighted. He stated further that we already have the tools to get there. The final decision for hiring, promoting and discipline is, and always should be, with the Chief. The process can be worked on together to make it clear. He stated he feels the language in the proposed resolution provides for this. He went on to state he does not understand why the Union has such an issue if the language is already there.

President Flagg stated the Union was advised by their legal team to ensure that the language includes the procedure and the policy.

The Board continued to have discussion on the resolution.

Sean Flagg stated that on the record the Union went for Senate Bill 25. He stated the Union would rather have a deal reached instead of going to a vote. The Union wants a relationship with administration.

Jerrold Vanlandingham stated he recognizes the hard work of the firefighters and line staff. He feels that the draft resolution covers what was asked for in the last meeting.

Jerrold Vanlandingham made a motion to approve the District's final proposed resolution as written, Debbie Brodhead seconded this motion. A roll call vote was taken.

Director Broadhead voted yes.

Director Barcewski voted no.

Director Vanlandingham voted yes.

Director Henze voted no.

President Baker voted yes.

The motion passed and the resolution was approved as written with a vote of three (3) in favor and two (2) against. The appropriate officers signed the Resolution.

Sean Flagg, Local Union President, stood up and asked for the Senate Bill 25 resolution to be placed officially on the agenda for consideration at the next regular Board meeting. The Union intends to ask officially for Senate Bill 25 at the next meeting.

V. REGULARLY SCHEDULED ITEMS

NONE

VI. REPORTS

Written staff reports are included in the packet.

Chief Lawley reported on the new ISO rating of 2.

Scott Barcewski asked about what a 2/2Y score means. Chief Rademacher explained what it means.

Scott Barcewski asked in regards to the new station if we are moving forward. Chief Lawley explained we are still moving forward in the process. As of right now the District is still working within the approval process of the Town of Erie.

VII. EXECUTIVE SESSION

None

VIII. BOARD MEMBER ITEMS

Jerrold Vanlandingham brought up an item from former Director Rangel regarding the pay out liability for vacation time for staff with large banks of accrued time. He asked how things are working in getting those times used and down to a more acceptable level.

Chief Lawley explained that agreements were drafted. Vacation is being used or paid out and the limits should be down within the next two years.

Jerrold Vanlandingham asked for the numbers specifically. Chief replied he did not know off the top of his head and would have those for the next meeting

IX. ADJOURNMENT

There being no further business to come before the meeting, Jerrold Vanlandingham moved to adjourn; Catherine Henze seconded such motion and it was thereafter unanimously approved to adjourn the meeting at 8: PM.

Respectfully submitted,



President

Jul 7 2015

Date



Secretary

7-7-15

Date