



GOLDEN GATE

Fire Protection District

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Golden Gate Fire Protection District

Meeting Minutes

18 August 2022

1. Preliminary

- 1.1. Location/Call to order: Deb Curlee called to order the regular meeting of the GGFPD Board at 7:02pm at Station 82, Crawford Gulch Rd, Golden.
- 1.2. Welcome audience.
- 1.3. Pledge of Allegiance
- 1.4. Roll call indicated a quorum was present with Deb Curlee, Sheila Carlon, Dave Kinnard, Steve Green, Niffy Ovuworie. Chief DiFeo was present.
- 1.5. Conflicts of interest: none
- 1.6. Additions and Deletions to the Agenda: add 4.7 Old Business: timeframe for financials and minutes; add 5.2 New Business Google Workspace. Dave Kinnard suggested moving the executive session to the end out of respect for the public since they are closed sessions, and everyone must be excused. Steve Green wanted to keep it where it was. **Motion #1** by Dave Kinnard to move the Executive Session to the end. 2nd by Sheila Carlon. Vote: 3 opposed. **Motion fails.** Add 4.8 Old Business Amendment A.
- 1.7. Executive Session §24-6-402(4)(f), CRS: Discussion of Chief Damian DiFeo's service.
 - 1.7.1. **Motion #2** by Sheila Carlon to enter into executive session to discuss Chief's service. 2nd by Dave Kinnard. Vote: 5 yes. **Motion passes.** Niffy Ovuworie moved to adjourn the regular meeting and enter into executive session at 7:08pm. 2nd by Deb Curlee.
 - 1.7.2. Ended executive session at 7:15 pm and resumed regular session.
 - 1.7.3. Deb asked Steve Green to review the executive session since this was his item: Steve noted the community's dissatisfaction with the direction of the district and the Chief's service.
 - 1.7.4. **Motion #3** by Niffy Ovuworie for a vote of confidence for Chief DiFeo. 2nd by Deb Curlee. Discussion: Sheila was in favor, noting that there a lot of people in this district that we don't know what they are thinking. Vote: 3 opposed. **Motion fails.**
 - 1.7.5. **Motion #4** by Steve Green to have Chief DiFeo offer his resignation. Chief rejected the offer and told the board that if they thought he wasn't doing his job they could terminate his service.
 - 1.7.6. **Motion #5** by Niffy Ovuworie to terminate Chief DiFeo. 2nd by Steve Green.

Discussion:

 - Sheila asked on what cause. No confidence.
 - Dave asked for elaboration. Niffy chose not to elaborate and cause Chief any embarrassment. Dave listed his objections and reviewed Chief's leadership and accomplishments of the last 5 years. Sheila questioned the logic of this action, the compliments the fire department has received, and noted that of the 788 people in this district who were sent ballots, only 330 responded and about 100 of those voted for each of the new members. Dave shared that FFs, seeing that Chief was on the agenda, asked if they should come to support him.

- Niffy felt compelled to state his reasoning: after a tour of the stations, Chief asked if Niffy was going to fire him on day one and that FFs stand with him and he would have them at the board meeting. Niffy stated that he interpreted that as a threat and did not have confidence in a person like that. Chief replied that he never demanded that they have a walk out, only that if they didn't have confidence in this board and wished to leave that he would help them find a place in another fire department.
 - Steve reminded those present that there was a GGFPD FF that verified that Chief wanted the FFs to walk out if the election did not go how he wanted or if he was fired. Steve said there were multiple sources that came to him reporting the Chief would have a walk-out.
 - Niffy **called the question**. Vote: 3 yes. **Motion fails**.
 - Dave recalled the June meeting the FFs attended noting it was productive with no threatening feelings. He explained this should be vetted and heard confidentially in executive session, reminding that public policy is not made on hearsay, anonymous sources and secondhand conversations. Niffy denied it was hearsay. **Deb moved to close discussion**. 2nd by Niffy. Vote: 3 yes. **Motion fails**
 - Dave stated you go into executive session to get additional insights, but you don't ask for a vote to terminate a high-level professional this way.
 - **Niffy moved to adjourn the meeting and move to executive session**. 2nd by Dave Kinnard. Sheila noted that this wasn't outlined in the agenda. Niffy moved to table his current motion for executive session for further discussion. **Motion withdrawn**.
 - Deb recapped: Niffy withdrew his motion for executive session and tabled his motion calling for the termination of Chief.
- 1.8. Steve repeated his **motion to dismiss Chief**. 2nd by Deb. Discussion:
- Dave appreciated the new information that Niffy shared and asked if he talked to Chief and had any sort of rapprochement to share.
 - Niffy explained there are two board members who want to terminate the chief for myriad reasons, but for him, he only needed the one reason—he felt lied to.
 - Sheila asked why it wasn't discussed as a board rather than blindsiding everyone.
 - Steve replied that they have experience with Sheila, Sam and Dave where discussions have gone nowhere. Steve noted the elected board speaks for the district. Dave responded that's the point of the executive session so the board can decide on a fair and balanced approach.
 - Steve wanted this decided tonight, noting the 3 yes votes, and doesn't understand "closing the discussion" or "calling the question" motion and wanted to know where it came from. (Discussion halted while Steve stepped out for air.)
 - Niffy called a point of order when the public began injecting comments.
 - Niffy felt that Chief deserves private conversations; Sheila and Dave deserve to be heard because the people voted for them as well; and the community needs to be heard. He explained that he got elected by specific people who campaigned for him, asking him to run and now asking him to take specific actions. Dave asked if Chief's termination was one of those actions. Niffy chose not to answer and Dave noted that if that's the case, he prejudged prior to any discussion. Niffy denied this and explained he won't end discussion until Sheila and Dave are satisfied.
- 1.9. Niffy called a point of order to refrain from insulting one another. He asked Steve to withdraw or table his motion. Steve wanted his motion to be acted on. Niffy **moved to table the discussion**. 2nd by Dave Kinnard. Vote: 5 yes. **Motion passes**.
- 1.10. Niffy called a point of privilege to talk to Chief privately on the side.

- 1.11. Niffy **moved to bring public comment ahead in the agenda and open to public comment.** 2nd by Deb. Vote: 5 yes. **Motion passes.**
- 1.12. Niffy **moved to limit comments to no more than 3 minutes per individual unless someone wants to yield their time to another individual.** 2nd by Steve. Vote: 5 yes. **Motion passes.**
- 1.13. Public comment
 - 1.13.1. Gerrit Verschuur said Chief lied to him last meeting if he encouraged FFs to walk out. He also addressed the generator and other maintenance issues. He accused Niffy of staying quiet.
 - 1.13.2. Sam Wineland noted there's documentation that you can't stage a walkout and agreed with everything Gerrit said.
 - 1.13.3. Dave Kapusta talked about procedure, that before you fire a chief you put him on probation and have a plan so the district isn't without a chief and FFs. Heading into one of the worst fire seasons with no chief makes the board responsible for what happens.
 - 1.13.4. John Arendt said this board is going to be seen as grossly negligent for firing a chief that has performed above and beyond, and listed Chief's accomplishments.
 - 1.13.5. Tim Priester noted he doesn't see a balance between the comments. This has all the appearance of a kangaroo court, noting the injustice.
 - 1.13.6. Marith Reheis noted this has been the most stable the district has ever been over the last 5 years and was upset with all the fighting and yelling. She reminded that small districts must live and work together to be a functioning community.
 - 1.13.7. Sam Wineland brought up the wildland fire complaint from several years ago.
 - 1.13.8. Sam Patton noted the decision to terminate the chief would cripple the department, noting continuity, a great team of FFs, rapport with other departments, Chief's experience, etc. All the new, young FFs need his leadership.
 - 1.13.9. Dave Kapusta advised identifying the problems before moving on a situation. Having a chief that displeased you is not grounds to fire him.
 - 1.13.10. Charlie Hoff mentioned the early morning fire the sheriffs put out.
 - 1.13.11. Judy Madison noted that fire was on her property and wanted to know why there was no response from GGFD. She wanted to know why Station 82 was not manned.
 - 1.13.12. Chief responded that there are no in district volunteers who live in district 2. Station 82 has the sleeping quarters, so the shift workers do shifts out of this station, but there aren't enough FFs to be here full time. Referencing the fire, it came out as a structure fire so four departments responded, including GG.
 - 1.13.13. Tim Priester commented that the real issue seems to be Timberline and the chief is perceived to be promoting that so put that on the table. Steve corrected that was only one of the problems.
 - 1.13.14. Sam Wineland pointed out safety issues within the station complaining that things were not being attended to, so find another chief.
 - 1.13.15. Julie Ramstetter noted Niffy is well suited for this position because he doesn't take sides. Brought up the wildland fire of 3 years ago; and noted that if a FF is dishonest, he needs to leave. She also pointed out that Dave and Sheila never answer questions.
 - 1.13.16. Valerie Bauman asked why no one mans this station. She can't feel comfortable with the FD being able to protect her property from District 1. She also raised station maintenance concerns.
 - 1.13.17. Terri Costeldia highlighted the relationships that have deteriorated over the past 5 years.

- 1.13.18. Dave Primmer noted he helped start this department and they used to have a lot of fun before we had all this money to argue over.
 - 1.13.19. Gerrit Verschuur addressed Julie Ramstetter about him being hard on Niffy. He accused the chief of not doing his job, again listing issues.
 - 1.13.20. Deb closed public comment.
2. Minutes
- 2.1. Approval of July 2022 Meeting Minutes: Dave Kinnard moved to approve. 2nd by Niffy Ovuworie. Discussion: correct “Prue.” Correct July 2021 to 2022. On pg 5, 3.44 public comment regarding John Arendt, Steve added “if you print what you attribute...” Dave noted this is Steve’s feelings not spoken at the meeting, a later rejoinder to John’s public comment and it doesn’t belong in the minutes. Steve departed the board meeting to take a break. Discussion continued that minutes reflect what happened in the meeting, not a post hoc discussion. Niffy called the question. Deb reiterated the **motion to approve the minutes with corrections**. Vote: 4 yes. **Motion passes**. The vote was taken when Steve was not present.
3. Reports
- 3.1. Treasurer’s Report
 - 3.1.1. See <https://www.goldengatefire.org/minutes-and-financials/> for report.
 - 3.1.2. Open issues/summary of discussion:
 - 3.1.2.1. Dave thanked everyone for their input and discussion.
 - 3.1.2.2. Still no word on the application for audit for exemption.
 - 3.1.2.3. We received the check for damage from the person who hit the truck.
 - 3.1.2.4. Noted the budget committee must present the budget to the board by Oct 15th and asked that a budget committee be identified tonight.
 - 3.1.2.5. Deb asked about the prepaid expense. Dave explained they were the YTD payments for the Property & Liability and Workman’s Comp insurance.
 - 3.1.2.6. Steve raised concern that the newer board members were not being made aware of certain actions, referencing the reissued \$2200 check to Timberline. Niffy didn’t feel that anything untoward was happening, rather we were following up on an obligation. Steve doesn’t feel like he can trust Dave. Niffy moved to end this discussion and allow Dave to finish his report. Steve asked Dave Kinnard who signed the \$2200 check to Timberline and D. Kinnard said he could not remember but would be happy to check the records.
 - 3.1.2.7. Steve found over \$1000 of transactions that were not listed on the transaction report. Dave explained it depends on when they were reconciled.
 - 3.1.2.8. Niffy asked if we could get expense reports to prevent having this conversation every month since this is a procedural issue. Dave reminded this is not governance issue; this is operational, noting receipts go to admin for electronic filing.
 - 3.1.2.9. Deb asked if Chief has a discretionary amount. Dave noted the credit cards have a limit. Sheila noted that everything has to be within the budget. We put everything in categories so it’s discretionary in that there’s only so much that can be spent in any one category.
 - 3.1.2.10. Steve felt things were misappropriated, items were purchased on Chief’s credit card but assigned to Dave, e.g., trophies for recognition of FFs. Admin added a note that the consolidated account is under Dave’s name, the subaccounts are listed under the card holder’s name.

- 4.7.2. Timeframe on financials. Dave felt that it takes a week to get statements, which come out on the 3rd of the month, so 2 weeks to 10 days after that is his timeline. Deb noted the only issue was to have questions out ahead of time to not tie up board meetings. Niffy asked if we must review the prior month's financials at the next meeting or could we trail them another month. Dave explained it's a matter of real time supervision vs. historical review. Sheila noted we are coming up against a budget so it's good to have past expenses in line to compare month to month. Sheila noted the SDA does not require that we have a timeframe, they are only interested in financial oversight/fiscal responsibility.
- 4.8. Amendment A
- 4.8.1. Sheila reviewed that a public member asked about this. The attorney pulled the ballot language and her response was based upon the wording, even with the repeal of Gallagher, the district still has the authority to adjust the mill levy rate to account for the decrease in assessment rates. This would now include the change in the commercial assessment. They're still having conversations on how to deal with the backfill provisions of SB 22-238. Their opinion is that we still have that flexibility to flex the rate, even though Gallagher went away. Budget committee can consider this.
- 4.8.2. Dave noted the difference between the historic RAR of 7.2% and legislature's recently passed RAR of 6.95%; if there was no change in assessed value, the percentage difference would be a similar decrease in our property tax income.
- 4.8.3. Niffy wondered if we have to have an election to repeal Amendment A. If we're already paying for a board election can we add it to an existing ballot? Dave noted they are different ballots so it's the full election expense. Board can revisit this issue next year since the timing has passed for this year.
5. New Business
- 5.1. September board meeting location: Station 81 in person.
- 5.2. Google Workspace
- 5.2.1. Niffy noted Admin researched what it's going to cost, noting we are a non-profit. Admin already sent in an application to see if we qualify. But our grace period ends next week so we have to pay for a subscription.
- 5.2.2. Dave **moved to authorize payment of \$24 per month until such time that we qualify for something different.** 2nd by Niffy Ovuworie. Vote: 5 yes. **Motion passes.**
6. Public comment
- 6.1. Niffy Ovuworie asked if there were any public comment from online/phone members: none
7. Adjournment
- 7.1. Deb Curlee moved to adjourn the meeting. 2nd by Sheila Carlon. Meeting adjourned at 9:42pm. The next regularly scheduled meeting of the Board will be on September 15th, 2022 at 7:00 pm at Station 81.

END

Minutes approved by the Board on September 15th, 2022.