

Evergreen Fire District Board of Trustees

Minutes of Special Board Meeting
May 23, 2016

Board members present: *Shawn Baker, Jack Fallon, John Foust, Dave Edwards,
Dave Adams*

Board members absent: *None*

District Staff/Employees: *Fire Chief Craig Williams, Fire Marshal Ben Covington,
Administrative Assistant Laurie Pein*

Public Attendance: *Fawn Edwards*

MEETING OF May 23, 2016 CALLED TO ORDER AT 1:28 P.M.

PUBLIC IN ATTENDANCE RECOGNIZED:

Fawn Edwards

ADOPT THE AGENDA:

Jack moves to adopt the Agenda as presented, Dave seconds the motion, the Agenda is adopted unanimously as revised.

PUBLIC COMMENT:

None

FINANCIALS:

None

PAST ITEMS/UPDATES:

1. Ben's Grievance

Dave Edwards moves to refine the process for complaints/grievances so that everything goes from the employee to Craig, from Craig to Shawn, and from Shawn to the rest of the

board, then back again. The motion is seconded by John Foust and Shawn Baker opens the motion to discussion.

Dave Edwards believes there should only be one person answering to and dealing directly with the board and that person should be the Fire Chief. Craig is still concerned that there have been no guidelines set in response to Ben's complaint. Dave E. does not understand how there can be a guideline or a standard that is subject to change. Laurie points out that it is not subject to change by one individual, only by consensus of the board. Dave says he sees what she means.

Dave Adams says he thinks what Craig is saying is that he just wants a basic format for how things are done that can be tweaked as needed. Dave Edwards says that he doesn't want the board to be hampered by not being able to ask questions. Craig says that questions regarding budgetary items are important and expected and he wants there to be that interaction and questions from the board on budgetary items. The guidelines Craig is looking for would address the inconsistencies with things like resolutions, motions and things of that nature.

Craig would like the board to task him with developing some simplistic policies and procedures for their approval. John wonders why Craig needs the board to tell him to do this and why couldn't he just bring something or ask Shawn to look at something. Craig says that he has given copies of examples to Shawn but doesn't feel as Chief that he would normally be writing or providing board policy. John says it's not only board policy, it's for administration as well. Shawn says his frustration is that he feels there is progress being made but administration keeps saying they're getting inconsistent policy and direction and that if administration wants something more than that, in writing, it will probably end up hamstringing administration more than giving the board guidelines.

Dave Edwards feels that if Craig answers to the board and takes care of his people and operations, that the complaints will be resolved, and feels that the board is working toward consistency. Dave E. feels that the health of the employees and the board is important and that everyone should just move on. Craig indicates that he would also like to move on but doesn't feel there has been any real progress toward resolution of the issues brought up in the complaints.

John Foust says he feels that if an employee has an issue, it should be taken to Craig and Craig should bring it to the board. If he doesn't bring it to the board, then the employee's issue should be with Craig, not the board. If Craig takes it to the board and the board does nothing, then it becomes Craig's issue with the board. Laurie says she feels that would be fine, but would require a change to the policy in the employee handbook because Laurie and Ben followed the procedure outlined in the handbook and took it to Craig but there was nothing to tell anyone how to handle it from there. Laurie feels that implementing a policy like that would be a good idea and would help in the future but says this procedure was not available to her when her complaint was made and does not understand how a making a new policy for handling future complaints provides an answer to her current complaint against a board member.

Dave Adams reminds the Chairman that there is a motion on the table in regard to Ben's complaint. Dave Adams feels it would simplify things if Craig or Ben were to type up a format for a basic resolution. Jack Fallon believes there are already many resolutions with a standard format but feels the problem with Ben's most recent resolution was in the level of detail provided. Jack Fallon believes the level of detail required for a resolution should be left up to the discretion of the board of trustees. Dave Adams suggests that resolutions be sent to the chairman of the board as a draft prior to the meetings. The Chairman could then forward to the rest of the board for approval, questions or suggestions and it could then be channeled back to Ben through Craig so that when it actually comes to the board for final approval it will be quick and easy to deal with. Shawn Baker agrees. Dave Adams then reminds the board that they would all have to keep their emails checked, actually read the stuff and respond in a timely manner in order for this to work.

Discussion veers back to the way Craig is to handle complaints from employees toward the board or individual board members.

John Foust still has concerns that when you have administrative guidelines flexibility is lost. Dave Edwards has concerns about personal financial liability of board members when it comes to financial decisions made by the board. Craig has concerns about timing and being able to get information disseminated among the board members promptly and wants to make sure board members will be responding in a timely manner.

Craig asks for clarification of his understanding that in future, he will bring future problems to the board along with a written proposal for resolution. Dave Edwards and John Foust confirm that is what they would like to see happen in the future. Dave Edwards suggests that a format for future resolutions should contain the words "not limited to" so it doesn't hamstring the next person.

Craig will bring a written resolution for Ben's grievance to the next board meeting and will provide some suggested examples of how the board can address those. Shawn asks for a draft a few days prior to the meeting and Craig agrees.

Shawn says that Dave Edwards has a motion on the table to refine the process of complaints so that they go through Craig and then through Shawn to the board. Dave Edwards would further like it to contain a statement saying that board members cannot give direction to employees without going through the board as a whole. Shawn believes that would be a separate motion. John Foust thinks that could be done under administrative guidelines.

Shawn suggests amending the motion on the table to say "refine the process so that complaints would go through the Chief and then through the board Chair, with written proposed action or resolution" and calls for a vote. Discussion continues instead of a vote.

Dave Adams asks if the motion means that if there is an issue between an employee and a board member the issue should go through Craig; if there is an issue between employees that is not the board's concern. Dave Edwards confirms that is the intent of the motion. The board chairman would be the liaison between administration and the rest of the board. Dave Edwards further clarifies that it would provide protection for employees so that if a board member is giving direction to an employee, the employee can respectfully tell the board member that they cannot give an employee direction and must go through the chairman of the board and the fire chief. Dave E. believes this will empower the employees to do their jobs.

John Foust feels this matter belongs under administrative guidelines and that the board should first deal with Ben's complaint and hear Laurie's and then this issue can be dealt with. Jack asks to see what Shawn has written down for the motion. Dave Edwards suggests maybe the motion should be tabled until the administrative guidelines portion of the agenda is reached. Jack Fallon restates the motion to say that "relationship issues between trustees, individually or collectively, are to be addressed by the Fire Chief and the Chair of the Trustees and/or the board of Trustees as necessary" and asks if that is along the lines of what Dave Edwards is saying. Dave Edwards says yes. John Foust thinks it sounds good.

Laurie wants to know if that means that in the future, if an employee has a problem with a particular trustee they will not get the opportunity to speak for themselves and it will all have to go through Craig. Dave Edwards says that the employee would only be able to speak during the public comment period and Craig will need to anticipate any questions the employee might have. Jack Fallon adds that Craig would then take it to the Chairman and the Chairman will either address it individually with the trustee and communicate to the Chief what was done, or will address it collectively with the board.

Laurie indicates that she does not believe its right to make the Chief responsible for anticipating any questions an employee might have or points the employee might make. In addition, she feels that if there is an issue with a particular board member, that board member will be in all the meetings and will be afforded an opportunity to speak for themselves but the employee will not. Laurie does not see how that could make an employee feel protected.

Dave Edwards says he's really talking about the overall reason the complaint is levied in the first place which is the interaction between the employee and the board member. So the employee can just go to the Chief and say hey, he's back in my office and telling me what to do again. Laurie then asks what happens if Craig takes it to the board and the trustee in question says they won't do that again but then two weeks later, goes back to it. Dave says that is the difficult part of being an elected official is that you can be voted out or the employee would have the option of making a civil complaint if the board member is violating the employee's civil rights. Laurie then asks if the only way an employee could then speak for themselves is if the issue became a civil case. Dave indicates that the Chief should be the primary filter of administration issues. John says that in his job with the City, they have Union representation and if they have a problem the union can negotiate

with the City Manager, who then goes to the City Council, and the employee would have no opportunity to speak for themselves other than during a public comment period.

Dave Adams says that he believes the discussions happening now are a solution for future issues but there are already complaints in place that have to be dealt with and it's too late to go back and undo that, so he feels the current complaints need to be dealt with, the way they are, and then a guideline can be set for handling any future complaints of this nature. Dave A. adds that many places would form a committee from within the board that would investigate both sides of the issue and would give each side an opportunity to state their case and then would deliberate and come up with a solution. John Foust says he understands what Dave A. is saying but says that there is no guideline for a matter like this to even come to the board so Ben's complaint is really nothing because it's impossible to come to the board without the Chief going through that step. Dave Adams and Craig both point out that there is no step or guideline in place yet that tells the Chief how to do it. John Foust says that's why a guideline needs to be created. Craig agrees but says the current complaints on the table can't be wiped out because of a lack of policy.

A motion is made to amend the previous motion on the table to read "As related to Ben Covington's letter written to the Evergreen Board of Trustees dated February 5th, 2016, relationship issues between the Trustees, individually or collectively, shall be resolved or addressed by and through the Fire Chief and Chairman of the Board of Trustees and/or the Board of Trustees as necessary". The motion is seconded by Dave Edwards. The motion is passed.

Dave Edwards moves that the process be refined so that complaints or grievances go through the Fire Chief to the Board Chairman and from the Board Chairman to the board and that this be the solution to Ben Covington's grievance/complaint; motion seconded by John Foust.

Jack Fallon moves to amend the motion to read: As related to Ben Covington's letter written to the Evergreen Board of Trustees dated February 5, 2016, it is moved that relationship issues between Trustees individually or collectively be resolved or addressed by and through the Fire Chief and the Chairman of the Board of Trustees and/or the Board of Trustees as necessary; motion to amend seconded by Dave Edwards; motion passed unanimously.

NEW ITEMS/UPDATES:

1. Laurie's Grievance

Shawn asks if, based on the motion just passed, Laurie's complaint should be tabled and referred back to the Chief for action. John Foust and Dave Edwards believe that should be the case.

Ben wants to point out that one of the reasons things have been done like they have in the past is because the employees like to take ownership of the work they do and will now lose that with it all going through Craig. John Foust says that to resolve some of these issue the board must step back a bit and get more filtered, even if some flexibility is lost in the process. John F. believes the board won't come to a solution until that filter is in place.

Dave Edwards moves to refer the issue of Laurie Pein's complaint back to the Fire Chief for resolution and proposal; motion seconded by John Foust; motion passes unanimously.

2. Administrative Guidelines

Shawn and Craig will work together to come up with a draft to present to the board for a vote.


PROPOSALS:

None

CHIEF'S REPORT:

None

Meeting adjourned at 1:44 p.m.

Submitted by: 
Secretary, *DeVries*

Signed by: 
Shawn W. Baker - Chairman