

## RECORD OF PROCEEDINGS

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West Metro Fire Protection District  
Civil Service Committee Meeting  
December 9, 2021

### I. CALL TO ORDER

The regular meeting of the West Metro Fire Protection District Civil Service Committee was called to order by President Don Sherman at 6:00 p.m. This meeting was held in accordance with the applicable statutes of the state of Colorado, at West Metro Fire Protection District's Administrative Building at 433 S. Allison Parkway, Lakewood, Colorado and also made available remotely via Zoom.

### II. ROLL CALL

President Don Sherman	Present
Vice President Peggy Valdez	Present
Member Susan Emsbo	Present
Member Dick Igel	Present
Member Leo Johnson	Present Via Zoom – Arrived at 6:10 p.m.
Member Jim Roos	Absent
Member Danny Turney	Present
Board Liaison Mike Williams	Present

Also present were Fire Chief Don Lombardi; Division Chief Doug Hutchinson; Captain Reed Norwood, representing IAFF Local 1309; Dick Lyons, Esq.; Wyatt Forman, Esq.; and, Ms. Jennifer Wheaton as recording secretary.

### III. PUBLIC COMMENT

None.

### IV. ADOPTION OF AGENDA

**MOTION: It was moved by Susan Emsbo and seconded by Danny Turney to accept the agenda for the regular meeting of the West Metro Fire Protection District Civil Service Committee of December 9, 2021, as amended to move Agenda Item XVI – Executive Session, immediately following item B of New Business. The motion was voted upon and carried.**

### V. REVIEW OF MINUTES

**MOTION: It was moved by Danny Turney and seconded by Peggy Valdez to approve the minutes of the regular meeting of the Civil Service Committee dated November 4, 2021 as presented. The motion was voted upon and carried.**

**VI. REPORT OF THE FIRE CHIEF – D. Lombardi**

The Board approved the 2022 proposed budget at the December 7, 2021 board meeting.

Response efforts continue with the evolving guidance and direction from the federal and local governments for vaccine mandates and mask wearing. The process for weekly PCR testing and test submissions for employees who have received an exemption from the vaccine is currently being finalized.

A broad evaluation of staffing is underway. Chief Lombardi has tasked the Standard of Cover SPT and the Operations Division with assessing the reasons staffing challenges are occurring with the current 125% staffing model. Part of that evaluation focuses on overtime. Another part of this evaluation is a First Responder Compassion Survey which will be conducted to assist in understanding the station and apparatus call volume, training schedules, and more, to better understand and attempt to alleviate extreme pressure experienced at some of the more demanding stations.

**VII. REPORT OF THE TRAINING CHIEF – D. Hutchinson**

The recruit academy 21-02 graduation will be held tomorrow, December 10, 2021 at 4:30 p.m. All in-person attendees will be masked, and remote attendance is available from the West Metro Facebook page.

Preparations have begun for the upcoming recruit academy 22-01 which begins February 1, 2022 with 11 West Metro recruits. With the downtime in-between academies, the Training Division will take advantage of the availability at the entire Training Center for full multi-company drills during the month of January.

WMFR is planning to part ways with the Red Rocks Community College Fire Academy after the spring 2022 academy. Command staff has approved the decision, and a letter stating our intentions has been delivered to RRCC leadership. This decision comes after much deliberation and many lengthy discussions. Factors that contributed to this decision include, the District's current internal training needs, limitations with physical space, future recruit hiring, the overall staffing situation, and several other internal organizational needs.

**VIII. REPORT OF LEGAL COUNSEL – C. Tallerico, Esq.**

None.

**IX. REPORT OF BOARD LIAISON – M. Williams**

Mr. Williams reported on the November 16 and the December 7, 2021 board meetings. The next board meeting is scheduled for January 18, 2022.

**X. REPORT OF THE UNION – R. Norwood**

The 2022 Working Agreement for the Firefighters and Mechanics has been finalized and signed. This is a 1-year contract.

The Union Holiday Party is Saturday, December 11, 2021. RSVP to Kevin Reichenbach to attend.

**XI. REPORT OF THE RCS SUBCOMMITTEE – R. Norwood**

The 22-01 Academy begins February 1, 2022. This will be the final academy from the current hiring list. The next academy which begins August 1, 2022 will be taken from the new hiring list that will be established after the upcoming new hire testing process is complete. The new hire testing process is underway with the application period open December 1, 2021 – January 15, 2022. The written exam is set for January 29, 2022. Out-of-town applicants will be eligible to complete the PAT during the same weekend. In-state applicants will take their PAT in early March, followed by the oral boards later in March. The process is condensed to complete all aspects of the exam to allow time for the background process to occur before the August Academy start date.

Chief Lombardi added that in his position as the president of the Metropolitan Fire Chiefs, the Metro Chiefs are partnering with the U.S. Fire Administration to conduct a hiring study, attempting to understand changes in hiring and why agencies are experiencing difficulty with hiring. Once the data is available, Chief Lombardi will present it to the CSC.

**XII. FINANCIAL REPORT – D. Hutchinson**

A. Budget Review

Chief Hutchinson reviewed the 2021 year-to-date budget.

**XIII. OLD BUSINESS**

A. 2022 Captain Promotional Exam

The deadline for applications is December 16, 2021. At present, there are seven qualified lieutenants who have submitted applications. The written exam is set for January 18, 2022, with the assessment center planned for February 7, 8, and 9, 2022.

B. 2022 3<sup>rd</sup> Grade Developing Firefighter Written Exam (2021-01)

The deadline for applications is January 3, 2022. Seven of the twelve candidates have submitted applications. The exam is set for February 11, 2022.

**XIV. NEW BUSINESS**

A. Certify the Top Five Names from the Eligibility Register for the Rank of Lieutenant

**MOTION: It was moved by Leo Johnson and seconded by Danny Turney to certify the top five names from the eligibility register for the rank of lieutenant (E. Arthur, Scott Martin, H. Vancil, D. King, S. Calocci). The motion was voted upon and carried.**

- B. Retain Special Independent Counsel Dick Lyons for the Civil Service Committee  
– President Don Sherman

**MOTION: It was moved by Leo Johnson and seconded by Dick Igel to retain special independent counsel Dick Lyons for the Civil Service Committee. The motion was voted upon and carried.**

**XV. EXECUTIVE SESSION – Moved from agenda item XVI to agenda item XV**

**MOTION: At approximately 6:44 p.m. it was moved by Danny Turney and seconded by Susan Emsbo to enter into an executive session pursuant to § 24-6-402(4)(b) CRS for purposes of legal advice pertaining to the appeal process for the Nickalus Bourne appeal to the Civil Service Committee. The motion was voted upon and carried.**

**MOTION: At approximately 7:26 p.m. it was moved by Danny Turney and seconded by Leo Johnson to resume the regular board meeting of the West Metro Fire Protection District. The motion was voted upon and carried.**

President Sherman announced that no motions were made nor were any votes taken.

- C. Set Hearing Date for Appeal of Command Order of Discipline by Nickalus Bourne – Fire Chief Don Lombardi

**MOTION: It was moved by Peggy Valdez and seconded by Susan Emsbo to approve the Notice of Review Hearing regarding the matter of Firefighter Paramedic Nickalus Bourne and the appeal of the Command Order of Discipline to be conducted at the January 13, 2022 Civil Service Committee meeting at 6:15 p.m. The motion was voted upon and carried.**

**XVI. OTHER MATTERS**

- A. Civil Service Committee and Board of Directors Holiday Gathering at 240 Union  
– December 15, 2021 - CANCELLED

**XVII. ADJOURNMENT**

**MOTION: There being no further business to be presented it was moved by Danny Turney and seconded by Peggy Valdez to adjourn the regular meeting of the West Metro Fire Protection District Civil Service Committee. The motion was voted upon and carried.**

The meeting adjourned at 7:48 p.m.

Recording Secretary: /s/ Jennifer Wheaton  
/s/ Don Sherman

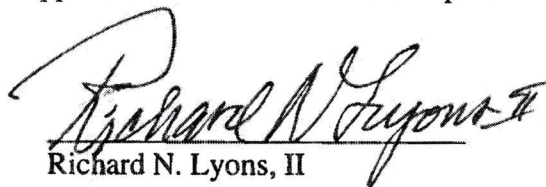
## MINUTES OF EXECUTIVE SESSION

Regarding the executive session referred to the Minutes of the Regular Meeting of the District's Civil Service Committee on December 09, 2021, it was duly moved and seconded that the Committee enter into an executive session pursuant to Sec. 24-6-402(4)(b), CRS, for the purposes of receiving legal advice from the Committee's legal counsel, Richard Lyons, regarding legal issues involved in the appeal of Nickalus Bourne regarding his termination. The motion carried unanimously and the Committee entered into an executive session.

Mr. Lyons specifically advised the Committee with respect to various questions and concerns raised by the Committee members in the executive session regarding the various legal issues and possible future claims against the District, all such advice constituting privileged attorney-client communications in the opinion of Mr. Lyons.

### CERTIFICATION BY REGISTERED ATTORNEY

I, Richard N. Lyons, Reg. No. 9591, hereby certify that the entire executive session was devoted to providing specific legal advice to the Civil Service Committee regarding legal issues, and that all such communications were privileged under applicable Colorado law and Supreme Court rules.



Richard N. Lyons, II

### CERTIFICATION BY COMMITTEE PRESIDENT

I, hereby certify that I served as chairperson of the executive session of the Civil Service Committee held on December 09, 2021, and that the entire session was confined to the receipt of specific legal advice from the Committee's legal counsel, and that no other matters were discussed.



President and Chair