

LEADVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
Thursday, April 1, 2010

CITY COUNCIL PRESENT:

Bud Elliott, Mayor
Rhonda Huggins, Mayor Pro Tem
Deborah Darby, Councilmember
Lue Ellen Brownlee, Councilmember
Max Duarte, Councilmember
Jaime Stuever, Councilmember
Betty Benson, Councilmember

ALSO PRESENT:

Joseph Swyers, City Clerk
Mike Leake, Police Chief
Bob Harvey, Fire Chief
John Ortiz, Fire Captain
Clay Stewart, Hospital District Boardmember
Mike Simon, Vice President of CMC
Torrey Maxwell, Sheriff's Dept. Dispatcher
John Ortiz, Fire Dept. Captain

The Council met in a special public session in the Council Chambers of City Hall. Mayor Elliott called the meeting to order with the Pledge of Allegiance at 6:00 PM.

Roll Call was taken.

(6:01 PM) Agenda revisions: None.

(6:01 PM) Public comments:

Ed Halcomb presented a written statement to City Council regarding his building, The Quincy Block, and issues with the Fire and Police Departments. This will be on the agenda of the April 6th regular meeting of City Council.

(6:05 PM) Discussion of Fire Department and interactions with the Sheriff's Department. About 60 members of the public, City Council and city staff discussed the following points (some points are attributed to a specific person with their name in parenthesis):

- The Sheriff's Department has implemented new methods of operation or protocols and the City has not been notified of those changes. The Sheriff can supersede protocols.
- The Sheriff's Department is handling medical calls and wildland and structure fires before determining if the fire department or ambulance is to be called out.
- Existing protocols are that fire, ambulance and law enforcement is to respond to all calls except for ambulance only calls to Ski Cooper.
- City Council must determine which protocols the Fire Department should follow.
- The Mayor has ordered the Police Department to escort the Fire Department on calls within the unincorporated portion of the County.
- Personalities must be put aside and we need to move forward on a new IGA.
- Under state statute the sheriff, or a person they designate, is responsible for fire investigations. (Chief Harvey).
- In the Sheriff Department Undersheriff Blackford, Deputy Lobato, and Deputy James are presently certified for Hazmat Ops. There are no deputies certified as Firefighter I, Firefighter II, Fire Officer I, or Hazmat Tech. (Chief Harvey)
- A draft Emergency Operations Plan (EOP) should be available within the next month.
- The EOP is for major incidents, not for day to day operations to supersede each agency's Standard Operating Plan or SOP. (Chief Harvey).
- The Police Department is doing civil standby for the fire department to monitor, to make sure there are no confrontations between deputies and fire department. If there is an unlawful arrest the officer will be a good witness. (Chief Leake).

- Chaffee County Fire Chief Wingert has rescinded their mutual aid agreement with Leadville/Lake County due to concerns about safety of their firefighters.
- At the Aspen Gold fire Chaffee County Fire Chief Wingert was threatened by Deputy James with a citation for ignoring some hand signals. (Chief Harvey).
- Copper Mountain wants an agreement specifying territory and who is in charge.
- On scene commanders must be designated. A deputy who obstructs a firefighter in their duties should find another job. (Ed Solder).
- Other fire departments will want our people to be adequately trained for mutual aid. Volunteers are not a guaranteed for adequate response. (Ryan Sawn).
- When city police respond with fire department, who will cover the City when only three police officers live in Leadville? (Max Duarte).
- When deputies do fire duty, who does law enforcement in the County? (Debbie Darby).
- Multiple agencies dispatched on every call and people jostling for position or control. How to dispatch to make it clear who is doing what and who is in control. (Carol Hill).
- Dispatch is being told what to do by the Sheriff Department.
- Sheriff Holte does not want to talk with Fire Chief Harvey. (Chief Harvey and Jaime Stuever).
- Deputy James was very unprofessional at the Aspen Gold Fire. Change will not happen until there is a new sheriff. (Kelli Phillips).
- Unlawful forcible entry by firefighter should result in their arrest. The fire department does not have authority to force its way into the jail. (Steve Prestash).
- Dispatch could see who was outside the secure door. Dispatch pressed the button to allow the door to be opened to allow the firefighters to enter. (Chief Harvey).
- Everything said by Chief Harvey is not accurate. I was there. Everyone needs to listen to the whole story. Get all the facts, pull the reports. It is not dispatch. There are protocols and we do what we are told, we are not the bosses. If only ambulance is requested, research why rather than going by hearsay. (Torrey Maxwell).
- Leave egos at the door and do your jobs. (Kathy Albers).
- Commissioners never said to get rid of the fire department. Talk of a volunteer fire department causes firefighters to fight for their jobs. A fire district will not pass with an increase in taxes. (Brad Littlepage).
- If Fire Department and Sheriff Department cannot get along, then an IGA won't work. Must stop the many years of animosity. (Jaime Stuever and Brad Littlepage).
- Sheriff movement and training is going past statutory requirements. This is not a community which can have a one hundred percent volunteer base. (Chief Harvey).
- Try to get the fire department to not be a political football. (John Wells).
- Regarding the incident at the jail, the ambulance arrived about 30 seconds after the fire department. The ambulance request was not for acute care, it was for routine physician evaluation and that required transport to the emergency room. After extensive tests she was released okay. This was not an acute care incident. They could have taken her to the emergency room in a sheriff car. (Clay Stewart).
- The Sheriff is an elected official nobody can force him to do anything. If a group shows up at an incident, who is in command? (George Benson).
- There is not an incident commander for small responses. That has changed. The sheriff department declares themselves incident command at everything. (Betty Benson and Bud Elliott).
- Chief Harvey has said things would not work better until we get a new sheriff. (Max Duarte and confirmed by Chief Harvey).

- Is there a way to have a public forum with the Sheriff to answer questions. Is the only thing we can do is re-elect him or recall him? (Cheryl Wells).
- The sheriff's door is open unless he has a meeting, you don't need an appointment, he is approachable. It is up to the public to go and see him. (Jaime Stuever and Torrey Maxwell).
- This is a community where people have a lot of concern for public reprisal for making comments. We pay you guys to resolve these problems. (Dave Wright).
- We should not be second guessing the fire department. (Maureen Scanlon).
- A lot of the problems stem from Mayor Elliott. We do need a mediator because government has an ego pushing itself into different places. (Steve Prestash).
- We can't do anything until we know what the protocols are. What do we tell these guys to do, what protocols to follow? (Rhonda Huggins).
- Sending police officers out with the fire truck costs money. Council decided to restrict officers backing up the county because of funding. Hope that police responding with fire department doesn't go on longer than necessary. (Rhonda Huggins).
- Based on decompression of emotions on calls, may cease police standby. (Bud Elliott).
- Arrests of firefighters could follow them around to other jobs. (Gretchen Scanlon).
- Deputies are passing the fire engine at high rates of speed which distracts the driver and, if the deputy loses control, the fire engine cannot stop quickly. (John Ortiz).
- Firefighters have not been allowed to do their job. They are not getting assistance from the Sheriff's Department. (John Ortiz).
- A deputy falsely claiming to be an EMT prevented the fire department from providing medical care. A deputy threatened physical violence at the fire station. (Bud Elliott).
- This is a failure of management on both sides, no communications from the Fire Chief is wrong and no communications from the Sheriff is wrong. It is the responsibility of the Fire Chief and the Sheriff to talk to each other, you work for us. (Brad Littlepage).
- Keep providing police backup to firefighters until this is resolved. (Gretchen Scanlon).
- The responsibility for this is on the leadership. If Sheriff Holte won't talk to Chief Harvey, we don't need Holte. (Dave Wright).
- The Fire Chief is lacking some supervisory skills because instead of defusing the problems he joins the problems. (Max Duarte).
- Deputy Aaron Hart was claiming to be an EMT, blocking access of firefighters to the patient by asking EMT questions. He was later asked by a Fire Captain to move out of the way of the firefighters when they arrive on scene. Sheriff Lt. D'Mize later came to the fire station and threatened to fight us all. (John Ortiz).
- Are we assuming that because he was asking EMT questions, that he was an EMT? Did he say he was an EMT? Was he an EMT and it expired? (Torrey Maxwell).
- He was performing medical care. I don't know if he was an EMT. (John Ortiz).
- Should consider the security of a scene, the deputies were doing that. (Steve Prestash).
- Hold all the folks responsible for this situation accountable. Considerable acrimony at the Emergency Services meeting. Offer of a mediator was refused. (Mike Simon).
- We're missing a huge element by the Sheriff Department not being here. Bury the hatchet, communicate with each other. (Heather Scanlon).
- These are recent issues. Never have we had this until we hired Chief Harvey. You can't talk with the man. He has all his crew thinking the Sheriff Department and everybody else is against them. You can boot the sheriff out, you can fire Harvey. (Ed Halcomb).
- These problems started before Chief Harvey was here. (Bud Elliott).
- If Chief Harvey and Sheriff Holte can't resolve this, they can go. (Ed Solder).

- When you start seeing this behavior in the ranks, there is something filtering down and propelling this. Both the Sheriff Department and Fire department need to be very introspective. (Carol Hill).
- The Fire Chief had to be traveling over a hundred and ten miles an hour to get to the Aspen Gold fire, disregarding life and property of others. (Max Duarte).
- The Fire Chief's vehicle has a governor, the motor cuts out at 95 mph. (Bud Elliott).
- If there is a dispatch for a criminal call, the deputies better be passing the fire engine. Why is it okay for Chief Wingert to pass a deputy at a reckless speed but not okay for a deputy to pass a fire engine? (Torrey Maxwell).
- Chief Harvey and Sheriff Holte should meet, with a mediator. For one month address this problem, then go back to the Fire IGA and Emergency Services. (Brad Littlepage).
- This is a good thing, people standing up, voicing their opinions. (Jim Fogarty).
- Details about employees should be addressed with their employer. (Jim Fogarty).
- Continue the public involvement, public input, public meetings. (Ryan Sawn).
- Responding agencies should get together to prioritize who should go first such as on a criminal call, fire call or medical call. (Steve Prestash).
- Listen to dispatch with a scanner, it won't be all of the picture, but you will learn more of what is going. Dispatch has to dispatch everybody, the responders determine themselves where they are going to go. (Joe Swyers)
- Regarding communications, sign up for the email list if you want to receive emails, documents, notes and other information that can be distributed publicly. (Joe Swyers).
- According to Commissioner Bordogna fire protection will continue even if an agreement on the IGA is not reached this year. (Max Duarte).
- Hold a community meeting where we can voice what we want. (Kelli Phillips).
- There will be a community meeting Monday night at 7 pm for everybody. (Bud Elliott).
- Get our state representatives to help. (Kathy Albers).
- The College will be happy to provide a mediator. (Mike Simon).

(8:15 PM) Public Comments. None.

(8:15 PM) Mayor Elliott adjourned the council meeting.