



Nederland Fire Protection District Board of Directors Special Session October 8th 2020

Roll Call

Iain Irwin-Powell – P
Patrick Richardson – P
Todd Wieseler – P
Ray Willis - P
Henry Zurbrugg – P
Chief Dirr – P

Announce Quorum & Call Meeting to Order @ 19:0

Approve the meeting agenda

Public Statements or Comments

(Please state name and if in district or out of district for the record)

Name Iain Irwin-Powell District Ned Fire

Before we start I would like to inform you, Chief, that I intend to invoke section 3© of your employment agreement dated 9th February 2000 and show that you should be terminated for cause as your 'actions were detrimental to the performance of the services district'. I have consulted with the District's attorneys and have been advised that this action requires only an affirmative vote of the board. The sub-sections of section 3 of your employment contract stand alone and we are not invoking sub-section(f) that requires 4 votes to discharge you without cause.

Before continuing I would like to ask you to consider if you still wish for this session to be public or if you would like to consider a private session where we can discuss options and findings?

Motion: I move, pursuant to Colorado Revised Statutes, Title 24, Article 6, Section 402, at subsection 4(f) to go into executive session to discuss personnel issues related to Chief Dirr. The matter to be discussed behind closed doors regards safety and protocol violations on an incident and complaints received about that activity. The discussion will be based upon the information collected from the interviews that were performed by Secretary Ray Willis and Board President Iain Irwin-Powell.

As this executive session involves a personnel matter, the employee involved has been given the opportunity to require that this discussion be conducted in public, and the employee has indicated that they wish for this discussion to occur in [private/public].

This session is being held to discuss the interviews that I and Ray Willis conducted in September with those who were present at the incident on the evening of July 3rd 2020 at 283 Alpine Drive.

After the incident complaints were made to me regarding the actions of the Fire Chief on scene and after, that required further inquiry. The incidents were of sufficient nature that they destabilized the department and, in my opinion, required that the Chief be placed on paid administrative leave while they were investigated. A quorum of the board agreed with this decision.

In talking about our decision regarding this there are some things that we cannot discuss. We can discuss that there were fireworks, firearms, marijuana and homemade explosive and pyrotechnic devices as this information is public knowledge (source: 9News.com). We cannot discuss what the initial attack team discovered in the house that led them to the conclusion that the scene was unsafe and that the incident was beyond the scope of control of Nederland Fire. But the fact that the County Bomb Squad and the County Hazardous material team spent over a week on scene should tell you just how dangerous that scene was.

This session is not about mistakes that were made by the initial attack team, those have been dealt with in a separate internal after activity review. This session is about the actions of the Chief on that day and certain events following.

I would like to start with a quick, simple introduction to the Incident Command System(ICS), on which much of what you will hear hinges. Also I want to make clear, now, that ICS, after activity reviews, safety reviews and complaints procedures and mental health resources are NOT some kind of weird thing that no other department does. They are absolutely a normal part of operations.

ICS is a framework for any incident, small or large, that implements a well understood structure that allows teams, often from multiple agencies, to work under a common management structure using a common language and common definitions that everyone understands. It can be used to manage any type of event, is easily expandable as an event grows in complexity and is used by all emergency services agencies countrywide.

When you enter into the ICS structure, your rank is removed. You are the position you are assigned. The top of the structure is the incident commander (IC), this may or may not be the highest ranking person on scene. The IC may change throughout an event, someone with more experience may arrive and assume command. In this case there is a structured handoff of command where the outgoing IC briefs the incoming IC on the status of the event.

Below the IC are a number of functional roles that other participants will fill. These roles are assigned by the IC. The IC has ultimate control of the incident. On arrival at an incident personnel must check in with the IC (or designee depending on how the structure has been built out) and get their assignment. Anything else is freelancing and that kills people.

On the evening of July 3rd Nederland Fire was toned, with other local agencies, to a house explosion at 283 Alpine Drive. On arrival command was established under ICS, which passed to Chief Dirr on his arrival a few minutes later.

The initial attack team made entry to the house to look for fire and found no fire. Subsequently they made 2 further entries where they found more evidence that there was more to this event was beyond their scope of training and that the house was an unsafe environment. They declared it as such and moved all operations to the top of the driveway.

At the top of the driveway discussion occurred with law enforcement about what had been found and between them they decided it was a crime scene, that there was no fire hazard at this time and passed command to law enforcement.

During this period Chief Dirr had left the scene to provide medical care to one of the house occupants. On his departure he passed command to one of the officers on scene. Approximately 1 hour later Chief Dirr returned to the scene with another firefighter.

They proceeded to walk past 2 vehicles, down the driveway and entered the house. Neither was wearing appropriate PPE. They were seen entering the house and command was informed by another firefighter that they were in the house. Command attempted to reach them on the radio but received no answer. A firefighter went down to the house and shouted through the door that the house was unsafe and that the Chief should exit. His answer was 'I have the jurisdiction to be in here to do fire investigation under section 18 of the statute.....'. Law enforcement also requested he leave and received a similar response. Eventually the Chief exited the house and was briefed on what was in the house, then returned into the house again before exiting and passing comment on what he found.

So basically, the Chief ignored everyone on scene and freelanced, doing his own thing. He did not check in with incident command, did not make himself aware of the situation and entered an unsafe environment, taking another firefighter with him, endangering both of them. In later conversations that I had with the Chief he said he 'could not see anyone on scene'. The firefighter who was with him said 'you could see everyone; they were by the engine'. I have walked the scene and it is physically impossible to not have seen what was probably around 10 people. In every interview, everyone said that it was unlikely that he could not have seen anyone. He also made no attempt to look for anyone.

The Chief's excuse for going to the house was that he thought everyone was in the house doing overhaul. This is extremely unlikely and also overhaul is generally noisy so from the door he

could tell no one was in the house. He made no attempt at the door to shout in and establish if anyone was in the house.

In the ambulance there is a radio, in the tender that he walked past is a radio. The firefighter with him had a radio and yet he made no attempt to make contact with command or anyone to check in and update himself on the status. These actions are reckless and show a complete disregard for his safety and the safety of those around him.

The firefighter who was with him has quit and will never return. His trust in the Chief was violated and he believes that it would be impossible to regain that trust. Both he and his wife have suffered immense emotional damage from this action. He may also suffer from other issues later in life based on what was in the house, we have no way of knowing.

When I spoke to the Chief about this last week his response was 'well he lives out of district anyway' and 'he was fine on the following days'. That is not how a leader should take that kind of news. He show no real concern for the firefighter or for the emotional damage that he had done to the firefighter and his wife.

In the weeks following the incident I had a number of conversations with the Chief about what I was learning. He took no responsibility for his actions and, in fact, blamed everyone else on scene for his actions. 'They were nowhere to be found', 'They didn't properly secure the utilities', 'They did not tape off the scene so how was I supposed to know'. These are not the action of someone taking responsibility for their actions.

In speaking to others on scene they all readily admitted their mistakes and held their hands up. They all learned from what they did wrong.

After the event he was asked to organize an after-activity review or debrief, a request he brushed off. Eventually that fell to Patrick to organize, at which point the Chief complained he was sidelined out of the process. He was not. He was provided a feedback form that he failed to return in time and when he did addressed only that the utilities were not secured properly. Given that it appears in his mind that everyone else did wrong I would have expected something else, perhaps some constructive feedback.

There was a multi-agency AAR performed that, according to those present, he was dismissive of and defensive in and reiterated that there was nobody around

He was also requested to provide some mental health resources. Again he brushed that request off and did nothing.

It was not until Patrick and I had the meeting with the Chief to inform him that there would be a meeting to discuss placing him on administrative leave that he finally, after much prompting, admitted that he was wrong. That was a very heated conversation and I feel that it was lip service him saying that hoping that it would make the situation better. That was after we went

through the same dance of blaming everyone else but himself for what he did wrong. He undermined every person that he spoke of, which he has done on many occasions when we have spoken and that I have told him not to do. That was August 18th.

When informed that he was being placed on leave while we investigated, he laughed in my face and showed no sign of remorse. I was completely dumbfounded by that action. He left the building laughing.

In his actions that night the Fire Chief has lost the respect and trust of almost all of the firefighters in this department. Personally, I do not see how there is a way to regain that trust and effectively lead this department moving forward. This is not the kind of Chief that I want running our department. In effect most of the department will not take instruction from him because they do not trust he is considering his safety as his first priority.

I am personally ashamed that I took so long to realize the seriousness of the fallout from this incident. I am ashamed that as a department we do not have any policy for dealing with safety concerns, that we have no framework for dealing with this stuff, that I had to figure out a way to get to this point. I apologize to all of the firefighters in this department that we are now 3 months out and only now just getting to this stage. It is unconscionable to me that this department operates this way.

Finally this is a quote from the interview with the firefighter who entered the house with him

IV9: [\(01:16:07\)](#)

Yeah. It's just, it's tough. Cause like I'm thinking right now, like, like I want to go talk to Chief. Like I want to, I want to level with him be like, Hey, like this was really fucked up. And does he actually have concern or is he like, he's more concerned about his job security or I don't know if people actually like cared about volunteers and the risks that we're taking and stuff like that. And our wellbeing. Like, I just don't understand how you can go silent for this long and not have any ownership whatsoever into like the mistakes that were made and the unnecessary risks that we were exposed to just doesn't make sense. And I just don't don't get it. Like I don't get why Chief hasn't like discussed this at all.

New Business

Board discussion of the interviews performed regarding the safety complaints about the Fire Chief on incidents.

Henry Zurbrugg – had concerns about the questions not being made by a third party as they may be leading and should have oversight from a third party. He voiced concerns that when the transcripts were ‘cleaned up’ by Iain that he may have biased them. He also thought that Patrick and Ray were going to be conducting the interviews. Todd spoke up to say that never was there an intention for Patrick to be conducting these interviews.

Iain spoke of how he tried to get a third party / independent party involved. He went to Dept of Fire Protection Control and Colorado Chiefs Association. No response. He also tried the 'Everyone Goes Home' Initiative and never had any response either. Couldn't connect. Time was also an issue.

Todd felt that they interviews were fairly conducted and honest answers were being given.

Patrick felt that regardless of how the interviews were conducted this did not excuse the actions and that is what they are meant to be discussing.

Henry felt that many mistakes were made on scene and everyone is equally culpable.

Iain said that the others on scene have admitted their mistakes but the chief did not. Mistakes made due to lack of training.

Todd commented that the Chain of Command was not followed by the Chief.

Henry said that the previous Board has not heard of any complaints about the Chief previous to this meeting. Iain stated that a Career fire fighter spoke with him as well as himself.

Henry disagreed and stated that the conversation with the career staff was just a 'state of affairs' and that the conversation with Iain was just about how he wants to get rid of the chief.

Todd disagrees strongly that the intent of the new board has always been to terminate the chief. He wants to see the department succeed.

Patrick commented that if the Chief had owned up to the mistakes and said he wanted to make the department better, this situation may be different.

Ray commented that the majority of the members gave a heartfelt testimony. There was some fabrication. May never have an answer to if the Chief had a radio or who saw him walk into the house. The second and third entry should not have been allowed. Scene tape should have been up earlier. Feels for Bobby and wants us to get him the resources. Take as learning and improve. Need our Situational Awareness as this isn't the first time they have seen what they saw. Shared concern that some of the interviewees talked with others.

Todd commented that if the Chief saw the first entry of Firefighters have full bunker gear on why did he go in in street clothes?

Ray commented that in his day, they would also go in without SCBA or helmets. Ray feels the department has the best training, knowledge and equipment and this is due to the Chief.

Iain commented that both Ray and Henry need to speak with the members of the department to know what is really going on.

Ray commented that he has spoken with some and that is a club. There is a club and then the volunteers.

Patrick feels that if the Chief had admitted his mistakes so we can learn from them as others have done then we would not be here.

Todd felt that the apology letter from the Chief was sincere and a step towards good leadership. Then when the 'fear and doubt' email from the Chief, he questions this.

Chief Rick Dirr. He acknowledges his disrespect the command officers on the West Magnolia fire. Re July 3rd. He accepted ownership for the mistakes made on the call. He says he did not check in with IC because he didn't want to but because he did not see anyone. He thought the fire was over which is why no one was in the building. Admits he should have backed out and looked for someone.

Chief Dirr's statement:

"Safety Investigation" Statement by Rick Dirr

I wish to address my training, skills and abilities as related to the House Explosion Incident on July 3rd. In addition to my numerous Fire Fighter, Hazmat and EMS certification I have attended extensive additional training as related to this particular Incident.

When Nederland Fire used to perform the 4th of July fireworks show, I attended the Rocky Mountain Pyrotechnics Guild- Lead Shooter class. I have actively participated as a member of Nederland Fire in the transport, storage, and firing of large diameter fireworks, including 12" diameter shells, now classified by ATF as high explosives.

I have attended the Explosives Safety and Application Training through the Explosives Education Services Inc., coordinated with the State of Colorado.

As a State of Colorado, Terrorism /Threat Liaison Officer, I have received training in:

- Prevention and Response to Suicide Bombing Incidents
- Understanding and Planning for School Bomb incidents
- Emergency Response to Terrorism
- Public Information in WMD/Terrorism Incident
- Improvised Explosive Device (IED) identification, and numerous terrorism related trainings.
- Member of the Homeland Security Task Force

As part of the National Fire Academy, I have received training in:

- Firefighter Safety and Survival
- Leadership and Administration
- Managing Company Technical
- Incident Command System

In addition I am a certified Peace Officer with training in:

- Meth Lab Identification
- Evidence Preservation
- Numerous other related Law enforcement topics

I have received training and actively investigated several Butane Hash Oil extraction explosions either in District or as part of the Multi-Agency Fire Investigation Team

And for several years worked as a Firefighter at a facility that manufactured Nuclear warheads.

My actions are not arbitrary, careless or unskilled, in this or any other incident.

This safety investigation is not actually that, but a calculated opportunity by various Board members and Department members to continue their pattern of harassment, through speculation, creation of doubt, manipulation of truth and outright deception. The concept that a safety investigation would become a platform for a membership "Confidence" vote, clearly indicates the ultimate goal of this process. The fact that a Facebook account with no picture or demographics posted the names of Dirr supporters as either being neighbors or people they go to church with, indicative of the toxic environment currently perpetuated within the Department.

The fact that an After Action Review (AAR) specifically coordinated by the Board VP, was released the day that the investigation started, while the Board President emphasized the need to not discuss the investigation to maintain integrity of the investigation, unbelievable.

The reason for my apology letter was that I had been repeatedly told by the Board President, that everyone has accepted responsibility for their actions except you. Again told that I did not take the AAR process seriously or choose to participate, while I gave a printed copy of my comments regarding the failure of staff to properly shut the gas supply to the house, to the Board VP the day I was notified of the complaint.

But perhaps most befuddling, is that while I should have indeed checked in with Incident Command upon my return, not seated next to me is the IC who failed to establish a perimeter, isolation, place scene tape or in any other way identify that a perceived hazard existed. Similarly the failure to properly isolate the propane tank until later on day two, a basic firefighter level task.

When I left to transport the EMS patient, there was no active fire within the house. Upon my return the fire engine had moved and I encountered no physical barrier, barrier tape or FD staff indicating that a hazard "might" exist and so entered the home looking for FD staff and in the fading light became focused on obtaining "AS IS" pictures, prior to potential change in conditions. I subsequently entered the structure on day two, with permission from the Bomb Squad commander, to continue the fire investigation, and removed our attic ladder from the upstairs closet while the Hazmat team sampled items in the garage. It was not known until later that day that the explosive risk existed. The continued speculation by the various anti-Dirrs and lack of clarity on what was known at what point purposeful. There could have been a secondary device., it could have... do not match the facts known to me at that time. The fact that Firefighters re-entered the home twice, once to obtain pictures for the Police indicate that

they did not think the risk so great that they refused, but now portrayed as a great misjudgment by myself, placing others at risk.

While inside the house performing the Fire Investigation, which the Fire Chief is statutorily tasked with, I was informed by one of the members that "xxx" a police officer wants you out. I was not informed of the potential risks that had been discovered by the Fire crew. It is not uncommon to initially have jurisdictional issues with local law enforcement over who has jurisdiction, I did not at that time have knowledge of any area of the house other than the living room and entry way.

The officer came to the front door and told me that the firefighters were concerned because they have butane canisters upstairs, guns in a closet and MJ grow in the garage and some form of chemical lab in the garage (which they thought might be a meth lab). I was not alarmed at the guns, empty butane cans, or MJ grow in the garage and subsequently photographed the chemical lab and supplied the photos to ATF. My photos on the second day indicate the progress of what hazards were and were not know at the various times. Again, the lack of any physical barriers and absence of Fire Dept Staff upon my re-entry to complete a fire Investigation strongly indicative that that was the only task left to complete.

While I will actively participate in this investigation, I wish to make it clear that it is my believe that this a calculated effort to create fear, doubt and distrust of the Chief with the membership and community.

Chief continues on with rebuttle of Iain's statement. Says no hazards at the front door just being told the IC officer wants you out. Chief did address the request for mental health and asked if the AAR was going to achieve this or if a CISD was needed. Felt he was being safe entering the building with out proper PPE.

Chief feels that he has always taken the incident serious. Apology letter is true and feels bad about the impact to the firefighter that accompanied him into the house. Also feels that this persons trauma had been increased by the people around the depart to create doubt in his leadership. Complaints from July 3rd went to the Board Pres instead of the Chief.

Iain stated that he did not fully know the impact of the on the department till 6 weeks after the event. Feels that the conversations he had with the Chief before the Administrative leave showed the Chief was not taking responsibility for his actions on the day.

Chief says he showed crews errors in not shutting the gas off to the house and in the AAR commented only on what he had a part in.

Patrick commented that the Chief was able to point out errors in the department but not his own.

Chief thought these would be brought up in the AAR and as he was on Administrative leave, he did not attend.

Iain said that the individual members were not comfortable coming to the Chief to discuss his behavior on the call.

Todd asked how the Chief will change in the future and meet the goals of the department.

Chief replied he would be a active listener and wants work collaboratively with our officers and volunteers. Needs to establish trust and needs people to tell the truth and to not sabotage the truth. Need team building and this may need outside help. He is prepared to give respect and to work with the board to reestablish trust.

Todd mentioned that since the Chiefs leave, there has been a floodgate of members taking ownership.

Chief responded that he agrees with some of the things that have been occurring in his absence and is proud of the work. Feels a collaboration between members and himself to achieve goals.

Iain reminded that in February a number of volunteers came to the board asking for alterations in how the board functioned and asked for policies and guidelines to be put in place and for vehicle safety to be addressed. Nothing was carried out by the Chief or old board. Wasn't until there was a new board did vehicle safety get addressed. Does he need to be told or made to do items from the agenda?

Chief disagreed and said he had brought up the issues and feels that the new board is making great progress.

Chief's apology letter:

NEED TO ADD.

Iain brought up the Chief's solicitation of the Board and discussed some of the derogatory comments from the Chief in this meeting.

Chief brought up the treatment of himself in the meeting with the VP and President about the complaint.

Iain comments that during this meeting the Chief was not taking responsibilities.

Public Comment or statements (3 minutes)

Fred Fialco by email – Request for a vote of confidence in the Chief – not done

Karen Willis statement:

Karen Willis:

So, thank you for letting me come tonight because I heard bits and pieces on the zoom calls, but not very much at all. The whole thing has been very eye-opening. As a previous member of our department, I was on the Bucket Brigade for a long time, I don't even remember how long, and worked with a lot of chiefs during that time. And I, I want to say that, you know, Chief Dirr and Ray and Flash Friedman were all great to work with. And I know that, as a citizen historically, firefighters are highly respected, profession. As a nurse. I know that in a crisis, a patient's outcome completely depends on teamwork. The department seems to have lost the ability to do that teamwork. And I don't think I really don't feel that it's one person. I think it's a combination of people who have decided and I'm sure there's a long history, lots of reasons behind that, but everyone has seemed to have lost the ability to, to work as a team. For 35 years, our family has been involved with Nederland Fire Department. I believe that Ray has now held every position in the department I spent a lot of years supporting him when he was Chief, even when he wasn't Chief, supporting all of the other chiefs on calls and in the middle of the night and just plain being there when the department needed us. I mean, it was, it was a group of people that grew together to support the department. And they were especially, in the middle of the night, really grateful to see us. So, um, and I, I don't know why the Bucket Brigade went away, but it was important to them. I think maybe when they planned all of the events that the department used to do, those were great team, building events, everyone looked forward to them and everybody came and got to know each other in a way that wasn't just, you know, the department and working, they were having fun. So we've experienced so many chiefs and like I said, Ray was at one time. And when the department was at a forest fire or a burning home, I have absolutely no doubt that the fire fighters and the chiefs that were involved in that, you know, Chief Dirr and all the way back that they would all work together. And that I knew that they would bring my husband home. There were many calls that I listened to on the radio and I would pray. And I would say, please just bring these people home. But they worked together as a team and that doesn't happen anymore. You know, they risked their lives. Ray went into a burning home and pulled a woman out. And we knew, I knew cause I was listening to the calls, I knew that, um, Fried was Commander and I knew that they would make sure that he got out. The members of the fire department used to trust each other and we worked together and have mutual respect. They had high standards of professionalism, even though most, they were all volunteers, the entire Fire Department and the community were proud of the fire department. I never heard anyone saying that they would hesitate to call nine one one for help. This fire department no longer has respect for each other, nor do they have respect for the community, nor do they have the confidence of the community. When a fire call and the community, the community expects there to be bickering and criticism and all around unprofessionalism on the calls. That's not okay. The firefighters code of ethics, I looked that up today. I do not, I don't know if it's posted here. I don't know we have our own code of ethics, but it really opened my eyes to, and the behavior of our current paid staff in my opinion, is mirroring what's going on in our government that nobody's willing to work together.

No one is willing to come together for one common goal for the safety of our community.

Everyone has their own agenda. And I feel that, I can't imagine what would happen, or what the department would look like if everyone, and I'm saying not just the Chief, everyone would come together and decide to work together as a team again. So a few key items from the Fire Fighter code of ethics. I didn't print out the whole thing. We'd be here all night. Every member of the department shall conduct themselves on and off duty in a manner that reflects positively on themselves and the department and the fire department in general. Never harass, intimidate, or threaten fellow members of the service or the public and stop or report the actions of other firefighters to engage in such behaviors. Ethics comes from the Greek word, ethos, meaning character, character is not necessarily defined by how a person behaves when conditions are optimal and life is good. It's easy to take the high road. And the path is paved in obstacles are few or nonexistent. Character is also defined by decisions made under pressure, when no one is looking. The road contains landmines in the ways of spirit. As members of the fire service, we share a responsibility to project an ethical character of professionalism, integrity, compassion, loyalty, honesty, in all that we do all the time. I believe that there are issues from the top to the bottom That must be corrected in this department. I believe that as humans, we can always learn and improve. And I believe that if someone makes a mistake, they learn from that mistake so that they can improve without the fear of being punished. And also believe that no one can work in an environment and be the best that they can possibly be when they feel theres a target on their back. I believe that if you are not willing to put the work in to make this Fire Department great again, then it's time to leave.

Iain replied to Karen saying that the Fire Dept does work together well on calls, as a team. The problems are within the department and undermine when not on calls. He ran for the board to improve the Department. He had members come to with stories of what was occurring and he didn't believe it. This is why he started listening to the previous board meetings, the recordings of. He feels he is being characterized as the person who wants to get rid of the Chief but he doesn't, he just wants the department to succeed.

Karen said again she feels that if the Chief, board and members would come and work together. Feels that we need to move forward.

Bretlyn Schmitmann responded that she does not agree with Karen's statement about the department not caring about the community.

Eric Abramson statement:

Eric Abramson:

Yup. I hope you can hear me. I'm going to stay off video cause I'm outside and it's quite dark. Um, I've had, I've had, I apologize for not being in there in person. Obviously I'm in California. A lot of what I did manage to hear tonight, I'm quite disturbed by, I absolutely care about my community. I joined this department because I care about the community. And the reason that we're trying to make change is because we care about the community. I'm very, very tired and these are all my opinions. I'm very tired of listening to a certain board member tell me how something went down when he was not there. And I don't appreciate being thrown under the

bus when we were set up to fail, which I've seen a pattern of for over 10 years. I remember when the department Ray was the chief. That's when I joined and I saw a spirited department that had investment in the town and that started to erode, and unfortunately I'm sad to say, this is when Rick Dirr became the chief. I respect Rick as a person. I've learned a lot from him over the years, but I have constantly seen someone who does not value his appearance in the station, the appearance of our equipment, the appearance of our offices. And I'm frankly, this is, this last incident is just a long pattern of behavior. And I'm going on the record saying that. And yes, there isn't a lot of formal record because we were intimidated into not being able to go anywhere. There's never been a chain of command for the senior volunteer officer to go to anybody but the chief until now that we have an HR department, all of us on this department paid or whatever, when we're on calls operationally, we are safe with each other. We respect our community. We take care of our community. So to suggest anything else just makes my blood boil. Number two, I was, and Patrick, we're both disciplined with a letter because we tried to improve training 10 years ago when Henry Zurbrugg says that he doesn't know about all these things. I sat with him for an hour in Boulder last year in the fall to lay out some of the concerns I had, not just around the West Magnolia fire, but in previous behaviors and for you and him to keep saying that he didn't have any understanding of that going on is just bullshit, frankly, and I apologize for my language, but I'm pretty much on the edge. It's been a huge stress on me. I'm trying to do my job out here, the best I can. And I've managed to keep this undercover. But today has been a very difficult day for me because I knew this meeting was coming tonight and we're in transition.

So there's a lot going on, but I just want you all to know that I can't, I will not be able to serve under Rick Dirr moving forward. I'm sorry, Rick, I'd respect you as a person, but your trust. I don't know how you, get my trust back. And I'm going to take my 20 plus years of experience in federal firefighting and probably go elsewhere. And it's going to break my heart every time I drive by that station because someone else is dictating when I leave. And I don't like to be told what to do. I can be pretty stubborn sometimes as many people know, but I have talked and had the opportunity to talk to many senior captains officers, battalion chiefs in the last four months that I've been out, not about the personal issues, just about the facts of what's happened in these last couple events and not one of them, not one of them. I'm talking hundreds and hundreds of years of experience, but amongst all these people has said to me, no, you guys need to reevaluate that. Most of them agreed that what's been going on for the last eight to 10 years on our department. It's just time for change. And I don't see us moving forward and I'm just letting you know, I don't know what my future with the department looks like, but it breaks my heart that I'm going to potentially walk away from something with a lot of institutional knowledge and a lot of respect for my community and I'm not going be able to serve. So that's really all I have to say. And unfortunately I can't hang out and listen, because I got to get back to what we're doing here. But, um, it breaks my heart what's going on, but for anyone to suggest that any of these volunteers, especially that I and their senior officer don't somehow care about our community and don't teach, treat each other with respect.

The lack of respect in our environment comes from the top. And if you set a tone that doesn't come with respect and, and acknowledging that there are other people in the room that can do the job, you're never going to succeed as a leader. So that's really my comment. It's coming from the heart. It's not prepared. I have no notes in front of me. So that's where I'm at. I appreciate the opportunity to go, to make a public statement, but I will tell you that it saddens me and I'm incredibly upset about what's happened. And I want our department to be better and the community and the taxpayers and the firefighters deserve better. And that's the job of the board. There's no defending the chief because you think procedure is the problem. Henry, you didn't mention safety or any acknowledgement of the safety violations that went on.

This is a fireable offense on most departments, universe, Forest service, Cal Fire, City of any city in the country. So I'm tired of listening to you say, "Oh, I wasn't there. I don't know, but I'm going to give you my opinion anyway". I'm done now. Thank you for the opportunity. I'll be home. Uh, I'm not sure when I'm coming home because I have may have been reassigned again, but I'm out here for at least another two weeks. I'm reachable by phone. If anyone, anybody wants to reach out to me, please do so by email or phone. Okay. Thank you all. I appreciate you all. And good night.

Henry responds by saying that Eric had the date incorrect and that Eric yelled at him for 10 minutes.

Eric responded that under Federal law that underage children should not have been on a wildland fire and feels that Henry was not listening to what he was saying.

Henry did not wish to respond.

Iain said that he was very upset the Henry as President did not follow up from what Eric had said nor follow up from the meeting Iain had with Henry.

Laurelyn Sayah statement:

This is Laurelyn. [inaudible] for 18 years now. And I've got three minutes to talk. So I'm not gonna mention any of the details that I've got written down.

My experiences, I want to express that I'm truly, sad for what I am hearing and that other, that all of this strife and, that people's experiences of Chief Dirr, seem to be quite different than mine. I have a lot of appreciation for, um, being able to serve under Chief Dirr, who I see as being a very good leader. Actually, he's got faults we all do. I think I've experienced a lot of encouragement, including becoming a volunteer in the first place. I think he's very good at mentorship. Maybe not the upper levels. It's, I've heard that, but it's what I've witnessed, and one thing, plenty of times, he has brought me to the site of a fire, you know, like investigation type of stuff, um, and look and found opportunities for myself and other people to learn all that he knows.

And so when I hear of him taking Bobby in to do some investigative work or hear of him having Lauren on a fire, I can just think of, a lot of times personally, that has been like, Oh, here you see how this wire's been melted? You know, he loves to teach. I think he's very good at mentorship and very good at multitasking and finding those opportunities for people, even when he's doing IC and a lot of other stuff going on. I think that he's very invested in safety, both of the public, and first of the firefighters, I have always felt that he has our concerns at the top of his list and he showed this in, in many ways. I'm not going to go into all the details. Um, I have a couple of pages here written, but I'll just say, if you want to talk to me afterwards, I have plenty of examples of why I feel the way I do.

I feel like he does really care about our safety. I feel like he's, exemplified on many occasions, kindness and corrections. And one example I have here, I said the dreaded words the helicopter land and he just got on radio. I said, 'helicopter down' on the radio. And he said 'the helicopter landed' He didn't chew me out. He didn't make me feel bad. He helped me come up. He brought me up, uplifted me again. And again, I have lots of examples of this sort of thing. I feel like he really believes in his members and that he really cares about our mentorship and on safety and bringing us up. And I also feel like he's one of, there are not that many people on the department that actually cares about me and my past seven years have been pretty hard. And I didn't see him a lot during that, but when I would run into him in the station, I felt like he made eye contact and genuinely, gave a shit.

I wish I could say that about more people. And last but not, which I really appreciate his sense of humor. , like, I read it differently than some people might. I'm guessing some of this is just a, interpretation than somebody might think that he's laughing in derision or something, when I read it, I read it a lot differently. I really appreciate, I'll just call it sense of humor. It's that doesn't quite capture what I'm trying to say. Others appreciation, I think a lot of the negativity can get in the way of that. I think he brings many talents, certs and experience to this, uh, to the department and in his interactions with other departments and MAFIT and all the other stuff that he's a part of the, I believe one of the main reasons why he became a Sheriff's officer is so that he has a greater capacity to protect his members.

I believe that he has a really good attunement to local, the local realities of both his, his customers and who his volunteer force is and just the district, the realities of the budget and who we are, um, the transitional departments and all of that. Now, I want to speak a little bit on the vectors of negativity as I called it, where those things come from, how they get assigned to people and the, um, negative effects of group think. And I think that there is some of that going on. I think that it's human nature to take discontent and want to put it on someone else, something else. And I think it's also very upsetting part of human nature, very unfortunate part of human nature that, people can, sow the seeds of discontent and bend people, um, in a way that they disproportionately target people.

And I do believe like Rick been walking around all the 2020 with a target on his back and that, uh, not everything is Rick Durr's fault. He's human. He's not perfect. He admits it. At least to me, he always says. And, I think that, uh, the same scrutiny and I'm going to go ahead and use the word harassment. I know that's a loaded word, but I think he's been harassed for all of 2020, by a combination of all of this. I think that some of it is personal grudges. I would love to know the truth of the seeds of these things, but I think that has been spread. That's not to say that there aren't things that need to be dealt with. But I think a lot of these things are being put out there as if it is all Rick Durr's fault and it's not, then I think if you take any other officer or a Board member on this department and shine a unpleasant light on them and harro them for months on end, you're not going to look your best.

And I personally do not appreciate standing and witnessing any of my own treated that way. And I would like to see that same light of judgment shown equally upon everybody accountable, uh, for a lot of things. And I think, there's a lot going on here, but now on top of my list of what's, what's been going on and there's a large list of what has broken down and what's wrong. And I think on top of all of that is this, a bit of a witch hunt against Durr And I hold the people that have turned it into this accountable for that level of discord in Nederland fire, because I don't think it's good and I don't think it's necessary. And I do think that certain people are accountable for it. Lastly, I just want to say, this is not how we treat each other.

We watch each other's backs to make sure we don't get run over on scene. We do our best. We watch each other's backs to make sure we don't get blown up on scene or anything else. And we watch each other's backs to make sure we're okay and not just suffering horribly from PTSD and other things. This is a hard job. We need to be able to trust each other. We need to watch each other's backs. If does something wrong, we try to bring them up kindness in correction and that is not what I see going on. And, I think Rick has fault? Sure he does. I think he's a really good leader and it breaks my heart to see the treatment that he has been receiving this year. It's disgusting. It's not all about him. There are a lot of things that are not all about Rick Durr. So wherever else, you know, you know what your parts are in this step on up and take your share of the blame and do something about it. Happy to talk to anybody.

Iain commented that he does not think the Chief has a target on this back and that he has had many meeting with the Chief and feels that nothing has come out of this.

Patrick says that he agrees with Laurelyn in that everyone has had a hand in this and is now boiling over as there have been past experiences. This behavior will not be tolerated anymore from anyone in the department.

Chris Larsen:

I just, I just wanted to speak tonight because we've been hearing this and actually, before I get started, I want to make a comment I'm, you know, obviously a Nederland resident and as you're

all aware, I'm also, the Mayor and have been the mayor now for four and a half years. But I want to be very clear that everything I'm saying tonight is my personal opinion. I am not speaking in any way as a representative of the town of Nederland or the board of trustees. This is my personal feelings on this matter and personal thoughts.

So I just want to make that, make that clear, because I have not had a chance to discuss this with the Nederland board of trustees in any way, shape or form. But I have now I've been involved in the town of Nederland and on the board of trustees for coming up on 10 years, both as a trustee and as the mayor. And in that time, I've had many opportunities to work with chief Dirr, both in emergency situations and the, you know, the fires, the house explosions, the mini bomber, all of these events that we've had over the last decade, but also in non emergency situations. Working with him on safety issues for the town, working on the Big Springs, egress working on, well, way back when the fire department did the fireworks, uh, you know, we've worked on a lot of different issues and in all that time, chief Dirr has been a wonderful, wonderful partner to be town of Nederland to my, in my view, again, personal view, and it had nothing but the best experience working with him, particularly in the emergency situations.

I obviously can't speak to the events of July 3rd. I was, I steered clear the, the site, obviously during the first days of the, the situation and did not receive an onsite, briefing or information directly from the emergency team until the following week. so my comments are, I can't speak to the, the, the reasons you guys are having this meeting the, the July 3rd incident, only to the fact that I've had a very good working relationship and, have nothing but respect for chief Dirr. The other thing I would like to just to give you give some, some unsolicited advice, something I've learned in the 10 years that I've been involved on the Nederland town town board is that, as you guys are more than well, enough aware, Nederland is a passionate town, and there's a lot of feelings on any side of issues.

There's a lot of feelings. And a lot of, I always like to joke that on any issue in town, we have 1500 residents. So that means we have 2,500 opinions. There's a lot of passion on this. And particularly to this issue, obviously tonight, listening to, to those who have spoken before me and listening to chief Dirr, listening to Nederland fire board. And one thing I've learned from being on Nederland town boards that had this same kind of acrimonious nature, acrimonious feelings, personal, you know, people butting heads, is that the only way we can serve our community when things like that happen is to bring in outside help. It's something that when the Nederland town board a few years ago was going through a very similar situation, I was not yet mayor and not in a position to do things, but I wish we had brought in outside counsel. Bring in someone who is not so passionately involved on one side or the other to help work through it.

And that would be my, my hope tonight is that we, because I don't believe there's any doubt

that every single person in that room tonight or on this zoom meeting is incredibly cares incredibly and deeply for the town of Nederland and will do everything they can to make sure that we're safe and to get back to a position where there is a collegial nature, our collegial feeling of respect within the department is going to need outside help. So I would really encourage the Nederland fire boards to whatever their decision tonight, whether whatever the decision is to seek some outside help, to find the way forward that can work best for the department and for all of the residents, the Nederland fire department or fire district. So that's all I had to say. Thank you guys all very much for your service. Thank you for the long hours you put in, and I will just let you go back to your discussion. Thank you.

Iain commented that Ned Fire does have some outside experience from a HR company. They are giving outside input to see where we can go with the situation.

David Gustafson:

Actually this is David Gustafson. Julie's husband. We both were listening together. I just want to say a couple of things. First of all, Chris, you're still listening. You kind of beat me to the punch about, bringing in, outside agency. I've been a first responder for about 22 years now. I'm actually a ranger with the city of Boulder's open space and mountain parks. So I've worked with Nederland fire a little bit here and there on some wild land fires and some prescribed fires. And even in the realm of law enforcement where I've been working with, Nederland PD and we've had to call the fire department in. And I just want to say, first of all, the response has always been excellent. The service has always been excellent. I know a lot of the people in this town that work for you all and just want to say, thank you for your, your service. I do want to say kind of the same, echo, the same sediments that Chris had talked about. I know earlier when Henry talked about the, investigation, it's one of the things that kind of sat me back to a little bit was that I do know that in law enforcement, when we have an officer involved shooting, and I know that's totally different, we, we do bring in an unbiased team. It's a, it's a shoot team from across the County made up different agencies. And that's one of the things that when I heard you say that, you know, you gave it eight weeks and then decided to go ahead with your investigation. I don't think eight weeks is really that long of a time. And I also think that with all the departments that are, you know, in, in this, in this County, I see, you know, the formal chief chief Gibson's on here tonight.

I think there'd be a way through the County, whether it's through the Sheriff's department or through other fire districts said y'all could have had, a lesser, my opinion was a biased investigation. And so it's one of the things I know Chris kind of has brought up here. I definitely want to say thanks to Laurelyn for her information. Cause I do feel the same way. I know, um, chief Dirr for a long time, I have utmost respect for him and his family. And, I think it's just unfortunate circumstances set of circumstances when it came to this investigation. And that's one of the things that I think you guys need to think about too, is how this plays out with the rest of, of the city looking looking at this, this, this does have an effect that you're, I wouldn't doubt if that's what happened. It affected how many, how many people would want to

volunteer with y'all. As one of the things that if these issues have been going on for a long time, I hope we can definitely solve them, but you definitely need to look outside of the scope of just this board, because it, it does look like, you know, there's a bias there and that's what it does appear to you. A lot of folks that are out here, I just wanted to bring that up. Thank you.

Iain mentioned that as the Department doesn't have a process for this the incident was taking a life of its own. He is happy to have an outside company help. He didn't feel comfortable burdening other Fire departments with this.

Nancy Emerson Kress ? spelling of her name?

Thank you. So I appreciate so many of the comments that have already been made in, and of course I wrote this ahead of time and it is prepared. So there'll be a little bit of repetition. So I apologize for that, but I'm going to read it as I wrote it. Iain repeatedly claims that the goal is to solve problems and improve things, but the board has failed to undertake a holistic review of how to improve the department. Instead they chose to claim they were focused on this one incident. Iain you indicated that you put a lot of work into these investigations, no one doubts that this involved a tremendous amount of time, but that does not confirm what your goal or intent was with this, with these investigations or the degree to which you had already come to a predetermined conclusion per prior to conducting interviews.

In fact, others have perceived that you held a previous intent to terminate the chief. The number of other issues that you keep raising, provide indication that this isn't only about the scene at Alpine drive. And yet you aren't taking on a holistic review with regard to the investigation of the scene at Alpine drive. You also indicated that you tried not to ask leading questions, but that does not ensure that your questions were actually neutral. It is most likely that your questions were in fact leading regardless of your intent. It is for precisely this reason that Henry and members of the public, including myself clearly requested an outside independent investigation. At last month's board meeting, there was no other to ensure that this investigation would be carried out without bias. The fact that you proceeded with this investigation without adequately pursuing an independent investigation is irresponsible.

It is not sufficient to say that you called and didn't get responses. The only valid way to conduct an investigation such as this is through, into that independent investigation. And you should have pursued that path with commitment. In light of the perception that it was your intent to terminate the chief and an outside perception that there may be somebody else who wants the job. Your internal conclusions cannot be trusted. You approached your run for the board in a way that was contentious and antagonistic from the start. Accusations that Ray and Henry and Rick did not deal with prior issues may hold some validity while also needing to be interpreted in the context of hostility that has been created by the new board members starting last winter and spring. In terms of the claim that Rick has to be forced to do things. It is not clear that the new board members ever tried to work with chief Dirr in a more collaborative fashion.

In conclusion, your failure to turn this investigation over to an outside investigation, thoroughly undermined trust in your judgment. In light of the reality that the scene was not taped off immediately upon realization of the danger. This scene presented when chief Durr was not on the scene. I can't imagine how this investigation isn't into the actions of whoever was in command of this scene. More importantly, though, any investigation should be undertaken by an independent investigator. This entire situation falls well outside the scope of what can responsibly be investigated internally and as such the conclusions drawn from an internal investigation are effectively meaningless. I have surmised that the primary reason for your failure to secure an independent investigation may be because such an investigation would turn out the poor decisions, inappropriate actions of other individuals, who you may be trying to protect. As a citizen of this district. I had faith in this department under the guidance of chief Durr. I heard chief Durr's statements of how we hope he would move forward to build relationships and capitalize on people's strengths. And I would like to echo the request that he be given that opportunity. I hope that the current board can find a way to work collaboratively and leave behind the antagonism to genuinely do what you say you want to do to work in the best interest of the community.

Iain responded by saying that the Fire policy manual states that the way to handle an investigation is to have two board members investigate so that is what he did. Also Iain has had weekly meetings with the Chief to work with him to move the department forward. Iain feels that the Chief is not working with him and was treating him with contempt.

Ryan Roberts statement:

Ryan Roberts:

So this is Ryan Roberts, current captain at Nederland fire, been a Captain with Nederland fire for Charlie, correct me if I'm wrong, 11 years going on 11 years. So I have prepared a statement. I've been listening to this for several hours and I'm probably the only person that is intimately involved in all these situations, but just write out my statement. So I don't ramble. So I did have to edit some stuff on the fly because I listened to Iain's rules at the beginning,

It gets a little foggy. I apologize. So first off, I'd like to thank the board for this opportunity to comment and like to thank Chief Durr for making it public. I think this is going to hopefully clarify some of the issues that we see before us. To start while I appreciate the comments from the public and applaud their support of their friend Chief Durr. Unfortunately, in my opinion, this is not a popularity contest. The subject matter here is about a pattern of reckless endangerment and efforts to cover it up. None of the public commentators have reached out to the actual firefighters involved. None of the public was on the scene. So thank you for your comments, but you were not there. I was, I will comment on chief Durr's apology letter as there are some emissions. I was the incident commander albeit jointly with the United States forest service at the fire where Chief Durr brought his daughter. You can please reference chief Durr's apology

letter. I don't know if you can put that up on the screen in or not? It was an active wildland wildfire we'd call for the pre evacuated notice notices where Big Springs, as well as the helicopter do bucket drops an active fire. It was not a minor fire. If we do not catch it, it had the potential to start moving into subdivisions. While coordinating crews and air support, Chief Durr appears with his child. The child was decked out completely as a wild land firefighter, head to toe, nobody except the Ned fire members could tell that was a child. Chiefs Durr walked past Incident Command and declares that a tree by the fire line needs to be cut down, grabs a saw, drops it across the fire line and then declares that he and his child are going to work the left, flank of the fire, and then take an observation point.

His comments in his letter about bringing her to observe the fire only are not accurate. After the fire, I received numerous complaints about him bringing his child to the fire. At this time, I also learned from another member that he'd been putting his daughter in the back of the ambulance with patients. Tending EMS crews did not feel comfortable with this, but did not, but did not feel the environment was conducive to questioning the practices. According to district protocols, I brought the members' concerns to chief Durr. To say the least the meeting did not go well. And at this point, I'm going to apologize because I'm quoting Chief Durr and the conversation I had with him, I wrote down some of his quotes afterwards.

I've voiced my concerns about the bringing the child to an active fire and putting at risk. I also voiced concerns about child being put in the back of an ambulance during patient care, without patient consent and express my concerns about her violating patient rights and HIPAA, as well as not just being best practices. His response was less than cordial or professional. Chief Durr's response was "I can make anybody, I fucking want a firefighter. My child needs to see this stuff. This is the Durr family business". He express his intent to take his child into the burn trailer training facility during live fire exercises. All of this was said in a rather heated tone, there was no discussion of whether my concerns had merit. Instead it was a display of dominance showing that he is chief and what he says goes, it was a clear statement that Chief Durr was going to do whatever he wanted and I could piss off.

This is the quote from Chief Durr the September, 2019 board of directors meeting. He refers to all his officers as "hormonally challenged". I believe previous, previously in this meeting, he says, he said some of his officers correction. He said, all of them, you can listen to the recording directly. The actual complete quote is {inaudible} "My hormonally insufficient officer core", repeated for clarification by a board of director of member for clarity. I am not sure what he meant by hormonally insufficient, but I doubt it is a compliment. In my honest opinion, I believe is he stating that he believes all of Nederland fires officers have no balls. There is a recording of this available for anybody to hear through Cora, I believe this statement is inappropriate, sexist, and insulting. There is no mention of this behavior in the Chief Durr apology. There are two people in this meeting today that sat on the board of directors during that time. I would suggest that their acceptance of these comments are their endorsement of Chief Durr. Mr. Zurbrugg,

you were chief. You were chairman of the board at this time. This is the board that you were responsible for, whether you were there or not. You are the one that responsible for these actions. You're not correcting Chief Dirr for these comments is your implicit endorsement. Next, the issue of whether it is a HIPAA violation to have a child in an ambulance is discussed. I'll go direct to the discussion between Chief Dirr and a board member. At the time, Beth Davis, the discussion is about a child doing patient care and being in an ambulance. To quote Beth, Beth's statement or question "Was the patient complaining?" Chief Dirr response, "No" Beth's counter response, "Then shut the fuck up." Chief Dirr laughing "There you go. That is what I was thinking. In fact, I'm going to put that in a quote." Beth quote, "then I will punch him in the face." Direct quotes. You can get them from Cora recorded. Everybody thought this was hilarious. Here's Chief Dirr and the board of directors openly saying that firefighters, that question practices that may violate HIPAA or patient privacy, should and I quote, "shut the fuck up". And "I will punch them in the face". These quotes are available through Cora. September, 2019 board meeting. Minutes are available on our website. Recordings need to be requested. Of note that this whole discussion is not in minutes. Only in the actual recording. It was only after both of these events that Chief Dirr brought the idea of starting a junior firefighter program to the board of directors. He had been bringing a child on these calls under the pretense that a junior firefighter program program existed.

Nederland fire used to have one, but it was stopped and removed from policy after a junior firefighter violated HIPAA guidelines. The same reasons I was pointing out as a problem.

For the second issue about violating ICS protocols, there is more to the story there. The fire service is a service that learns from its mistakes. When you look back at what went right, what went wrong and make adjustments, but hiding your mistakes and being deceitful about them has zero tolerance. On the night of the fire, I was off duty, but I came back to support one of our other officers who was incident commander. We had, what are the evacuations that are building due to extremely dangerous conditions. To be clear evacuations of all firefighters. And this is where I'm paraphrasing because I deleted some of the specific scenes. Since it's still an active police investigation. It was agreed that this was now a scene for the police, with us acting in support of {inaudible} please, I won't go into exact details about the timeline, but in a nutshell, Chief Dirr ignored command and took an inexperienced firefighter into the building. Again, after it was deemed by incident command that it was too dangerous to enter. They went in with no bunker gear, no air or protection without telling incident command. To be clear, this building still had smoke in it and was deemed too dangerous to enter. There was zero reason to go in. I am also a trained fire investigator. First thing that you do in a fire investigation is ensure safety. This was not followed. There was no threats of life safety. There was no more fire. Cause investigation could wait. There was no hurry. This was a sightseeing trip. While this is part of the issue, it is what happened when he was questioned about going in that is the problem. When he was questioned about his actions, he immediately tried to justify his actions. " didn't have a radio", he said, well, the firefighter he went in with did, as far as being in the wrong channel, you helped purchase those radios. You know how they operate. "I was investigating a

cause". We all knew that cause. "It was safe."

Any airway monitoring equipment with him to verify, in fact, walked past the truck that had a gas monitor in it on his way to enter the building. "I am a Nederland police officer". I was standing with your Sergeant from Nederland PD and she was not aware of your actions and she was actually rather angry with you. Besides the denial, the question is still why? This whole thing demonstrates a very flawed decision making process. At least two firefighters could have died that day to the Chief Dirr admitted ?errities. While Chief Dirr has more years of experience, the inexperienced firefighter did not have enough to say no that day. When arrogance endangers other lives that is unacceptable. That other volunteer firefighter has a wife and a young child. He was not there because he's paid to do it. He was there to help his community. Willfully knowingly and recklessly endangering a volunteer is not acceptable.

I challenge the board of directors to find a standard in any organization that will accept this. And then to try and minimize it, justify it through half-truths and deflective statements is worse. Chief Dirr asked for this meeting to be public. And I thank him for this opportunity to air issues brought up by memberships. Members of the department had asked me to make a statement about these issues. I challenge the board of directors to truly review the matter before them. Is this a one time incident or is there a pattern? Is this about what is best for Nederland fire? Or is this what is best for Chief Dirr ? I have heard members of the public say "you are going to kill his career". They are obviously very interested in Chief Dirr personal welfare versus the department's welfare. Do you support an individual that slandered his whole officer Corps with degrading public statements or not?

Do you support a chief that laughs when the board of directors threatened violence against the membership or not? It has clearly shown that there's a record of serious, bad, life threatening decisions. What is the acceptable limit, two four? Wait until somebody hurts or dies? Chief Dirr has already lost the confidence of his officers core through his actions and degrading comments. Chief Dirr has also lost the confidence of the firefighters through his deception about his decisions. Without your officers and firefighters. What is left? I raised the question. Is there a double standard with the board of directors? If I called Chief Dirr "hormonally insufficient" at a Nederland board of directors meeting, would I be fired or would it be ignored? If I brought my 11 year old daughter to a fire. Ignored the incident command system, had her start digging Fireline and declared that we were just observing. Would I be fired or would it be ignored? If a board member threatened to assault Chief Dirr and said "he should shut the fuck up". And I laughed and said, "those are my feelings too" And I was going to quote that board member all during a public and recorded meeting, would I have a job right now? Your decision tonight will either set a standard for con for conduct or condone publicly unacceptable as well as dangerous practices. Are you an elected servant of the public or a friend of only certain people? Your votes tonight will show who you are.

So that was my written statement, but I also want to just go on comment a little bit about Mr. Zurbrugg's comments and also Ray Willis's. Henry your comments, honestly, don't surprise me. It's very obvious that you're in Dirr's pocket. Dirr's in your pocket and you're trying to justify 10 years of bad board of director, board of directors leadership. Ray, I'm kind of shocked. You're a longtime resident of this area. Born and bread here, lived here forever. And I'm kind of shocked that your support does not go to the town anymore. It goes to an individual. That's all I have to say.

Ray commented that the Junior Firefighter program was cancelled due to a sexual harassment claim not HIPPA.

Ryan and Iain said this is in a recording from the September 2019 board meeting.

George Newell statement:

Okay. Thanks. Can you hear me? Oh, great. my name is George Newell. I'm currently a volunteering with the Nederland fire department as a paramedic. I have, actually this year, 50 years of experience volunteering with, all sorts of, different, departments, national ski patrol, Aspen volunteer fire department, mountain rescue, Aspen, Aspen Valley, hospital, ambulance service, Rocky mountain rescue, Boulder emergency squad, a few others, internationally and, of course Nederland fire department. So over my 50 years, I've had a chance to see a lot of chiefs and, frankly, good chiefs are hard to find. What makes a good chief? Well, as I say, there are a couple of different qualities that make a good chief. First of all, you have to be smart. The fire service has changed, in the old approaches to, things just aren't gonna work anymore.

They, new information, new procedures, new legalities, new equipment, is coming at us pretty fast. And, you gotta be smart to be able to be an effective chief these days. Rick Dirr is smart. He's real smart and he works very hard at A lot of those stuff, the next quality that you need is you need to be willing to work for change for the better. Bless his soul old, Willard clapper, who is the chief of the Aspen volunteer fire department, cared about people, but he was absolutely implacably opposed to change. and a bunch of us had to, literally go toe to toe with him, to get the department safe, new, new, safe equipment. Rick Dirr has been a force for positive change, whether it's equipment or procedures, and he's always looking for it, you know, how can we do things better, most important way, of quality for a good chief is he has to care about his people.

And, well, I guess I'm also, I'll go ahead and mention names anyway. We've heard a problem, in Boulder and elsewhere, with chiefs who . Narcissistic, we've had a problem with, you know, chiefs who just don't care about their people and, who are using the position, you know, their own power Rick Dirr is not like that Rick Dirr sincerely cares about his own people. He's always willing to teach, and is always willing to work with people. So, what I would like to see is I would like to see us bring back the chief and as has been said by a number of people in this meeting,

let's figure out how to work together. We're a small department. It's really important that we all work together on the fire ground and off the fire ground. So we can solve this problem, bring the chief back and let's work together on this one for the good of the department. Thank you.

Iain commented that in the last 6 months, he has not seen a change or willingness to change in the Chief.

Dan Vinnola statement –

Good evening everyone. My name is Dan Vinnola and I am a B shift officer here at Ned Fire. I prepared a statement earlier in the day so I apologize if some is repetitive. I have been at Ned Fire for 2 years as of this month. I was witness and part of at least four attempts where that was done and nothing was done regarding those attempts. This was far before the AAR process was even put in place. There was another lie told tonight, to imply that we actually moved vehicles after they were put in place and somehow they were not, visible when people returned back to the scene. The discussions regarding propane tanks, radios, crime scene tape, and the rest of that is all just red herrings to me. I also find it offensive that, there's a suggestion in place that there was coaching or guidance provided to members to try to make this dangerous scene worse than it was. The scene speaks for itself. I personally believe that all this has been said publicly to discredit this process and to discredit these attempts, to improve safety in the department.

In fact, I'm surprised I didn't hear the words 'fake news' uttered tonight. Much has been said and will be continue to be said about the events on 283 Alpine. There'll be many viewpoints on whether the firefighter mission priorities of life safety, incident stabilization and property preservation were actually accomplished. In a very real sense the following did ultimately occur. No occupants, the occupants are treated, no firefighters were hurt. The two proximate houses were unburned and their occupants were unharmed and there was no wildland fire extension. What I believe each board member needs to ask themselves is did Ned fire accomplish their mission safely? If so, was it because of what they did or in spite of what they did? Did Ned fire escape a terrible event that night due to their training and their competency, or is it merely due to the effectiveness of the home sprinkler system?

I've been on many dangerous calls my career, but it wasn't until the call on 283 Alpine drive, where I felt like I was actually close to not going home to my family. Even worse, I was responsible for members, some with young children who were also close to not going home as well. What I want to stress here. And what I feel is most important to note is I didn't feel I wasn't going home that night because apparent danger to the scene, not one bit. I felt I and the other responders were in danger, not going home because the department was and continues to be unprepared for a scene like that. To be clear again, the events on 283 Alpine drive or not just the singularity or the result of a systemic lack of resource management and a continued resource mismanagement. I believe many of these topics have been discussed in pass board

meetings, but I'll mention a few that are germane to this call.

There were no requirements in place for annual hose testing. There were no requirements in place for annual apparatus pump testing. There were no requirements in place for annual DOT vehicle inspections. There are no current requirements in place for annual mask fit Testing. There are no set annual training standards required for members to fight structure fires. There are no set certification standards required for members to fight structure fires. There are no set call minimums required for members to fight structure fires. There are no set annual competency standards required for members to actually fight structure fires. Up until recently any apparatus failure was repaired in house with non-certified vehicle technicians, using parts I have literally witnessed being purchased off of eBay.

To continue. I broached the topics and safety and preparedness with Chief Dirr at least four times after this call. Rather than receiving support each time my concerns were dismissed. I was told that I was overreacting. I was overwhelmed. I made mistakes. I misinterpreted and I was wrong. When I brought up the topics of safety violations, lack of certifications, a lack of competency. I was aggressively shut down, given multiple versions of why I was wrong and given excuses as to why the events played out as they did. Frankly, I'm impressed by Chief Dirr and impressed by the list of qualifications and certifications he presented tonight. I have nothing against Chief Dirr and find him a very, very solid firefighter. If there's a go forward, then I would ask that he would share his knowledge with the department rather than being openly derisive about what we don't know.

I find it unconscionable that this fire board and the department leadership has to meet, discuss and argue continuously about what constitutes a safe, effective fire department. These definitions are already written as the line of duty death or near miss injury that occurs with first responders. What constitutes a safe and effective fire department is not what we always do. Or falling back on our 20 years of experience, but actually adopting the standards, procedures and regulations written because both and to avoid further injury and deaths. What constitutes a safe and effective fire department is not ignoring obvious issues, blaming the next people down the chain of command and saying the district isn't ready for change. I have considered resignation multiple times both before and after the 283 Alpine drive call. I start each shift worried that this is the one that I'm going to responsible for somebody getting hurt.

I leave each shift relieved that someone wasn't hurt. I'm not alone in this sediment, in this sediment, sentiment. I don't know why members of the board and members of the community don't seem to find this fact alarming. Some people in [inaudible] Might've just asked themselves why continue to stay, but I ask you directly, is that the actual right question to ask? I'm most recently considered resignation on September 14th. This was actually my next structure, fire call post Alpine drive. I considered it as I drove status one on an engine to a call

where a house at 1:14 in the morning was possibly on fire. For members in attendance tonight that don't know status one means I was all by myself. I was all by myself heading to a possible structure fire.

We are more than three months behind to beyond 283 Alpine drive, but time for apologies, excuses, mail mea culpas is not only past, but we are in fact worse off because of them. I asked the board to think not just about the serious violations that occur on Alpine drive on July 3rd, but also consider the ongoing systemic issues that caused these events to happen. I asked the board to finally sit down and do what is right for the community for the department and for the membership. I asked the board to look at the current situation, stop ignoring the history and to consider what they want the future to be. I asked the board to ask themselves if they want Ned fire to move forward and be the department, it can be, or be part of the next line of duty death that another department can actually step up and get to learn from. Thank you for your time tonight and letting me speak.

Iain commented that the fact we are still talking about not having any standards. Also that Ned Fire does not do any hose or pump testing is dangerous. He doesn't want any shift officers worried about equipment not working or attending a call alone.

Patick commented on how we move forward in a positive manner?

Bret Gibson:

I believe I am unmuted, thank you. I think my comments this evening are going to be largely from a County standpoint. I am Bret Gibson, Four Mile fire chief, I'm in my 33rd year or something, I'm a volunteer fire chief. I also more importantly serve as the president of the Mountain Chiefs Association, formerly known as the Boulder County Firefighters association and have been in that position for 20 years. And that's in that position representing most of the mountain districts and half of the Plains districts that I come this evening. Rick Dirr has been a strong supporter of the community from a County wide basis. His assistance and drive in the EMS world, helping to maintain our protocols, medical protocols, and tuning those protocols towards the mountain response, as opposed to the city response. Clearly a seven minute response with a seven minute transport time to definitive care, is significantly different than the type of response we have in the mountains. And therefore our medical protocols should be different. And Rick has been a very strong force in making sure that that stays, in our best interest. His commitment with the training center and sitting on that board for 10, 15 years is equally laudable in, again, representing the mountain training communities and our needs, our access to the facility, our training level, our response times went down there, the ability to get burn trailers, which was not something on the flats folks minds, was accomplishments by Rick.

Many of the agencies around you will have Auto-aid Agreements with you and also basic mutual aid agreements with you. This goes from the forest service all the way down to local little fire departments like mine, those agreements while easily written on paper are supported or honored through trust and respect. Mr. Dirr, while I don't really know him personally, I've never been to his home. I've had dinners with him before our mountain chiefs meetings, but beyond our professional relationship, I don't know him, but professionally. I respect him professionally. I find him to be incredibly well suited as a fire chief, both from an educational standpoint, but also motivation in his leadership that he has demonstrated in the field, both in my district and in other districts where we have offered mutual aid together. On my response to the cold Springs fire is one of the early responding engines to that incident. I was removed from the engine and placed in part of the overhead or command rolls out on peak-to-peak highway, where we became the incident command and Rick was operations in side. And I found his behavior there to be professional and definitely knew what was going on.

Talking about the board's behavior today. Again, this is from a 30,000 foot view. I don't get involved in the local politics of other departments. Obviously you hear things and in the world out there, I have to question, having a board of my own, and had, I don't know, probably 30 different members over my 20 year period of time. Some folks do join the board with a personal agenda. And I sense that here, and you folks, I think really need to step back and take a look at your motivations. I hear it here. I have not, and I want to repeat this, I have not had conversations with Mr. Dirr Regarding the board members here. So it's just listing to this meeting tonight. I do have a history with Henry Zurbrugg. He did build my fire station. I think he would tell you as well as I did that, our personal experience in that construction was not positive. The Building by the way, Henry, is beautiful and you guys did fabulous work. This is more the personal nature. So my view of your board is really strictly, what I see here tonight with the exception of past history with Henry. I think that you guys would benefit significantly from an outside investigator. I am an investigator. I am a licensed investigator. What I've heard here tonight goes against all investigative protocols.

As far as not being able to find somebody to make this investigation, the phone book, sorry. Google is full of private investigators yet also. And I'm sorry to say, that the state refuses to investigate, but there are other entities as well. So there are resources for you.

As far as shining the spotlight on any individual. And I've heard a couple of captains speak this evening and a firefighter to speak this evening. And in all of their conversations, in their statements, I can find fault with part of their behavior. I can find fault in their Incident Command, lack of control. I can find fault in their response to a structure fire, all of which could be pointed back to your policies and procedures or national policies and procedures, and say that these type of behavior should call for an investigation, at least internally. You shine the spotlight on anybody including me, and you will find many areas for improvement. Should I be

fired? Should the captains that have spoken this evening, be fired, should the firefighter who spoke be fired and that would leave an awful lot of us unemployed. I've been in my position for 30 years as a firefighter for 30 years as a fire chief for 20. I have made my fair share of mistakes. My strongest attribute is learning from them. And I would have to say, mr Dirr has shown me the light on many occasions from his own experiences in his own growths.

I question, whether or not you are holding the chief to too high of standard. The fact that he didn't check in with incident command. I think you could flip this around and say, if incident command had made a mistake, would you be attacking the chief because he was the chief and therefore ultimately responsible for all activity that occurs. Something tells me that you would, based upon the behavior I've witnessed solely this evening.

I also think that maybe as a board, you might want to consider weighing the scale of your reaction versus what actually you're investigating. I hear the excuse or the rationale being not checking in with command, going into a building under some false pretense while that definitely calls for looking into and some type of action on either the board's part or the department's part. I don't believe it falls to the level of termination And I've investigated a few behaviors in my time.

Well, and I guess the only real closing comments I can make is I've known Dirr, I've worked with Dirr professionally for 20 years and find him well, not quite 20, but I find him to be worthy of the title chief, and the respect that you come with, that we do have a tendency as chiefs to become arrogant. Yeah, I'm probably guilty of that myself, but I've also witnessed boards, my own on occasion where individuals have joined either past firefighters or residents with an axe to grind. And I have found that those board members do more harm in their push to make the department better, than they really understand. They're typically blinded by their frustration, their vision of a perfect agency and the narrowness of their mission. Fixing trucks, easy to say, testing of trucks, easy to say. But when you look at the history of repairs, costs, getting it done in house versus shipping them off to another facility, we're spending the amount of time, volunteer time, to hose test pump, test, yes, you are correct director that can be done.

And in my experience, unless you're willing to pay for it and have it shipped off, volunteers rarely step up to do those 16 to 24 hours worth of testing in a month's period of time. And I have yet to see a board members step forward to do that too. My apologies for being a little bit belittling this evening, but it's late. And this is also the first time I've ever had a board meeting where after every speaker, the board members make comments about what the speaker just said. I'm here. I'm willing to have any conversations you guys want to have offline afterwards. I

also am happy to point you towards investigators, both fire investigators and private investigators. Thank you.

Ryan Roberts comments that Chief Gibson is not involved in the fire department here to be able to comment. Also Chief Gibson is talking about Rick Durr's character and what is being discussed tonight is the incident on July 3rd.

Bretlyn Schitmann comments that the Chiefs apology letter and admissions is the outcome of the investigation.

Todd commented that change has to happen from the top down. Maybe there could be a possibility of time to see if that leadership will change.

Patrick commented that we are experiencing chaos in this dept. He suggested as the board is still so split about the decision, instead to look at his contract. This has not been changed in 19 years. He suggests to terminate his contract and will have a work performance plan. He will be a at will employee. The Chief will have to gain the trust of the department. Also we should have a Operations Division Chief. A Work plan will be included in the new contract. Keep the captians handling operations and have the Chief handle administrative work and rebuild credibility and trust within the dept.

Iain commented that he may need to consult the attorneys about the contract.

Patrick suggests we get a Operations assistant or Assistant Chief to be a buffer between the shift captains and the Chief. Could be a volunteer. A layer of supervision that does not throw the chief back into the position he was in before.

Iain agrees and asks for time to chat with the attorneys.

Henry agrees with a new contract that includes a reasonable work program that also needs the support of the volunteers and shift captains.

Ray is willing to give this a try and feels this is very generous. He wants benchmarks and a time frame as well.

Rick Durr's commented that he is very appreciative of the opportunity and is happy to have the contract terminated but wants to keep working. Also agree with an Operational Chief acting as a buffer. He accepts that as a At Will employee if he doesn't stick to his work plan then the board can ask him to move along. His intent is to follow the work plan.

Iain made the motion to terminate the chief's contract and have them draw up the paperwork. 5-0-0???

Decided not to hold the vote of confidence in the chief as this violates what we just agreed to. The members can do this themselves.

The Board will have to agree on the work program and will have the HR company create this.

Patrick would ask that until the work plan is in place that the Chief does not return.

Todd wanted to clarify that the decision to push off the vote of confidence does not mean the board isn't listening to them.

Special Executive Session

Motion: I move, pursuant to Colorado Revised Statutes, Title 24, Article 6, Section 402, at subsection 4(f) to go into executive session to discuss personnel issues related to Chief Dirr. The matter to be discussed behind closed doors regards safety and protocol violations on an incident and complaints received about that activity. The discussion will be based upon the information collected from the interviews that were performed by Secretary Ray Willis and Board President Iain Irwin-Powell.

As this executive session involves a personnel matter, the employee involved has been given the opportunity to require that this discussion be conducted in public, and the employee has indicated that they wish for this discussion to occur in [private/public].

Special Meeting Conclusions

Next Meeting October 7th 2020 @ 7pm

Adjourn the meeting @ 11:40pm