

TAHOE DOUGLAS FIRE PROTECTION DISTRICT
BOARD OF TRUSTEES MEETING
May 29, 2024

Those Present:

Chief Scott Lindgren

Assistant Chief Bryce Cranch

Chairman Greg Felton

Vice Chair Ben Johnson

Legal Counsel Devon Reese

Trustee Stacy Noyes

Trustee Janet Murphy

Trustee Larry Schussel

1. Call to Order

Meeting was called to order at 2:30 PM.

2. Pledge of Allegiance.

The Pledge of Allegiance was led by Captain Curtis Baker.

3. Roll Call.

Chairman Felton, Vice Chair Johnson, Trustee Murphy, Trustee Noyes and Trustee Schussel were all present. A quorum was met.

4. Approval of the Agenda.

Trustee Murphy made a motion to approve the agenda as presented.

Second: Trustee Noyes

Motion approved: 5-0.

5. Public Comment:

None.

6. Trustee Comments:

Chairman Felton advised that the former Marine 24, newly named *Phoenix*, is fully functional and on the water in the Tahoe Keys. The marine survey found the condition of the Phoenix to be in "excellent (Bristol) condition."

7. Approval of the Consent Calendar.

- a. Board Meeting Minutes 04/17/2024
- b. Monthly Expenditures
- c. Financials – 09/30/2023
- d. Job Description – Fire Captain
- e. Job Description – Fire Engineer
- f. Job Description – Firefighter/AEMT
- g. Job Description – Firefighter/Paramedic

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Trustee Schussel made a motion to approve the consent calendar as presented.

Second: Trustee Noyes

Motion Approved: 5-0

8. Consent items moved forward:

None.

9. Presentation: Special Recognition

Fire Chief Scott Lindgren

Engineer Brad Petersen

17 Years of Service

Accounting Specialist Lora French

3 Years of Service

10. Public hearing and possible adoption of the FY 2024-2025 Tentative Budget.

Fire Chief Scott Lindgren

Chief Lindgren advised that the Tentative Budget was accepted by the State.

Chief Lindgren relayed that the Tentative Budget is estimated.

Trustee Murphy made a motion to adopt the FY 2024-2025 Tentative Budget.

Second: Trustee Schussel

Motion Approved: 5-0

11. Public hearing and possible adoption of the FY 2024-2025 Final Budget.

Fire Chief Scott Lindgren

Chief Lindgren advised that there were a couple of minor corrections that were made by the State to the Final Budget.

Budget highlights:

- Total revenue and expenditures are \$35.1 million in the total budget
- Total positions is 125: 95 year round, fully-funded positions and 30 seasonal (counted as half a position)
 - 60 positions in the Wildland Fire & Fuels Division; 30 are permanent, 30 are seasonal and 26 of the 60 positions are funded through the NV energy contract
 - 7 Admin positions, 6 are filled.
 - 1 fully funded mechanic and 1 mechanic that is a Fire Captain/Crew Foreman/Mechanic funded through the WF&F Division
 - 3 positions in the Fire Prevention Bureau, plus the Assistant Chief/Fire Marshal

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- 48 positions in the Operations Division which does not include the 3 Chief Officers with 23 FF/PMs funded in ABM fund.
- Nine Chief Officers

Previously the Trustees had inquired as to what the Fire Chief's biggest concerns were with the upcoming budget. One of Chief Lindgren's concerns is after the last audit, the budget was off the state projected revenues by \$400,000 on the consolidated tax. Agencies are obligated to follow the State's projection, and the concern is there may be a shortfall again. His estimate is as much as \$200,000. Chairman Felton asked how the District accounts for \$200,000 that might not happen. Chief Lindgren advised that we have to be conservative and pay very close attention to the revenue. If the District must make adjustments to capital assets throughout the year, then we will.

Other taxes that make up the District revenue are the property taxes - \$7.8 million. From the property tax, \$4.8 million will go into the General Fund, \$2.4 million into the Ambulance Fund and \$617,000 into the Wildland Fire & Fuels Division.

Capital Assets Fund:

- Station maintenance
- Auto extrication equipment
- Training props
- Upgrades to fitness equipment
- Radio infrastructure upgrades

Capital Projects Fund: This fund receives revenue from the Ad Valorem tax and the District also transfers from other funds for capital purchasing.

- Sell some of the 1990's Type 3 Fire Engines
- Purchase of a new Type 3 Fire Engine
- Second refurbishment of a Type 1 Fire Engine
- Purchase of new vehicles for the Fire Prevention Bureau
- New shop and storage building
- Pre-plan for a Stateline fire station

Sick Leave Fund:

- Receives revenue from the Ad Valorem tax
- Liability for long-term sick leave and for sick-leave buy-outs

Special Services Fund:

- This fund does not get any tax revenue
- Some revenue comes from the Bomb Squad contracts and grants

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- Covers specialized services: SWAT Medic, Rope Rescue, HazMat, Water Rescue, Ice Rescue, Active Shooter gear, new SCBA's for the Bomb Squad

Health Insurance Fund:

- All this revenue comes from transfers
- The fund is very healthy

Moving to the partially-funded health insurance will give us some data on how much we are saving.

Fire Safe Community Fund:

- Special Tax Override - \$617,000 comes in for this fund
- Capital Asset Purchasing - The District would like to purchase another "message board" and a few dump trailers.

FireFlow Fund:

- No tax revenue that comes into this fund - all based on user fees.
- In the process of refurbishing a new chassis on the water tender - will be done in late July or early August.
- Public Safety Pier
- Jet-ski upgrades will be completed through grants

Aviation Fund:

- No tax money goes into this fund
- All donation based

Ambulance Fund:

- \$2.4 million from the Ad Valorem tax
- Fees for Services, ambulance standbys at events and the GEMT
- Potentially will receive revenue from contracts with transfer agreements from Barton Hospital

Healthcare costs have been increasing and are becoming a concern, however the District moved to a partially self-funded health insurance plan last year which has proved to be beneficial so far.

Trustee Murphy asked for clarification about the ambulance fund in regards to a change from the Tentative Budget to the Final Budget. Finance Manager Nolting stated that the "Other Income" decreased from \$305,000 to \$247,500.

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Chairman Felton asked a question about the Special Services Fund and the SCBA replacements. Chief Lindgren advised that the EOD Team will need special SCBA's because the new SCBA masks do not fit into the bomb suits.

Chairman Felton asked if the District should get into the ambulance purchase queue now. Chief Lindgren responded that it isn't necessary to right now. The District has four ambulances and currently runs two ambulances per day. At this time, the District will keep what we have and add an additional two (24 hour) ambulances and one (12 hour) ambulance when it gets closer to Barton Hospital opening.

Trustee Murphy made a motion to adopt the 2024-2025 Final Budget as presented.

Second: Vice Chair Johnson

Motion Approved: 5-0

12. Review of Monthly Fire District Reports and Activities

No action will be taken.

Fire Chief Scott Lindgren

Trustee Noyes, Vice Chair Johnson and Chairman Felton noted that the financial snapshot on the Fire Chief report is very clear and helpful.

Vice Chair Johnson mentioned the backlog of plan checks in the Fire Prevention Bureau. Chief Lindgren reminded the Board about the remodels at Harrah's, Harvey's and Golden Nugget and the fact that we are in building and event season.

Referencing Nackey Scagliotti's letter, Vice Chair Johnson thanked the Operations Division for their assistance with Nackey's husband. Chief Lindgren thanked Nackey for her \$20,000 donation to the Community Involvement Fund which is where the District funds the EMS Scholarships.

Chairman Felton advised of a seven-minute break at 3:18 PM

13. William Morgan Termination Grievance

Fire Chief Scott Lindgren

Chairman Felton called the meeting back to session at 3:25PM.

Legal Counsel Devon Reese read the grievance request from Tahoe Douglas Fire Protection District Local 2441.

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Local 2441 Grievance Chair Chad Baker introduced the Grievance Committee representing William Morgan: President Will Darr, Vice President Curtis Baker and Committee Member Jesse McDonald.

Grievance Chair Chad Baker presented:

The Tahoe Douglas Fire Protection District showed disparate treatment to William Morgan.

Vice Chairman Johnson asked the Grievance Committee to expand on the evidence showing how there was disparate treatment to Morgan.

Vice President Curtis Baker responded that due to the public meeting, Local 2441 did not want to draw attention to the other employees that received favorably better treatment than Morgan in similar situations; however, in arbitration the Local 2441 will provide that information. President Will Darr informed the Board that there are employees with checkered pasts that are still very good employees. Local 2441 did not want to put those employees “checkered pasts” on blast in a public meeting.

Trustee Schussel noted that the Local 2441 is referencing policies being ambiguous because some policies don’t differentiate between on-duty and off-duty, but he thinks the answer to that is obvious. It’s on-duty AND off-duty. Firefighters are held to a higher standard than others.

Vice Chair Johnson asked why some requested information wasn’t presented to Chief Lindgren in a timely manner. Local 2441 advised that they are not withholding information from Chief Lindgren, but instead that they did not have the information. Felton clarified and asked what they mean when they say they do not have it. Does the Local 2441 not have it or does Will Morgan not have it. Morgan advised that he has tried to get it.

Chairman Felton asked about the list of communication Chief Lindgren asked the union to provide including the communication from the Federal Aviation Administration. Morgan said that any communication information the District needs, he can provide, but he did not know that was needed.

Trustee Schussel asked Morgan if he feels like he has always acted in a way that upholds the values and integrity of being a firefighter with Tahoe Douglas. Morgan responded that in the moment on the airplane, no. Throughout his life and throughout his career at TDF, he feels that he tried his best to uphold the values and integrity of being a firefighter, especially at the department and at home with his three children.

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Vice Chair Johnson asked Morgan why he did not follow up and clarify with Chief Prather that he was being charged with a crime as soon as he found out.

Morgan responded that he kept the charges close to his chest. He didn't know if the charges would be dismissed or not. Curtis Baker advised that Morgan followed the policy and provided the information once he knew.

Chairman Felton asked for clarity regarding Morgan's use of illegal substances. Morgan admitted to using illegal substances. The policy of the department says there shall not be any illegal drug use. The charges don't have anything to do with that. Curtis Baker clarified that Morgan was not given an opportunity by TDF to get help for his illegal drug use when there have been other employees who were given an opportunity to get help, rather than termination.

Trustee Murphy asked Morgan if the two misdemeanor charges are still pending regarding the assault, as long as he completes the program. Morgan confirmed that if he doesn't complete the pre-trial program, then he waives all rights and will go straight to sentencing. Murphy asked if he has ever done mushrooms before. Morgan confirmed yes. Murphy clarified if it was on a regular basis. Morgan advised no. Murphy asked if Morgan does marijuana on a regular basis. Morgan advised no. Murphy asked Morgan if he is admitting to doing illegal drugs off duty. Morgan confirmed yes. Murphy asked Morgan where he purchased the mushrooms. Morgan advised he purchased them at a dispensary in Nevada.

Trustee Murphy asked if Morgan disputes that he had a written reprimand and a suspension. Morgan confirmed that he did have a written reprimand and a suspension, along with a verbal. Murphy confirmed that there were three incidents within a twelve-month period. Murphy asked if Morgan feels that his conduct was outrageous. Morgan agreed that, in regards to his behavior on the flight, his conduct was outrageous and terrible.

Vice Chair Johnson confirmed that Morgan had to meet with the psychologist before returning to work. Johnson asked Morgan if he shared a full and accurate description of the multiple events and drug use. Morgan admitted that he denied the drug use to the psychologist so that it wouldn't be on written record.

Chairman Felton discussed one of the problems in this situation being that some information that was never provided to the District, for example the FBI communication. Felton also finds it disappointing that, according to the Local 2441, there are parts of the CBA that are possibly being misinterpreted. For example, the on-duty versus off-duty claim.

Trustee Noyes asked Morgan how often he has been doing check-ins. Morgan responded that he has completed 234 hours to-date of community service/he is continuing to see therapist on a

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weekly or biweekly basis along with doing monthly check-ins. He submits that information to his lawyer every month.

Attorney Devon Reese confirmed that public comment is not required.

Morgan gave a statement and thanked the Board members for the opportunity to speak before them. He discussed how he feels ashamed for his actions. He takes ownership and responsibility fully for his actions on that day and will continue to take responsibility for it for the rest of his life. He apologized for the pain he caused his wife, family, friends and coworkers. He feels blessed for having the opportunity to work for Tahoe Douglas Fire. He began in 2008 as an original Zephyr Crew Member then earned a paramedic scholarship to go to paramedic school. During his probationary year, he excelled in firefighter operations and passed the paramedic TAP with little experience. After five years in the operations division, he was promoted to Captain at the age of twenty-seven. Morgan cares about the Department, the people that work here and about the community he has served. Being a firefighter at Tahoe Douglas Fire has been the biggest honor, privilege and purpose for his life, outside of his wife and three children. He stated that he will continue to work on himself on a day-to-day basis to ensure that this never happens again.

Trustee Noyes made aware that the biggest issue here wasn't the situation on the plane, but instead how the situation was handled afterwards.

Vice Chair Johnson made a motion to uphold Chief Lindgren's decision.

Second: Trustee Noyes

Motion Approved: 5-0

14. Public Comment:

None.

15. Discussion: Confirm next meeting, with a proposed date of Wednesday, June 26, 2024 with a start time of 2:30PM and possible agenda items.

16. Adjourn

Meeting Adjourned: 4:10PM

Submitted by:

Amanda Keeton

District Specialist

See the attached transcription of Agenda Item #13.

1 MR. FELTON: All right. I said we would
2 restart at 3:25, so here we are. We're back in
3 session. We're on to Item 13, which is listed as
4 William Morgan Termination Grievance. Would anybody
5 like to introduce this item.

6 MR. REESE: I can, Mr. Chair.

7 MR. FELTON: Okay.

8 MR. REESE: Pursuant to the collective
9 bargaining agreement between the employees of the North
10 lake Tahoe Fire Protection District and the District,
11 I'm sorry Tahoe Douglas Fire Protection District, these
12 grievance steps can be used by the revised advancing to
13 step two of grievance. And the chairperson has now
14 called the grievance, and at this time everybody will
15 be allowed to make a presentation.

16 MR. FELTON: Okay. So I'm not sure who's
17 presenting.

18 MR. CHAD BAKER: Yeah, I am.

19 MR. FELTON: And maybe when you guys speak,
20 you could, just for the record, introduce who you are,
21 so --

22 MR. CHAD BAKER: Yeah, absolutely. Chad
23 Baker. I am the grievance chair of Local 2441
24 representing William Morgan. We've got Jesse McDonald,

1 he's also a grievance committee member, and then Curtis
2 Baker, vice president, and Will Darr is president. You
3 guys received your binders, should have been a week
4 ago, had a chance to review them. This is an
5 opportunity for you to ask us any questions, you need
6 clarification. If you weren't able to review it much,
7 I'd be happy to go over it in a little more detail.
8 The local feels that Will Morgan was
9 given disparate treatment. Ultimately, he was charged
10 with two accounts of assault. In the past, the
11 District has employed people with assault who are still
12 employed, remain employed to us, that's disparate
13 treatment. In the past, we've employed, and who are
14 still employed, with drug-related charges and
15 alcohol-related charges. To us, that's disparate
16 treatment. The District had an opportunity to give an
17 employee assistance program, and they opted not to.
18 And the employee assistance program [inaudible]
19 volunteer information about their drug use and problems
20 that they may have. The District decided not to
21 [inaudible] determination in our opinion, that's
22 disparate treatment.

23 MR. FELTON: I -- I -- I'll just say one
24 thing, which is, as you pointed out, we've all received

1 the binders. I think you can count on the fact that
2 everybody's read it. So -- or, so if there's anything
3 else you want to say, what you want to emphasize,
4 whether additional information, whatever, that's
5 completely up to you.

6 MR. CURTIS BAKER: Since you guys have all
7 received the binders and had an opportunity to take a
8 look at those, we'll give you guys an opportunity right
9 now [no audio]. Was there anything that we can answer
10 for you guys after you've read it? Any questions you
11 may have in regards to our argument or on anything you
12 might have read.

13 MR. JOHNSON: First thing I struggled with a
14 little bit is the argument disparate treatment.
15 Where's the evidence of that, just for you guys to say,
16 hey, we have one person, or a couple people that have
17 been accused of assault, they're still employed. We
18 have that. There's not anything [inaudible] to be
19 really frank. So it's hard to criticize the chief when
20 there isn't more context given to us that we know, is
21 that correct verifiable as far as specific areas or
22 chief obviously likes discretion in how he applies his
23 --

24 MR. CHAD BAKER: In this -- in this step 2,

1 it's pretty public, and we didn't want to draw
2 attention to other individuals that weren't necessarily
3 involved. But that had history of -- so we'll leave
4 that, if this goes to arbitration we'll go over that.

5 MR. CURTIS BAKER: But we -- we have given
6 that evidence to Counsel as well as [inaudible] as far
7 as that there is employees, or are employees that have
8 had public charges, that they [inaudible]. And we can
9 share that information, I -- I could go print it off
10 right now and share it with you guys.

11 MR. DARR: Will Darr for the record board.
12 I think the main takeaway from this is the fact that
13 the District has to deploy all its policies across all
14 members of the District. And if you -- if you don't do
15 it for one member, that becomes disparate treatment.
16 The main takeaway from this is we don't want to put
17 anybody on blast about their history and their past,
18 but want to point to the fact that we do have -- we do
19 have people that have checkered pasts, potentially, and
20 they are good employees [inaudible].

21 MR. SCHUSSEL: Thank you. I'll just throw
22 out something real quick. On a couple of things that
23 in your -- your book, you had said that you're talking
24 about different policies, and it says, "The article of

1 this policy is ambiguous because it doesn't
2 differentiate between duty -- on-duty and off-duty."
3 You said that a number of times. And I think the
4 answer to that is obvious. The answer is, it's all the
5 time, it's on-duty and off-duty. So I don't understand
6 why you would say that you feel that it's ambiguous,
7 and I guess, kind of want to throw that out, because
8 it's one or the other. I think anybody realizes that
9 being a firefighter is, you're held to a lot higher
10 standards than just people off the street. And so, you
11 know, when we look at it, you're held to those
12 standards off-duty and on-duty. And so that's just --
13 that's just my point.

14 MR. CHAD BAKER: Yeah, that's
15 understandable, and from that perspective, I -- I get
16 it. But to say that a firefighter -- in the drug and
17 alcohol policy, for example, no alcohol, is that
18 off-duty? Can I go home and have a glass of wine with
19 my wife, or am I expected to stay sober on my days off?
20 Not even have a beer.

21 MR. CURTIS BAKER: Yeah, absolutely. We'll
22 save all this [inaudible]. On my days off, when I take
23 vacation, I'm sure you can appreciate it as a retired
24 firefighter, that sometimes it's nice to not be able to

1 shave and go fishing in Mexico. So there -- there is
2 some ambiguity there as far as what applies onto
3 on-duty and off-duty. Now, obviously, there are some
4 behavior issues, there are things such as upholding the
5 laws of the United States. Will Morgan is not denying
6 that he plead guilty to assault charges. But even the
7 United States government found means to say that after
8 he completes a community service, he gets a notice for
9 one year, this is a deferral, those charges will be
10 completely dropped, and then he can have that record
11 sealed. It will not be on his record at all.

12 MR. JOHNSON: One of the things that's
13 probably the most -- as I looked through it, is we got
14 initial letter from the chief, was that he was intent
15 to impose discipline, but it included a list of items
16 the chief wanted. So, to the best of my knowledge,
17 that information hasn't been produced. I'd like to
18 understand why not? I'm always one of complete
19 transparency and share everything. So it did bother me
20 a lot when Chief's asking for stuff and it's not being
21 produced.

22 MR. MCDONALD: So those documents have been
23 requested from -- by the chief by us, and we don't have
24 it. They're [inaudible] for example, we just weren't

1 able to obtain that document.

2 MR. CURTIS BAKER: Yeah, we're not
3 withholding. We shared what we have, [inaudible] we do
4 appreciate the transparency from the chief, the
5 transparency in this process. And -- and we'd like to
6 say that we have as well, and we don't have [inaudible].

7 MR. JOHNSON: How -- and I just want to dig
8 in a little bit, that's a really, really important
9 point for me, from my end in assessing this overall
10 situation, what steps were taken, were they reasonable,
11 were they timely? I just don't understand how this
12 information couldn't have become before us if you could
13 -- if you guys wanted to.

14 MR. CHAD BAKER: [inaudible] the Freedom of
15 Information Act and get it through. Will contacted his
16 lawyer, and his lawyer told him to go through that same
17 route that he didn't have it for him. He made some
18 efforts to try to update all this stuff, it's just,
19 there's a time lag, I guess you could call it, trying
20 to put it [inaudible] Information Act to get it. Our
21 lawyer said, when it comes to arbitration, are we going
22 to have to subpoena the FBI to get the report?

23 MR. FELTON: Okay. Just for clarity, when
24 you say we -- we don't have it, do you mean we the

1 union doesn't have it, or we, the union and Will
2 doesn't have it?

3 MR. DARR: Will's right here --

4 MR. MORGAN: I don't -- I don't know. And
5 I've -- and I've tried to get it.

6 MR. FELTON: But I see there that there's
7 four items on the list that the chief asked for. One
8 of them, for instance, is communications back and forth
9 with the FAA. I presume you would have that, because
10 you received it and responded and --

11 MR. MORGAN: I don't know where that is
12 [inaudible] and any communications I have, I can
13 provide, no problem. I didn't know that he does
14 [inaudible]. And that's my fault, I completely own
15 that, and I -- I didn't provide that, but I didn't know
16 it was needed. I can provide it.

17 MR. SCHUSSEL: I guess I'll -- I'll just
18 throw out a question to you, Will. I mean, do you feel
19 like you've always acted in a way that upholds the
20 values and integrity of being a firefighter with Tahoe
21 Douglas?

22 MR. MORGAN: In the moment, on the airplane,
23 no, I did not. And I own that. But throughout my life
24 and throughout being firefighter at Tahoe Douglas, I

1 have tried my best to uphold the values, on a
2 day-to-day basis, especially here at the department
3 [inaudible] the crew. I have three -- three children,
4 and I want to instill those values and preach that
5 stuff at home as well.

6 MR. JOHNSON: Something else I wonder as I
7 look through this. I think, some of the interviews, it
8 was acknowledged right away, Battalion Chief Prather
9 asked, have you been charged with a crime? The answer
10 was no. That was sometime October 2022. In June of
11 2023, when you became aware -- aware there was charges,
12 why do you not feel it was important to clarify with
13 Prather and say, hey, I wasn't aware at the time, but
14 now I am, I just want to be transparent with you. That
15 -- I mean, that just really bothered me, because I felt
16 you have to clarify that material statement, and that
17 didn't happen for some reason.

18 MR. MORGAN: Yeah. I -- when I became aware
19 of the charges, it was -- I kept it close to the chest,
20 for sure, because I didn't know how it was going to go.
21 I didn't know what was going to happen, whether I could
22 serve jail time, or face huge fines, or -- or the
23 charges would be dismissed. And I went through the
24 policies and made sure that I wasn't required by policy

1 to report charges at that time. And I wanted to see
2 what was going to happen, what was the end result?
3 Because if the charges were going to be dismissed, I
4 didn't want to bring it up before then. So I went
5 through the policies and made sure that I was doing the
6 right thing and that I didn't have to report anything
7 until I was convicted.

8 MR. CURTIS BAKER: Piggyback on that, he is
9 correct. Our policy does state conditions. It doesn't
10 state any accusations or any charges, it says
11 conditions. And even in the investigation, the
12 investigator [inaudible] to provide the information
13 once he gets convicted.

14 MR. FELTON: I -- I do have a clarity
15 question though, because I -- I'm just reading the
16 argument that was provided by you. And for instance,
17 it says, "The employee admitted the use of controlled
18 illegal substances. There were no legal charges
19 associated with substance use." The policy of the
20 department says there shall be no illegal drug use. It
21 doesn't say the charges have anything to do with
22 whether that's --

23 MR. CURTIS BAKER: No, yeah, that's correct.
24 And I think that the [inaudible] position is that there

1 have been, which we would argue other employees that
2 have been found and have [inaudible] drugs, and have
3 been given the opportunity to get some treatment, as
4 opposed to being terminated.

5 MS. MURPHY: So this pretrial deviation,
6 you're still in the process of that, correct?

7 MR. MORGAN: Correct.

8 MS. MURPHY: So the two misdemeanor charges
9 for the assault, that's still pending as long as you
10 complete the program; is that correct?

11 MR. MORGAN: Correct.

12 MS. MURPHY: Because if you don't, or you
13 get any type of infraction, they will start
14 prosecution, correct? Is that -- that's what it says
15 in the docket, correct?

16 MR. MORGAN: Correct. If I don't complete
17 the pretrial diversion, I've waived all rights for
18 appeal or any other stuff, I go straight to sentencing.

19 MS. MURPHY: Correct. And you've already
20 admitted that you've done mushrooms, correct?

21 MR. MORGAN: Correct.

22 MS. MURPHY: Have you ever done mushrooms
23 before?

24 MR. MORGAN: Yes.

1 MS. MURPHY: On a regular basis?

2 MR. MORGAN: No.

3 MS. MURPHY: Recreational?

4 MR. MORGAN: Yes.

5 MS. MURPHY: How about marijuana?

6 MR. MORGAN: Yes.

7 MS. MURPHY: Recreational?

8 MR. MORGAN: Yes.

9 MS. MURPHY: Ongoing?

10 MR. MORGAN: (No audible response)

11 MS. MURPHY: My other question is, as far as
12 in the policy, and I know there's been some, you know,
13 discussion as far as on and off-duty. But Mr. Chairman
14 had commented about illicit drugs. It specifically
15 says, any illicit drugs on or off-duty, correct?

16 MR. MORGAN: Yes.

17 MS. MURPHY: Okay. So you're -- you
18 admittedly saying that, yes, I did illicit drugs
19 off-duty, correct?

20 MR. MORGAN: Correct.

21 MS. MURPHY: May I ask you where you
22 purchased or received the mushrooms?

23 MR. MORGAN: A dispensary in Nevada.

24 MS. MURPHY: Is that where you purchased the

1 marijuana as well?

2 MR. MORGAN: Yes.

3 MR. CURTIS BAKER: With al due respect,
4 ma'am, I don't see the relevance, this is more about --

5 MS. MURPHY: That was information that
6 wasn't provided in the investigation. That's why I was
7 curious. Did you ask me if I can ask any questions?

8 MR. CURTIS BAKER: Sure, absolutely.

9 MS. MURPHY: Thank you. Thank you. So --
10 and do you dispute also that in 2022 of March -- oh,
11 excuse me, was it March and April, April or May, where
12 you had a written -- a written reprimand, a suspension?

13 MR. MORGAN: Yeah, in April of 2022.

14 MS. MURPHY: Correct?

15 MR. MORGAN: Yes.

16 MS. MURPHY: And you also had a verbal one,
17 like within a month from that, correct?

18 MR. MORGAN: Yes. The verbal before then
19 led to the 48 hours of --

20 MS. MURPHY: And then, so that was in 2022?

21 MR. MORGAN: Correct.

22 MS. MURPHY: And this occurred in -- this
23 incident was October of 2022, correct?

24 MR. MORGAN: Correct.

1 MS. MURPHY: So that's three incidences
2 within a 12-month period, correct?

3 MR. MORGAN: Correct.

4 MS. MURPHY: Just want to make sure that --
5 I just want to get it on record. That's all. Would
6 you say that your conduct was outrageous, egregious,
7 would you say that?

8 MR. MORGAN: As far as what happened on the
9 airplane?

10 MS. MURPHY: Correct.

11 MR. MORGAN: Yeah, it was -- it was
12 terrible. I'm ashamed of it.

13 MS. MURPHY: So you would -- you would agree
14 that it was outrageous, egregious, then?

15 MR. MORGAN: Yes.

16 MS. MURPHY: Okay. Thank you.

17 MR. FELTON: Any other questions from the
18 board?

19 MR. JOHNSON: I think before you come back
20 to work, the District required you to meet with George
21 Shoenberger, our -- the District's appointed
22 psychologist. And did you share with him a full and
23 accurate information that would allow him to make
24 decisions, or do you omit what I would consider to be

1 material facts from him in order, during that, such as
2 past drug use, the multiple events, was there things in
3 there that were withheld from him when he asked
4 questions?

5 MR. MORGAN: Yeah, I denied the drug use to
6 him. I --

7 MR. JOHNSON: And that was done so he would
8 give you a clean bill of health to be able to go back
9 to work, or just not have it in the written record?

10 MR. MORGAN: Correct.

11 MR. JOHNSON: Okay.

12 MR. FELTON: I'll just say, while -- while
13 others are thinking, there -- there are two things that
14 I find, I'll call it disappointing, really
15 disappointing. So one of them, I think, that alluded
16 to is, there was information that's material in this
17 case that was never provided to us. So we don't have
18 the benefit of -- of looking at it to -- to know
19 whether it helps or hurts the case. And -- and I know
20 all of you have -- have talked about the FBI report.
21 But, you know, the federal charges that were originally
22 filed, the FAA communication and the -- the paperwork
23 for discharge, I would think would all be, material
24 that would be available, at least to Will, if not to

1 the union. We didn't have the benefit of that, so
2 we'll end up making decision today without it. It's
3 disappointing, especially with all this discussion
4 about everyone's trying to be forthcoming and truthful
5 and the whole thing.

6 The -- the other thing that I frankly
7 find disappointing is that the -- the District and the
8 union have worked together for, I don't know, decades.
9 I don't know how long. I've been here 11 and a half
10 years, and every time we go through the negotiations
11 between the two, we review the CBA, and both sides come
12 with things we want to do to clarify. And what I've
13 read in the argument from the -- from the union says to
14 me that some of these -- some parts of the CBA have
15 been either accidentally or intentionally
16 misinterpreted. And -- and I find it really
17 disappointing that -- that we get to this point, and if
18 we have a CBA that just isn't clear. Perhaps there's
19 pieces of it that we need to go through in the next
20 negotiation that we think they're unclear now. But --
21 but I read it as pretty clear on the surface on the
22 face of it, it's not ambiguous, some of these things
23 are it's very clear. Thou shalt never, thou shall not
24 on or off-duty, yet the -- the claim is it's ambiguous.

1 I find that disappointing that -- that there's appeal
2 filed based on that. So I turn it back to the board.
3 Yeah.

4 MS. MURPHY: I think I have a question for
5 legal counsel. Since his conditions, deviation, since
6 that's still pending and lurking, the -- the two
7 assaults, I -- is there anything that -- I don't know
8 if we can do anything, because that's still pending
9 until he completes the program. That's still out
10 there, it still can't exist.

11 MR. REESE: I'm not sure I understand the
12 question you're asking.

13 MS. MURPHY: Well, they've asked him to do
14 12 months, or 250 hours of service, and then, of
15 course, maintain going to a therapist, pay the \$15,000.
16 So the -- that was -- that's what was pled down to,
17 since he pleaded guilty. But my question is is that
18 that's still not [inaudible] like Mr. Morgan said,
19 until the end of December, as far as from what I read
20 in the documents. So he still -- that -- those --
21 those, if you want to call them convictions or two
22 misdemeanors of the assault of the flight attendants
23 are still pending, it's still there. So USAO can still
24 view it -- United States, for the record, attorney --

1 anyway, they -- they can still prosecute. So it's
2 still there. It's not like -- it hasn't gone away.
3 Because if he doesn't -- he gets any infraction -- does
4 -- does that make sense? If he gets any one
5 infraction, speaking to whoever, has -- has any
6 dealings with the law, they could prosecute against
7 him. So that's still pending, basically. Does -- does
8 that make sense? Do you understand what I'm saying to
9 the --

10 MR. REESE: You're asking is the grievance
11 timely. And is it --

12 MS. MURPHY: So how can we rehire somebody
13 that still has that pending?

14 MR. CHAD BAKER: That's -- that's the
15 disparate treatment that we're talking about, is we've
16 hired people with assault charges, similar charges.

17 MS. MURPHY: You mean when they're on
18 probation or when they're --

19 MR. CHAD BAKER: Probation -- (cross talk).

20 MS. MURPHY: -- maybe some type of
21 conditions or deviation? I don't believe so.

22 MR. FELTON: So -- so I think, Counsel, stop
23 me if I'm wrong. But I -- I -- I think today, Janet, I
24 think today the decision before us is to either uphold

1 or to deny or appeal, I don't know what the --

2 MR. JOHNSON: Reverse, reverse, reverse.

3 MR. FELTON: Reverse, right, the decision
4 that the chief made to terminate. So it's not our job
5 to anticipate what might happen, to -- that sort of
6 thing, it's to review the process that the -- the chief
7 has gone through with the -- with an employee, and
8 whether the termination was valid. Is that --

9 MR. CURTIS BAKER: I'll also add that there
10 are, as an option, for -- another type of punishment,
11 such as demotion.

12 MR. FELTON: I don't hear Counsel arguing
13 [inaudible].

14 MR. REESE: Those are all valid options.

15 MR. FELTON: Okay.

16 Remember, in your duty as elected
17 officials, you have all of the opportunity in this
18 meeting to make decisions, and you can agree with the
19 decision, disagree, or disagree and modify.

20 Okay. Great.

21 MS. NOYES: I have a quick question --

22 MR. FELTON: Yeah.

23 MS. NOYES: For Will. I remember reading
24 that you have check-ins as a condition of the deferrant

1 or -- sorry, I can't think of what the right word is.

2 MR. MORGAN: Diversion.

3 MS. NOYES: Diversion. Thank you. So --

4 and I assume that's to say, okay, I have to do 250

5 hours of community service. Is that like, this month,

6 I've done X da da da. So how many have you done so

7 far, what do you do each month?

8 MR. MORGAN: Yeah, that's exactly what it

9 is. I have to check in monthly. I have 234 hours

10 to-date of community service done, continue to see my

11 therapist on a weekly, biweekly basis, and haven't

12 gotten in trouble. And I just submit that monthly to

13 my lawyer, hey, I did 50 hours this month, here's

14 supporting documentation that I get from whatever

15 entity I do the community service with, and here's my

16 last, you know, 12 visits or whatever, with my

17 therapist. And yeah, I haven't gotten in trouble in a

18 while , and he takes that and files it away.

19 MR. FELTON: Any other questions? I will

20 clarify with Counsel, I guess this is not a case in

21 which you would have public comment, or is it?

22 MR. REESE: We do not require public comment.

23 MR. FELTON: Okay.

24 MR. REESE: It's at the direct discretion of

1 the chair, of course.

2 MR. FELTON: It's -- it's a reasonably sized
3 group. I will ask if there's any public comment.
4 [inaudible].

5 MR. MORGAN: I'd -- I'd like to give a
6 statement. I'm going to stand for this [inaudible].

7 MR. FELTON: Alright, sure.

8 MR. MORGAN: Thank you, board members for
9 the opportunity to speak before you today. I stand
10 here ashamed of the reason that I am here. I'm ashamed
11 of my actions on the airplane in October of 2022. The
12 person on that plane is not the person who I am, it's
13 not a man I want to be associated with. I don't
14 recognize who I was that day. I take ownership and
15 responsibility fully for my actions on that day, and I
16 will continue to take ownership and responsibility for
17 the rest of my life. I'm sorry for the pain that I've
18 caused my wife, my family, and my friends. I'm sorry
19 to my friends and my co-workers for everything that
20 it's caused. I know I've let a lot of people down,
21 some are here in this room today. Family members,
22 friends, and coworkers, truly, I'm sorry.
23 I've been blessed to have the
24 opportunity to work at Tahoe Douglas since 2008. I

1 pride myself on going above and beyond doing the right
2 thing and working hard to serve the public, my crew, my
3 shift, and the department as a whole. I've given
4 everything I have in my career at Tahoe Douglas to be
5 productive, hardworking, and an essential employee.
6 Starting in 2008 as an original [inaudible] crew
7 member, I was fortunate enough to earn a paramedic
8 scholarship to go to paramedic school. After school,
9 again, I was fortunate enough to be hired on full time
10 on the line. During my probationary year, I excelled
11 at essential firefighting operations, and was able to
12 pass paramedic TAP with little to no medical experience.
13 During probationary, my -- excuse me.
14 After probation, I became a preceptor for many incoming
15 paramedics. Shortly after I was promoted to engineer,
16 I had some [inaudible]. During my time as an engineer,
17 I worked on the radio systems with the engineer
18 academies [inaudible]. After five years on the line, I
19 was promoted to captain at the age of 27 here. From
20 here, I took on the challenge of leading more
21 experienced and older personnel on a day-to-day basis.
22 I took over as role lead and was able to get personnel
23 sent to outside training, coordinate and teach in-house
24 trainings, and get our crews new and updated equipment.

1 I proctored the last two captains tests, become a boat
2 captain, and led multiple engines on strike team
3 deployments over the last seven of years as a captain.
4 Over the last year, I've been stationed at 23. I was
5 able to help develop and mentor probationary --
6 probationary employees, making sure they had success
7 during their probationary year.

8 I care about this department I care
9 about the people who work here, and I care about the
10 community we serve. Being a firefighter at Tahoe
11 Douglas has been the greatest honor and privilege and
12 purpose of my entire life, outside of my wife and three
13 children. I screwed up in a big way. I know that. I
14 will continue to work on myself on a daily basis to
15 improve and get better and make sure it never happens
16 again. I humbly ask to be reinstated today with your
17 votes so I can continue to fulfill my purpose as a
18 leader of this department.

19 MR. FELTON: Thank you Will. Is there any
20 other public comment? I open the door, and I just want
21 to make sure [inaudible]. Okay. Hearing none, I'll
22 turn to the board to see if there's a motion.

23 MR. JOHNSON: Just, I want to talk a little
24 bit first.

1 MR. FELTON: Okay. That's fine.

2 MR. JOHNSON: Just my perspective and talk.
3 [inaudible] -- you put our guys in a lot of extreme
4 situations. We have to talk about that. There's no
5 question about that. From my end, I've disregarded the
6 actual event, and I -- I just haven't formed an opinion
7 there, but it's the things that afterwards that I'm
8 looking to. And it's a psychologist stuff, and it's
9 not coming back to clarify past misstatements. And
10 that's what bothers me more than anything about this.
11 I mean, to be really frank, I ask myself the question.
12 Our only direct employee is the chief, and if Chief did
13 this stuff afterwards, I would be absolutely furious.
14 I -- I would want him to be terminated immediately if
15 we had afterwards, where Chief, I didn't feel was
16 giving us everything, wasn't being completely
17 transparent, that would -- I just, I couldn't -- I
18 couldn't handle it, and I don't know why I'd apply a
19 different standard to you, Will. With that, public
20 trust is real. I can't tell you how proud I am to be
21 part of this department when Kevin Kjer asked me to
22 take his trustee seat. There's no position I'd rather
23 have than to be associated with you guys, and it's due
24 to all those people on the wall, all the people that

1 come before you, Larry, and all of you. And you guys
2 were in the public trust, you were able to do your job
3 more effective than most other departments anywhere,
4 because the public trusts you. Immediately, when you
5 go to any type of incident, they're giving you accurate
6 information, they're not afraid of things that may be
7 in your past, they know you're completely trustworthy.
8 It's an entirely high bar, burden, but it's created by
9 those that have come before you, and you guys all have
10 to live up to it and build it for the next generation.
11 I take that incredibly seriously. I just don't know,
12 as an elected official, how the public -- they expect
13 more from you guys. And they expect transparency after
14 the fact. I don't care what happens. People are going
15 to do dumb stuff, I've done dumb stuff in my life. But
16 afterwards, it has to be complete transparency. And
17 that's the part that really bothers me.
18 With that, the other thing is, I'm
19 aware that we do have employees that have been
20 terminated from other departments as a result of things
21 that happened. And everything, I'm told those are some
22 of our best employees today. So people do have bad
23 things happen to them, there's consequences, and they
24 learn from them, but they're able to double down and do

1 really well later. And I do very much believe that
2 Will has a chance to contribute, I very much appreciate
3 what he's done for this department. I don't know where
4 the votes going to go here today, but I really hope
5 this is a changing point in your life, and I hope this
6 is something 10 years from now you look back on and
7 say, I never want to go through that again, I'm a
8 better man for it. I really, really hope that's what
9 occurs here today, and that's all in your hands going
10 forward, dealt -- dealing with chips as they need be.
11 But I really -- I really want to see you be successful.
12 That's incredibly important to me. That's how I feel.

13 MS. NOYES: If I may piggyback on that, we
14 were made aware of what we were -- were in reference to
15 disparate treatment, the other employees that you were
16 comparing to. I don't actually find direct apples to
17 apples, more like apples to oranges, I suppose, if you
18 want to stretch. But I -- I would say my biggest issue
19 is, you started your statement, Will, with talking
20 about the event on the plane. And there's so much more
21 to it than that, there were things that had occurred
22 before the incident, there are things that occurred
23 after the incident that are, you know [inaudible] to
24 this decision that the chief had to make, and we have

1 to make our decision about whether we agree or
2 disagree, or should modify. And I think that's an
3 important distinction, more than this event.

4 MR. FELTON: Janet, Larry, anything? I'm
5 not meaning to force anybody.

6 MS. MURPHY: I just want to say, I hate
7 getting in this position. I really, really do. It
8 sucks, horrible. We have to uphold duties as well, all
9 of us, you know? I mean, I know there's -- there's
10 crappy consequences, you get crappy rewards sometimes,
11 you know? It's lack of judgment. I always say, the
12 greatest gift we all have is, what, life? That's our
13 greatest gift. You know what our second-greatest gift
14 is? Choice. That's our -- because only you have the
15 power. Nobody has the power but us, nobody can take
16 that from you. And it -- it -- it's -- it's just very
17 hard to be in this position. I mean -- and -- and what
18 I do for a living, I got to -- I have to do it, like
19 the chief's position, I'm in the same boat, and it's
20 tough, it's a tough position to be in. And you got to
21 -- you got to -- you got to lead by example, you got to
22 prove by example. I mean, you all know that, the whole
23 department knows that, people know that. When do you
24 start being held accountable? You know, that's the

1 problem. But, I mean -- and -- and that's how you
2 learn. Sometimes people hit rock bottom and that's all
3 they learn. But for me today, I -- I will say, for me
4 today, I -- I -- I feel I'm in the same position as the
5 USAO, and that is they gave you 12 months to finish
6 something. Because that's still pending, as you know.
7 So I would have to be in the same boat, if you want to
8 call it that. I feel like I'm in the same boat as they
9 are. I can't -- I can't -- I would have to wait to
10 see, and that's what they're doing, they're waiting to
11 see if you don't have any mishaps, that you follow the
12 program. And basically, that's what -- I believe we're
13 in the same boat, and that's what I would have to
14 forego, is to do the same thing. And it's up to the
15 chief, that's why we, you know, hired him to do his
16 job, we have to support him, you know. And whether he
17 wants to do rehire status or -- or at that point in
18 time, once everything's completed and everything is
19 good to go, I -- I would, you know, leave that up to
20 him, whether he would want to do it or not [inaudible]
21 checking with him. But that's where I stand
22 [inaudible] I think we're in the same boat, in a sense
23 [inaudible]. That's what they're waiting for.

24 MR. SCHUSSEL: You know, I might just say,

1 I'm over whelmed. Completely over whelmed. You'll
2 have to excuse me. I guess I come from a somewhat
3 different place. Tahoe Douglas has been my life. I'm
4 going on 42 years associated with Tahoe Douglas. It's
5 been around 42 years of my life. And I'm just
6 overwhelmed with the situation. Like I said, I
7 apologize for this. I am who I am and I can't change
8 that, but I -- I feel so sorry for you, Will, being in
9 this situation, right? I -- we all do. I -- I just
10 wish that we could just make it go away. But I guess
11 we have to do what we have to do. I mean, we're trying
12 to sort through all this, I guess that's all I really
13 have to say at this point.

14 MR. FELTON: As the chair, I -- I -- I've
15 expressed my opinion about the two areas in which I'm
16 disappointed. I wish we had fuller picture of the
17 situation. But it's -- it's our job as a board to --
18 to make a decision either to affirm what the chief has
19 done, to modify it, or to reverse it. Asking if anyone
20 else has a motion. If there's no motion, I think I'll
21 just break you guys and get it moving [inaudible].

22 MR. JOHNSON: Chief.

23 MR. FELTON: The chair.

24 MR. JOHNSON: I'll make the motion to uphold

1 the chief's decision.

2 MS. NOYES: I'll second it.

3 MR. FELTON: Any discussion that hasn't
4 already put out?

5 MS. MURPHY: I'd like to have a discussion.
6 I just want to reiterate what I did say, that -- and
7 this is up to the chief as well, is in that once he
8 finishes his program, he wants to come back and talks
9 to the chief, it's entirely up to him. The chief feels
10 that he's, you know -- let the chief decide, and gives
11 him another seven months. It's the end of December; is
12 that correct, Will?

13 MR. MORGAN: Correct.

14 MS. MURPHY: Let him, like the ASU, that's
15 what they're doing, seeing if he has learned. So
16 that's the only way. But that would be up to the chief
17 to decide whether he feels that he would, you know [no
18 audio]. That's -- that -- that's the caveat that I
19 would be --

20 MS. NOYES: But I would disagree with that,
21 because what I take issue with is the use of drugs that
22 are, you know, illegal drugs, as if they're, you know,
23 not illegal, it's not like Tylenol, on multiple
24 occasions, admitted to the dishonesty, the evasiveness

1 of answers. The -- there's just so much more, and it's
2 truly about we -- we want to go to the incident, you
3 know, about our community safety, our public safety,
4 our own. You know, we -- we have to sleep at night
5 with this decision as well. Is giving that
6 opportunity, even though it's a year ago, to something
7 he plead guilty to, which was pled down, even from the
8 initial charges, is not a great characteristic of
9 someone I want in my home. I'm sorry. And I think
10 people would feel that way as well. So I don't know.
11 That's not part of the motion, but where you go with
12 that, either another motion and there's a modification
13 to it, or whatnot.

14 MS. MURPHY: I was just -- I just wanted to
15 say the reason why I added that caveat was because of
16 the fact that these folks are saying there was other
17 employees. So it gives him the opportunity, and the
18 chief, then, he can say no. No -- no rehire status, so
19 [inaudible]. That was the only reason why they -- so
20 -- so that way you can -- I'm -- I'm trying to -- to
21 allow them to know that they're -- you know what I
22 mean, for Will, and put it up to the chief if he feels
23 there's a rehire status, let him do that.

24 MR. FELTON: Just for--

1 MS. MURPHY: Because they're saying other
2 employees.

3 MR. REESE: I did not think your comment to
4 be a modification of the motion that had been seconded.
5 I took it to be an explanation of where you were --

6 MS. MURPHY: Correct.

7 MR. REESE: In discussion on the main motion.

8 MS. MURPHY: Correct.

9 MR. CHAD BAKER: And this is what I was
10 going to clarify as well, so.

11 MS. MURPHY: Right, correct. I'm just
12 saying that was the reason why I was saying that,
13 because these folks had mentioned about other employees
14 that we have employed here --

15 MS. NOYES: But we weren't presented
16 evidence --

17 MS. MURPHY: -- in -- in the past. So there
18 has been other employees. So that might not have been
19 the same circumstance, like you use the analogy apples
20 to apples, right? But what I'm saying is, at least
21 we're trying to -- I'm trying to -- that these folks
22 here that are saying that, to avoid any, you know,
23 further stuff, you know, legal, or just to say that.
24 So this way he can do --

1 MR. FELTON: We've got a -- we've got a
2 clear motion. I understand your comment after the
3 fact. Does anybody else have any discussion?

4 MR. JOHNSON: My comment, I challenge all of
5 you guys, I challenge Morgan board, Chief, to somehow
6 be better off from this experience. We all need to
7 learn from it. I really -- 10 years from now, I want
8 to come back and say we've learned and we're a better
9 organization for this. I think there's a lot to learn
10 here -- this stuff is horrible. I -- But I want us to
11 try and find positives and ways to move forward in a
12 positive way and learn from this.

13 MR. FELTON: Okay. Thank you all. I --
14 it's clear to me that we're committed to -- it's not
15 going to happen again. So we've got a motion and a
16 second. Without any further discussion, I'll call for
17 a vote. All in favor of affirming the chief's actions,
18 say aye.

19 MR. SCHUSSEL: Aye.

20 MR. JOHNSON: Aye.

21 MS. MURPHY: Aye.

22 MS. NOYES: Aye.

23 MR. FELTON: It's unanimous. Thanks for
24 coming, guys, all of you. Okay. So we have one last

1 opportunity, and anything that was on the agenda we
2 just discussed. We've got a public comment section
3 here, but, you know, it has been public comment. Okay.
4 So we'll confirm our next meeting, June 26th, at 2:30.
5 All right.

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