

North Lyon County Fire Protection District
195 East Main Street
Fernley, Nevada 89408
District Office (775) 575-3310 District Fax (775) 575-3314

MINUTES

NORTH LYON COUNTY FIRE PROTECTION DISTRICT

August 17, 2023

1. Call to Order

The meeting was called to order by Chairman McCassie at 1811
Directors present included Dan McCassie, Harry Wheeler, Paul Murphy, and Jay Rodriguez.
Director Callagy joined via telephone.

The Pledge of Allegiance was led by Chief Nicholl. A moment of silence followed.

2. Public Comment (No action will be taken on any subject during public participation until it has been properly placed on an Agenda for a subsequent meeting. Public comments are limited to 3 minutes.)

None.

3. CONSENT AGENDA*(All matters listed under the consent agenda are considered routine and may be acted upon by the Board of North Lyon County Fire Protection District with one action, and without an extensive hearing. Any member of the Board or and citizen may request an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

3a. Review and Approval of Board Agenda

3b. Review and Approval of Board Minutes

3c. Review of Summary Reports

Director Rodriguez made a motion that the Consent Agenda be approved.

Director Wheeler seconded the motion.

The motion carries as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

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Mrs. Kasey Miller asked if everyone could please be sure to speak loudly since we do not have Zoom going.

4. Consideration, discussion, and possible action regarding job performance of Joseph Mendoza, including possible discipline up to and including termination*

Attorney Rebecca Bruch, on behalf of the department, suggested that it would be appropriate for Chief Nicholl to not be here, and Chairman McCassie excused Chief Nicholl from the meeting.

5. Closed Personnel Session for consideration and discussion of job performance of Joseph Mendoza

Chairman McCassie asked Captain Mendoza if it still of record that he would like to keep it an open session and he responded that it is confirmed that he wanted it to be an open session. He also wanted to confirm that he would be released from the line so that he doesn't have to respond in the middle of this meeting and that he is allowed to stay for the duration of the meeting without being responsible to respond with his crew.

Chairman McCassie confirmed that there was an email sent out earlier regarding the situation, and he stated that they did find someone to fill his shift as a captain.

Director Murphy asked if that email was sent out to everybody, and Chairman McCassie responded that it did go out to everyone. Mrs. Kasey Miller, for the record, responded that it did not go out to everyone. It was between Chairman McCassie, and Attorney Rebecca Bruch, and she added that she thinks Aaron Mortenson, the City Attorney. It was decided yes that she, Stephen Emery, and Chief Nicholl discussed it, that there was coverage during this time, and that he be released from duty during the time of the meeting. Mrs. Kasey Miller stated that Captain Mendoza is still being paid, he is just not running calls right now.

6. Session Reopened to Consideration, discussion, and possible action regarding job performance of Joseph Mendoza, including possible discipline up to and including termination*

Attorney Rebecca Bruch, on behalf of the department, stated that at the last meeting, there were some documents that were presented to the board from Captain Mendoza that were attendance records, certificates of completion, and officially for the record, it would be appropriate for you to accept those into the record as part of the board packet. She stated that today, there were emails that a statement was provided to the board from Battalion Chief Myers that should also be considered to be accepted by the board.

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Chairman McCassie asked the board if everyone had the letter from Battalion Chief Myers, and they all responded, yes.

Director Rodriguez asked if they needed to make a motion to accept the letter as an exhibit and Attorney Rebecca Bruch stated that she didn't think they needed to, but it wouldn't hurt anything if they wanted to do that as a formality, she doesn't think it is necessary.

Director Rodriguez made a motion to accept the email that was sent to the board by Battalion Chief Tim Myers as part of the board packet.

Director Harry Wheeler seconded the motion.

The motion carries as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

Attorney Rebecca Bruch asked the board to make a similar record regarding the documents that Captain Mendoza gave them last week because she doesn't think that it was formally addressed.

Director Rodriguez confirmed that that is for the Certificate of Completion and Attorney Rebecca Bruch responded with yes.

Director Rodriguez made a motion to accept the Certificate of Completion from Captain Joe Mendoza, and his training, into the board packet as well.

Director Wheeler seconded the motion.

The motion carries as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

Director Wheeler stated that he had a motion and Chairman McCassie added that he had a little housekeeping to do. Chairman McCassie then asked Captain Mendoza if he had anything else to add that may pertain to this.

Captain Mendoza added that he does have something else to add.

Attorney Rebecca Bruch interrupted and added that she had one more thing to make a record of. She stated that last week, when we adjourned that was because Director Callagy had

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requested a recess because he had some questions for Stacy Norbeck and Jeff Coulam, who had provided the email regarding Captain Mendoza's conduct at the training. At your direction, she contacted them, and they all agreed that they would entertain questions in writing and not appear here. Based on that, she sent an email to the board and if they had any questions, to submit them to her and she would then provide them for responses from Stacy and Jeff. She stated that she was told by all the board members that there were no questions. She added that she has also contacted Captain Mendoza through his attorney, to allow him the same opportunity to present questions. She did not hear back from his attorney, but she spoke with Captain Mendoza before we went on the record, and he confirmed that he did not have any questions for Stacy or Jeff.

Director Rodriguez made a motion to accept the record.

Director Wheeler seconded the motion.

The motion carries as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

Captain Mendoza, for the record, stated that he has a statement from a student of the POOL PACT training, and he is going to read the statement and provide the board with a copy.

To whom it may concern,

My name is Tony Wilson, and I was an attendee at the Essentials Management POOL PACT Training earlier this year in Carson City. It was brought to my attention that Joe Mendoza was supposedly being disruptive and unprofessional on the last day of training according to the third presenter. I would like to start by saying with all honesty that I see how his comments and answers could have been taken in a sarcastic manner, as his answers were in response to questions that were given with a sarcastic presentation. If the presenter himself was looking for professionalism the entire time, it would have been difficult for any person in the room to decipher, wanting intrinsic professional answers.

I and many others were there the whole time, and I didn't feel that Joe's comments, behaviors, or demeanor was unprofessional or disruptive of any sort during the duration of the course. I can also say with upmost certainty that not one person had said or complained to me about Joe, while I can say with confidence and vivid memory of hearing multiple complaints about other attendees and presenters. However, Joe's name was not mentioned during any of those. I hope this brief statement helps with the person that seems to be falsely accused of something that did not happen in the context that it was perceived. I would gladly answer any questions or concerns that anybody may have in regard to the training as I was able to attend this training with Joe.

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For the record, Captain Joe Mendoza stated that he doesn't even know this guy, he met him in passing and he was a student who sat across from him. This is Tony Wilson, an Assistant Principal at SSES and all of his contact information is here.

Chairman McCassie asked if he had a copy for each of the board members.

Captain Mendoza added that there were multiple students that were in that class that he believes he would get the same statement from. He also stated that he believes that he is a Lyon County employee for the school district.

Chairman McCassie added that he would make sure that Director Callagy would get a copy of this and that he would send it to him by email.

Captain Mendoza asked to proceed with the motion to have that added as well, please and Chairman McCassie responded with absolutely.

Director Rodriguez made a motion to accept the letter from Tony Wilson as part of the board packet.

Director Wheeler seconded the motion.

The motion reads as follows: 5-0-0

McCassie	Aye
Callagy	Aye
Wheeler	Aye
Murphy	Aye
Rodriguez	Aye

Director Rodriguez is asking Captain Mendoza, with this letter being presented to the board today and he advised that he did not know who this person is, what prompted this person to write this letter, and when was it written because there is no date,

Captain Mendoza stated that he does not have a personal relationship with this man. He met him at the class and ran into him at the Fernstock event. When he noticed his face, he told him what was going on and asked him if he would be willing to write him a statement. Captain Joe Mendoza then shared that he emailed him that statement in hopes that he could be here today, but he may or may not show up.

Director Rodrigues added that the only reason he asks is because it is not dated and also the class is not dated but is accepted into the board packet.

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Captain Joe Mendoza answered absolutely, and that those are very good questions. He added that his phone number and email contact are on there and they can contact him.

Director Murphy stated that he had some questions for his own clarification. He asked Captain Mendoza if he feels that the emails from Stacy Norbeck and Jeff Coulam are accurate as to your behavior at this training.

Captain Joe Mendoza stated that he could read both of their emails but as far as the instructor stated that he was disruptive and being argumentative with him, he would say no, that is not accurate. He added that he wouldn't believe anything or agree with anything that he says in his email. In regard to Stacy's remarks, in regard to him being late and calling POOL PACT and saying that he was getting off shift and would be there shortly, that is all accurate.

Director Murphy is asking Captain Mendoza if he was late to this because he was on a call, so you got delayed from the station to get to the training.

Captain Joe Mendoza, for the record, answered negative. Their last call was around 4 a.m. in the morning, he slept until 7 a.m. and did his normal station duties for their shift change. We washed the rigs, did report reviews from the night before or the day before from crews as their captain, and completed a report himself that morning. He cleaned the room and did a handoff report with the oncoming captain.

Director Murphy stated that Captain Mendoza's attendance isn't disputed but him showing up to this class on time, you were late to this class. Captain Mendoza answered, correct. Director Murphy also asked if it was the same amount of time that was mentioned in the letter, and Captain Mendoza answered yes, he would agree with that. Director Murphy added that to go from there we have that you were coached or written reprimanded regarding that, and he is asking if that is how he is understanding this.

Director Murphy explained to the directors that exhibit 4, April 20th overtime was an issue for this class, and it was discussed that Captain Mendoza was late to the class, which he doesn't deny. This was a mandatory class based on how he understands it and he stated that he is not sure how they understand it. He stated that he claimed that time and it's being disputed that he shouldn't have claimed that time. Director Murphy asked Captain Mendoza if when he left the station, he went straight to the training.

Captain Mendoza stated that he went straight, then he realized that he forgot his book and he turned around, went to his office on Cottonwood and 95 Alternate, and picked up the 3-ring binder because it had the weeks prior curriculum that they were adding to, on each session. He added that this class was a 4-part class, 2 full days one week and the following week was another 2 full days. He shared that he believed it was the following week, he had filed it with his

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schooling in his bookcase and took off in a rush. He passed by it, forgot he had it, and turned around at Tiger Field, came back, went to his office, picked his book up, and went off.

Director Murphy asked Captain Mendoza if from work to the training, if he had maybe a delay of 20 to 30 minutes, is that is reasonable to assume that distance in time of travel, and Captain Mendoza answered, correct. He also added that the overtime that he claimed because it's being brought up as a reprimandable subject, timecard fraud, which is a grievous offense, as we've learned over these past couple of decades in the fire service in Nevada especially. Director Murphy shared that to him, it seems like he went straight from work to class. He mentioned that you are not allowed to leave before the charting and reporting is done from his understanding of our policies. He stated that he could not cut out time to get out of here any sooner. He then asked Captain Mendoza if that was accurate to say and Captain Mendoza responded, correct.

Chairman McCassie just for the record, asked what time does shift end and Captain Mendoza responded that the shift ends at 8 a.m.

Director Murphy asked if the class started at 9 a.m., and Captain Mendoza answered that he doesn't recall.

Chairman McCassie added that he believes it was 9 a.m.

Director Murphy asked where this class was held and Captain Mendoza answered, Carson City. He then asked Attorney Rebecca Bruch if that was about an hour drive and she responded, give or take, yes. Director Murphy stated that from his point of view and he asks this, and this was a discussion that we were going to have behind closed doors, but we are going to have it openly as Captain Mendoza requested. He stated that he thinks the best way to find an airtight case is to shoot holes in it ourselves to see if it sticks or holds water. That is why he is asking these questions, to see if it's defensible. He stated that if we can avoid lost money, service delays, and adding more to the plate that we've already quite filled up, he'd like to avoid some of these things. He added that to him it sounds like it shouldn't even be in here. He then asked Captain Mendoza if he's ever had an issue with timecard fraud related items in the past.

Captain Joe Mendoza, Fire Captain for the record, answered negative, if there is anything, there is time that doesn't get put down when I'm here doing district activities. For instance, he shared that he was allowed to put down the time to request mileage reimbursement, as well as meals, which he didn't because he was willing to take that for himself, considering the state of our district, financially. He stated that he didn't even go for the full amount of what was actually owed to him but in regard to having another issue with fluffing time, that is a no.

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Director Murphy mentioned, per the Chief's letter that Captain Mendoza signed as receiving, he was allotted overtime for this class plus travel is what it says. Captain Mendoza answered, correct. Director Murphy added that he doesn't see why claiming that time is violating anything.

Captain Mendoza added that he has a correction to state. The letter that is in the board exhibit was never given to me in response to a verbal warning. He just recently found out that that was put in his file without even him knowing. That letter was a response to the second check or the second timecard, which he put in the notes, and he stated that they will read it together. He shared in the notes section, that he didn't even know he was docked time until 2 weeks after, or about a week and a half after payroll was complete. When he realized his overtime was cut short, he went into Kasey's office and had a quick conversation with her to ask why his time was cut short. He then added that she stated that Chief said he was late, that POOL PACT gave them a call. He then explained to her what he had just explained to the district, getting off shift late, grabbing his book, and heading into Carson City. At that point Kasey Miller stated that she would talk to the chief and figure it out. He added that on the next time period when timecards were due, to remind her and refresh her memory. He put in the notes that he was shorted OT last pay period, please make it right. He stated that had been over a month now, from the time this already happened. When he made that note on that timecard, I was given an email with that letter attached. There was no coaching, no counseling, and there was essentially a threat of, you're not getting it because you were late and POOL PACT called him. Captain Mendoza stated that that was the first time he had seen that letter, he did not sign that letter and he did not know that that was going to be in his file as a negative note for evidence within his personnel file, which is a violation of the contract per our current CBA and he never signed it as you can tell in that letter.

Director Rodriguez stated that the employee time report says, pay period April 2nd to April 15th. The letter that the Board has regarding the overtime is dated April 20th. He's asking that when he wrote the note, that you were shorted OT last pay period, please make write, was that dated, is this.....

Captain Mendoza stated that that letter is dated correctly because we are a week behind on payroll and the timeline matches up perfectly with that letter.

Director Murphy added that there is a week from the end of the pay period.

Director Rodriguez stated that he just wanted to get the time stamps clarified.

Director Murphy shared that they have an approval from the Fire Chief for your overtime and it was approved for education leave right here and he does not see timecard fraud. He stated that Captain Medoza gets off at 8 a.m. to a class that starts at 9 a.m. to a location that is an hour and ten minutes away, unless you've solved quantum entanglement, he doesn't see that being

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possible. He added that this to him is like grabbing straws for he's not sure what and this seems like something they could've discussed and been done with.

Chairman McCassie, for the record, Captain Mendoza showed up to class at 10:30 a.m., and he responded that he did not know, and he doesn't recall.

Director Murphy asked Captain Mendoza if there was an attendance to sign in of some kind and Captain Mendoza added that there was an attendance sheet, he did sign it, and he believes that Stacy's email states that he was there an hour and a half late. Captain Mendoza suggested that we want to go to her email to review it. Director Murphy mentioned that that is what she says that you were an hour and a half late for that training. Captain Mendoza added that all the time matches. Director Murphy asked, how do we validate, either way, it is word for word, but we know for a fact that you get off at 8 a.m., and you can't leave until certain things are done per policy. Even if he was to get out of here on the dot, he would still be late 10 minutes. Director Murphy stated that that is his issue with the timecard fraud, and he does not see timecard fraud as 1 of the 5 of us here. He stated that he thinks it is a weak case to even push in the first place. As far as the conducts going word for word, people are sending unsolicited letters in both directions. Director Murphy added that the way the email reads, it says it's the same day, Stacy emails Becki the same day of the class at 12:24 in the afternoon, on the day of you showing up late. He shared that that is a pretty quick turnaround. Joe was late an hour and a half to immediately pull the trigger on an email that Joe didn't show up. He stated that seems like a very fine trigger to him. Why that didn't come up later on or if it was brought up because of the possible behavioral issues that are stated in Jeff's letter, it's hard to say. Now we have conflicting records here of attendees of the class saying one thing and one of the people instructing the class saying another.

Chairman McCassie confirmed that Director Callagy was still on the line.

Director Murphy stated that that seems really sudden and quick on that email turn around that Joe is late, especially with everything considered in the claims of retaliation, it certainly seems like our time frames are super tight. He added that in his years in this department, time frames have never been that tight. Not to say that that is the case, but we are government after all.

Director Callagy stated that if he remembers correctly when questioned last week when we proposed the question to Captain Mendoza, he confirmed that he didn't get there until 10:30 a.m., and Chairman McCassie answered, correct. Director Callagy added that he thinks what we are talking about here is the time Captain Mendoza showed up and the time he reported on his timecard and that the actions of behavior prior to that with the instructors has really nothing to do with the timecard proposal.

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Director Murphy thinks that the behavioral complaint there triggered the email, which then looked at the time, the late time. Again, playing devil's advocate here, is that something that we're confident here that is going to be watertight.

Director Callagy stated that if you come in at 10:30 a.m., and you put down that you were there by 9 o'clock, that is pretty airtight.

Captain Mendoza asked Director Callagy where it was documented that he put down 9 a.m. and where is that evidence.

Director Callagy explained that the class was a 7-hour class, you were paid for lunch, plus an hour driving time, that is 9 hours. The additional hour and a half was getting there at 10:30 a.m.

Captain Mendoza stated that he gets shorted on overtime when my time is more than an hour.

Director Callagy added that he thinks we made the point here, that 9:00 a.m., 9:10 a.m., and 10:30 a.m., are not 9 a.m. or 9:10 a.m.

Director Murphy is asking Director Callagy if he would agree that an hour and a half would be illegitimate to claim.

Director Callagy stated that they got paid a drive time, plus the 7-hour class, plus lunch, that is 9 hours. He added that the other hour and a half doesn't have anything to do with driving time, he didn't show up until 10:30 a.m. If his shift was over at 8 a.m., he drove by his office on Cottonwood and then came back. He mentioned that that was the additional 10 minutes that he still didn't show up on time for.

Joe Mendoza for the record, is asking Director Callagy that his concern is putting down 10 minutes more.

Director Callagy interrupted and added that it was not 10 minutes that it was an hour and a half Captain.

Captain Mendoza stated that on the timecard it shows 9 hours, 7 hours for a class that he completed 24 hours of, an hour lunch, and a half hour each way.

Director Callagy interrupted adding that he was paid for his lunch also and Captain Mendoza stated that that is an hour and 10 minutes, plus 7, is 8 hours and 10 minutes.

Director Callagy for the record, is asking Captain Mendoza what time he showed up, and he responded that he doesn't recall.

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Attorney Rebecca Bruch interrupted and stated that they are speaking over top of each other, and it makes the record impossible to make it out.

Chairman McCassie stated that the question was, what time did he show up to class, and according to the email it says 10:30 a.m.

Director Callagy added that last week when questioned, Captain Mendoza did not deny he showed up an hour and a half late.

Director Murphy is asking Director Callagy that there is a discrepancy that he would agree of an hour and a half, that he shouldn't be getting paid for and shouldn't have claimed, and he responded, absolutely, correct. Director Murphy then asked Captain Mendoza if he had anything else on that subject.

Director Rodriguez stated that he thought that the last thing we were checking was the sign-in sheet and he is asking if we have a copy of that. Captain Mendoza responded that he does not have a copy. Captain Mendoza then stated that all the evidence that they have was presented to you from whoever gave it to you.

Director Murphy added that he wants to dive into exhibits 2 and 3, which are the 2 evaluations and a couple of irregularities that he is looking for clarification on and a comment that he is observing. He stated that the comment is that we have a 6-month evaluation and a 1-year evaluation of exceeds standards, and at 1 year he should have come off probation and that was on 6/22/23 when Captain Mendoza signed it. Going in line with the ongoing claims and it is all connected, the retaliation and everything going on, he asked Captain Mendoza when the letter was submitted by the Union to open negotiations.

Captain Mendoza stated that the letter to be submitted to open negotiations was January 31st when the verbal assault took place.

Director Murphy is asking Captain Mendoza when he submitted his complaint against the district, about that issue.

Captain Mendoza stated that that issue was immediately submitted to his attorney, and he believes that was his first day of shift. He added that the morning of February 2nd is when his attorney contacted the district in regard to his complaint.

Director Murphy added that from his own personal experience, it seems like we've had this ongoing from that time forward of the labor management breakdown and a tenuous environment around the station from what he's gathered from our meetings. He stated to the directors that he is looking at the time frame. It is so close, and it can easily be constrained as retaliation, it is just

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a thought to put out there for them. He added that he doesn't want to let things slide that shouldn't slide, especially things as egregious as timecard fraud, or even if it's not meant to be so, it is an important thing to look at but, this is all happening in a certain time frame that makes them look not great, not to let things slip though, and make that point.

Director Callagy shared that he thinks that we are veering off with the timecard issue, it is not what was agendad and he thinks we need to get back on target.

Director Murphy added that they are going through all of the exhibits, and they can go back to that if he'd like.

Chairman McCassie added that he doesn't think there is any question on the timecard.

Director Murphy shared that he agrees that there is a question over an hour and a half of claimed overtime that possibly shouldn't have been claimed. He stated that he agrees with Director Callagy.

Director Callagy stated that if that is what we are addressing, he doesn't know why we are going back to January for, and that it has nothing to do with the timecard issue, is his concern.

Director Murphy added that there are other issues that we should be looking at if we are looking at this as a whole.

Director Callagy stated that that is not what we are looking at right now, we are looking at the timecard issue and Director Murphy responded, okay.

Director Murphy asked Director Callagy what else he would like to say on the timecard issue.

Director Callagy thinks that what is said is said and he thinks they need to go forward with a motion.

Director Murphy added that there are other things that he would like to discuss, and we are not going to stop discussion because we want to rush to a motion. Moving on to evaluations, he stated that Captain Mendoza's 6-month evaluation, he was promoted and per his evaluation, your hire date, your position date as captain was 7/1 but his hire date was 7/13/22. He asked him if that is correct, and he responded that that is correct. Director Murphy stated that his 6-month evaluation should have ended 12/31/22. Exceeds standards, great work and he added that this was signed in June. He stated that Captain Mendoza signed 11 months in the year probation for a 6-month evaluation. He added that on the same day per the dates on the evaluations, we did a 1-year at the same time. He is asking Captain Mendoza if that sounds right to him, and if he signed both of them at the same time.

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Captain Mendoza, for the record, stated that he did sign both of them at the same time but there was an incident 6 months prior to even seeing the 6-month evaluation and a 12-month evaluation. He added that around the 6-month mark, he knew we were supposed to be getting some type of feedback, and as a fresh captain he wanted to know how he was doing, how can he correct himself, how can he do better and what he was doing wrong. He stated that he did sit with Chief Nicholl in his office and asked him for that feedback. He added that it was a very brief comment, which he stated, you're doing good, pay attention to your crew and keep up the good work. It was never documented but he stated that he tried to solicit an actual 6-month evaluation, which wasn't complete. Captain Mendoza shared that he was okay with that, he was told by Chief Nicholl that he was doing good, keep up the good work and pay attention to his crew. He added that those were the words that he left through that outside door. He also added that he did not see a 6-month evaluation until his 12-month was done, and that was after he was moved from the supervision of the chief and then placed into the supervision of the district of the Board of Directors. He stated that he signed both evaluations, on the same day with Battalion Chief Myers.

Jay Rodrigues, Director for the record stated to Captain Mendoza that he said he solicit for review, he is asking if that was verbal or if he was able to email to request that.

Captain Mendoza shared that it wasn't via email, it was him passing by and normally they used to have a relationship where he could address the chief with, hey what's up, how are you doing. He stated that there was a great relationship there at one point. Captain Mendoza added that he sat him down in his office, and he took a seat in his office. He stated that he asked him that he was halfway through the probationary period, and he asked what he could correct and what is he doing good. At that moment, Chief Nicholl commented that he needed to go, he stated that he thought he was going to City Council. He advised him to pay attention to his crew, keep doing what you're doing, you are doing a good job. Captain Mendoza stated that that was his official 6-month evaluation from the district. He mentioned that this one was brought up after everything came up and, in his opinion, he wanted to prove that they were actually following policy. He added that he'd like to make note that this is the first 6-month evaluation anybody has heard of in here and even though it in the policy, it has never been followed. He added that we can go back in everyone's files and see if that is true. Captain Mendoza added that even the 6-month evaluation was an attempt of retaliation in his opinion.

Director Rodriguez, for the record, is asking if that would be a question that they would be able to ask our HR to validate, and Captain Mendoza stated that it is all personnel file information.

Attorney Rebecca Bruch stated that it is personnel file information but if what is being discussed is just to look at the files and determine whether anyone else was given a 6-month evaluation,

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that is not going to require a disclosure of anyone's name. It would just be doing an audit of the files to make that determination.

Chairman McCassie stated that there is a conflict in Captain Mendoza's evaluation and the note that he made, not note administrative action or discipline. He then stated that they had a letter from Battalion Chief Myers, who did his evaluation. It basically states that there had been an issue that you were given a written or verbal, and Director Murphy shared that it says coaching counseling session. Chairman McCassie then added that he was confused as to why he would write that knowing that there had been a situation.

Captain Mendoza stated that the situation that Chairman McCassie is bringing up is the Cottonwood situation, which he added was part of the board's investigation that they have on his hostile work environment investigation. That was brought up because the chief went out to solicit a statement months after that incident which he has documentation upon documentation. Captain Mendoza stated that he would hold onto that so that he could use that in his legal action against the district. He added that his investigation was closed, and Attorney Rebecca Bruch can attest to that because the investigator reached out to her and asked if he should reopen the investigation because of the ongoing harassment. The investigation was reopened, and he stated that they should know about that if they actually read the investigation and there was nothing said about that incident whatsoever because this is something that was being doctored up. The moment we had a debrief on that incident they told him that the principal was upset, and he thought they were actually joking with him when they casually brought it up in the bays. Captain Mendoza stated that there is falsification documentation on the district's behalf, on trying to document that months later. He shared that he has all that proof, and we can go down that road if we want to continue.

Director Murphy stated that the high-altitude view on that is that we have 2 evaluations that are fantastic and all of a sudden this all happens. He added that seems odd to him and is definitely quacking like a duck. He then asked Captain Mendoza to elaborate more, and he mentioned that he had a letter and he believed that he had indicated that it was this letter regarding the timecard issue that the Fire Chief had signed. He is asking him if he was aware of that letter and if that is what he was saying.

Captain Mendoza explained that the letter that has the 2-hole punch on the top, dated April 20, 2023.

Director Murphy then asked him if he stated that he had never received that, and Captain Mendoza responded that he received it in an email and that was it. He then asked if it was in his file.

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Captain Mendoza explained that he did a personnel audit for himself with another captain and that was in the last few weeks. The district has it documented, and he shared that he was shocked to actually find it in his file because this violates our CBA and policy. He added, to note that he hasn't filed a grievance for that one either, so their grievances aren't just being thrown out there. He added that this is a violation of the contract, this was put in his file, and this letter was sent to him in response to the note on his timecard, stating please fix overtime. He shared that this is what he received from the chief, he never got sat down in an office, he never got coached or counseled over this, he was never told that this was going to be his verbal, he never signed this as a verbal, and he never signed this knowing that it was going into his file. He thought this was his way of giving him a memo, essentially. He added that he never knew that this was disciplinary and at the time he stopped because of everything that had been going on since January 31st. Captain Mendoza stated that he was actually exhausted and the more time he put in there to try to get an hour and a half of overtime was not worth it for him, and that is why he did not pursue it.

Director Murphy stated that that is all he has.

Chairman McCassie asked if anyone had any more questions or comments.

Director Wheeler, motion to the chair, moves to terminate Joe Mendoza based on the policy violation effective immediately, and for the Board of Directors to issue a termination to Mr. Mendoza to the District Board Chairman to include the banning from the specific property without the consent of the Board of Directors or District Fire Chief for the term of 1 year. Director Callagy seconded the motion.

Director Murphy added that we can discuss it after the second. He mentioned that not long ago we had another employee of the district, who we are not going to name, and we are not going to name specifics. This person had 2 open complaints for a hostile work environment and other hostile actions cursing at employees and they got off with a hand slap, a verbal and that was it. Director Murphy stated that now we want to terminate an exemplary employee on paper for a timecard infraction that wasn't discussed beyond what we see here, and other things that came up after the fact. He mentioned that he is not an attorney, and he is not a judge, but we are going to lose this if we do this. He stated that we are going to lose money, we are going to waste taxpayer money, and we are wasting our own time if we terminate Joe Mendoza. He explained that the timecard fraud is egregious and that needs to be discussed. He added that specifically for that, that he thinks there should be a verbal at a minimum for that. The rest of it is hearsay and we only have one person saying this happened from POOL PACTS side, and you got 1 letter in opposition to it. He shared that that is hearsay as far as he is concerned. He added that if they terminate Joe Mendoza, we are making a massive mistake, and this will hang over all of their heads until it is over. Regardless, if we move out of state this month, or the end of this year, it will follow us.

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Chairman McCassie stated, dually noted from Director Murphy.

Director Rodriguez added that he agrees to Director Murphy's

Chairman McCassie stated that he has a motion and a second, all in favor.

The motion carries as follows: 3-2-0

McCassie	Aye	Murphy	Nay
Callagy	Aye	Rodriguez	Nay
Wheeler	Aye		

Chairman McCassie stated that he has Director Wheeler that made the motion, aye, Director McCassie made an aye, Director Callagy made an aye, Director Rodriguez made a nay, and Director Murphy said, nay, with 3 to 2.

Chairman McCassie explained that with that said.....

Captain Mendoza asked if he could get a copy of the motion that he has written out please.

Chairman McCassie responded, absolutely. He also asked Attorney Rebecca Bruch, where they go from here.

Attorney Rebecca Bruch stated that the situation they find ourselves in with open meeting requirements. The Board has 5 days to issue an order but because of the notice requirements, she would suggest that a written order be provided tonight so that all of the Board can sign it. She stated that all the Board members need to sign so that can be provided to Captain Mendoza so that his appeal rights can be protected. She added that she would suggest that if you can write the order, that it can reflect that a motion was made. It sounds like Director Wheeler passed that motion so that can be attached and then all the board members can sign.

Captain Mendoza asked what Director Wheeler was scratching out on the motion.

Director Wheeler then asked if he would like to see it and Captain Mendoza answered, absolutely.

Chairman McCassie suggested having a 15-minute recess and Attorney Rebecca Bruch stated that that would give them 15 minutes to write the order and then we can go back into open. Everybody then can review it. She added that there needs to be a way on the written order to indicate who voted aye, and who voted nay.

Chairman McCassie then asked if he should have Kasey fill it out the form and they sign it or should we the POOL PACT attorney do that.

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Attorney Rebecca Bruch stated that she thinks that it is appropriate for him to do that. She mentioned that he could request Kasey to do it if he'd like, and Chairman McCassie stated so that way it is clear.

Mrs. Kasey Miller stated that she doesn't understand the motion and it was written and read by the board and she thinks they should do it.

Chairman McCassie added that as soon as Joe brings it back, they will write the vote down.

Mrs. Kasey Miller added that she needs a copy for the board packet, please.

Chairman McCassie asked the directors for the correct spelling of their last names.

Attorney Rebecca Bruch stated that she would request to adjourn, that there is no reason for everybody to sit and listen when we are talking about administrative matters right now so that she can make sure the paperwork is in order.

Chairman McCassie called for a recess at 1901.

Chairman McCassie resumed the meeting at 1911.

Chairman McCassie addressed Director Wheeler.

Director Wheeler stated that he would like to reiterate his motion, he moves to terminate the employment of Joe Mendoza based on his egregious policy violations effective immediately, and for the board of Directors to issue a notice of termination to Mr. Mendoza through the District Board Chairman, to include a banning from the district property without the consent of the Board of Directors or the District Chief for the term of 1 year. With clarification of the violation being 12.1.1.2 - falsification of making material emission on forms, records, or reports, including applications, timecards, and other district records.

Chairman McCassie asked if he has a second.

Director Callagy seconded the motion.

Director Murphy asked Director Wheeler to amend his motion to not include termination but to make this a verbal reprimand with proceeding coaching as well. It would be the more appropriate course of action before we walk this district into yet another lawsuit.

Director Wheeler stated that his motion will stay.

Chairman McCassie added that the motion stands, and we have a second, all in favor.

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He then asked if there were any nays. Director Rodrigues answered, nay, and Director Paul Murphy stated, nay.

The motion reads as follows:3-2-0

McCassie	Aye	Murphy	Nay
Callagy	Aye	Rodriguez	Nay
Wheeler	Aye		

Attorney Rebecca Bruch added that she doesn't believe that he needs to stay in open session for us to prepare the written order, but she would request that they all stay so that we can get that finalized tonight and then it can be emailed to Director Callagy to get it signed. It can be issued to Captain Mendoza as soon as everyone has signed it.

Chairman McCassie stated that with that said, we will move on to #7.

7. Discussion and possible action to revise or transfer supervision of Captain Mendoza and Captain John Criscione to an alternate designated supervisor*

Chairman McCassie stated that he does not believe in this. We are, as a board in charge of discipline, and he believes that the day-to-day operations are still in the Chief's hands. With that said, can have a motion and then we can..... He added that it is hard to have an operation if you keep taking away responsibility, but the Board is already in charge of supervision. He is asking if they agree on that. Director Murphy responded that he does agree with him, and before we had discussed components of this in prior meetings. He shared that nothing is meant to handicap the chief's ability to run this department, that is what we appointed him to do and if he is just in what he is doing, there should be no extra levels or insulation for any of this. He added that he just does what's right and we come to the right conclusions. He stated that he does agree, and they don't need this.

Chairman McCassie stated that we should probably just pull this from the agenda, and Director Murphy added that we should come to the right conclusions in the first place.

Attorney Rebecca Bruch would like to clarify because she is confused. She is asking if they are saying that you do not want to any longer be the supervisor of Captain Mendoza or Captain Criscione, that you are transferring that supervision either back to Chief Nicholl or to someone else.

Chairman McCassie mentioned that he thinks that is where the confusion is, we've never had supervision, but we had discipline.

Attorney Rebecca Bruch answered, to clarify, yes and that it was clear before that the day-to-day supervision was not in the hands of the Board. She is asking if he is saying if the motion is to

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maintain as the board, the discipline of Captain Mendoza and Captain Criscione. She asked that the change that was made at the June 15th meeting will stand, is that what you are saying, and Chairman McCassie answered, that is correct.

Chairman McCassie added that we will agree to just pull it because it doesn't have any bearing at this time.

8. Public Comment (No action will be taken on any subject during public participation until it has been properly placed on an Agenda for a subsequent meeting. Public comments are limited to 3-minutes.)

An unidentified public citizen commented, I think you are making a grandiose error, you're punishing somebody who came before you with a small discrepancy. There is obvious tension between the commander and him, the Fire Chief. Everything else in his record is nearly perfect, you don't have anything else except an hour and a half, which he's shown you the reason why it existed in the records. He stated that he tried to come to you when there was a discrepancy and solve it, but you didn't do anything to solve it, you put false records in his personal file and now you're going to dismiss them. He added that he is pissed because it is going to end up costing the state money, a lot of money. Congratulations.

Chairman McCassie thanked him for his comment.

My name is Katie Mendoza, for the record.

"First, I find it ironic that the board, who was responsible for conducting a hostile work environment investigation and making a decision on someone's future with the department, has members of the board that cuss at citizens during a public forum in an aggressive manner.

Second, I would like to make a comment based on the boards decision to terminate Captain Mendoza. On Thursday, June 15, 2023, you the board "voted and approved the transfer of Captain Mendoza's supervision to the Board related to the discipline and performance issues for at least a period of 6 months." With that I would like to point out that only 2 of 5 members of the board have fire experience. With that, more than 60% of the board lack the professional competency to properly evaluate Captain Mendoza. Also, those that do have the professional competency to properly evaluate Captain Mendoza have yet to accompany him on a 48-hour set to see how he performs his duties and responsibilities as a captain for North Lyon Fire. During the Board Meeting on Thursday, July 20th, many of the board members claimed that they volunteer their time to run this board efficiently and effectively like a business. However, I would like to know which of the business owners of the board would allow someone without professional experience within your industry to assess your performance. You wouldn't. Since Becki Bruch, attorney for the department, mentioned numerous times in the board meeting

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August 10th that the board is to act as the chief to evaluate Captain Mendoza's performance, how can a board, who by the standards outlined in a North Lyon Fire Protection District employee performance evaluation would earn a score of 78/195, which classifies as needs improvement. How can a board who needs improvement by department standards properly evaluate a Fire Captain who exceeds standards? That would be like a new cashier evaluating the business owner. That cashier has no experience in the business dealings of the business owner like most of the board has no knowledge or understanding of what it takes to be a firefighter. It is unfortunate that people who lack professional competency just terminated a man who has poured more than a decade of his life into this department and this community. You are not a people first department you are a person first department. What a shame."

Chairman McCassie thanked her for her comment.

Erica Volentine, for the record, I myself experienced a hostile, it was just an aggressive and hostile environment when I was here yesterday, I observed the chief and Callagy speaking about Joseph's case, and I decided to record it. I was invited to come forward and record more of it and then cussed at because I was invited to record. So personally, myself have just because of being there in support of Joseph have felt the hostile, aggressive and just for no reason I was cursed at 3 times, and if it wasn't for Mrs. Kasey getting in the way, I don't know what he would have done because he was aggressive, that's all I got to say.

Chairman McCassie thanked her for her comment.

Chairman McCassie asked if we have anybody online and Stephen Emery responded that 2 people are online and they are still muted.

Director Murphy added that before we adjourn, he knows that we don't have director reports, but he would like to comment if that is acceptable to the board.

First, he wanted to apologize for not being at the last 2 meetings, not being here. He explained that he has a new job, and he doesn't have flexibility with his schedule up until next month and that should not be an issue going forward and he apologized. He stated that one thing that struck him as disconcerting was this last meeting as he understands it. We approved the hiring of an Assistant Fire Chief; he is asking if that is correct.

Director Wheeler stated no that they approved to go out and recruit through Western Fire Chiefs only.

Director Murphy asked if we are going to spend money for that process to recruit.

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Director Wheeler answered, no sir and Director Murphy asked if it was a free service that they provide.

Director Wheeler explained that they provide it until an individual is hired, whomever that may be. One year later, they will take funding.

Director Murphy is asking if there are plans to fill the vacancies of fire medics in this department because we just went to the taxpayers not long ago after a decade of at least asking for more money and we are not filling vacancies in our staffing. He stated that they've already gone back on the promise that they made in that last election cycle. He added that they gave us 5 more cents of their assessed evaluation per \$100.00.

Chairman McCassie stated that he can make an agendized item so we can have that discussion.


Director Murphy stated that it will happen eventually. He added that he just wanted to throw that out there, and he was a little disgusted to hear that, but he wasn't here to make that known and that is his own fault.

9. Adjournment*

Chairman McCassie adjourned at 1924.

NOTE(s): All items indicated by an asterisk (“*”) were Action Items.
A complete and detailed record of this meeting was recorded on Micro SD Recorder August 17, 2023

Respectfully Submitted by:

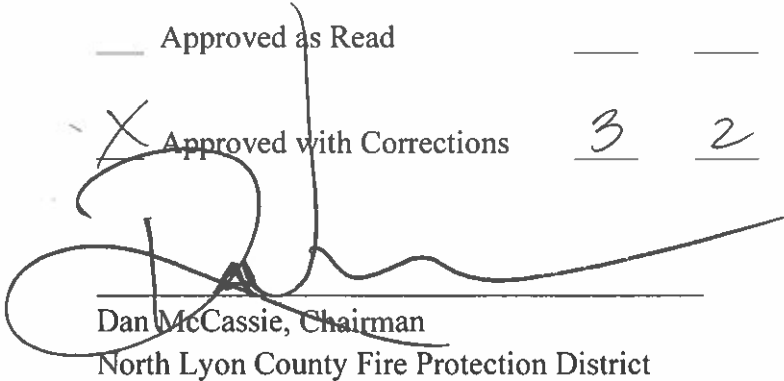

Shannon Moffett, Administrative Assistant
North Lyon County Fire Protection District

September 28, 2023
Date

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Approval of Minutes
 August 17, 2023 Minutes

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	
<u> </u> Approved as Read	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>X</u> Approved with Corrections	<u> 3 </u>	<u> 2 </u>	<u> 0 </u>	<u> 0 </u>	<u> </u>



 Dan McCassie, Chairman
 North Lyon County Fire Protection District

September 28, 2023
 Date