

Elk Creek Fire Protection District Board of Directors

Regular Meeting Agenda

Thursday, December 14th 18:00hr

In person and Via Zoom

(located on ECFPD website)

- I. Call to order
- II. Pledge of Allegiance
- III. Roll call of Board members
- IV. Additions or Deletions to, and Approval of the Agenda
- V. Review and Approval of September/October, 2023
Regular Meeting Minutes
- VI. Financial Matters
- VII. Chief Ware Report
- VIII. Public Comment #1
- IX. Old Business
- X. New Business
 - 1. Resolution - Discussion
 - 2. Proposed 2024 Budget
- XI. Public Comment #2
- XII. Adjournment

RECORD OF MINUTES
Elk Creek Fire Protection District
Regular Board Meeting
September 14th, 2023 In person and via Zoom

1. Call to Order at 6:00 PM

1. The regular monthly meeting of the Board of Directors of Elk Creek Fire Protection District (ECFPD) was called to order by President Greg Pixley at 6:00 p.m. on Thursday, August 10, 2023. The meeting was held in both physical attendance and via Zoom virtual meeting pursuant to statutory notice.

2. In physical attendance were President Greg Pixley, Secretary Melissa Baker and Director Chuck Newby. Also attending in the Board Room were Chief Jacob Ware and District Attorney John Chmil. , Treasurer Sharon Woods participated via zoom and Vice President Dominique Devaney had an excused absence.

2. Agenda

1. The agenda was reviewed by all Board members in attendance. There were no additions or deletions..

3. Minutes of Previous Meeting

1. A revision to label the Appendices number was requested. A motion to approve the August 10, 2023 Minutes with the revision was made by Director Newby seconded by Secretary Baker and was approved unanimously.

2. The meeting minutes from the September 5th Special Meeting Minutes were reviewed. Director Newby made a motion to approve the minutes as presented, seconded by Secretary Baker. The motion passed unanimously.

4. Financial Matters

1. A motion to approve the District's August expenses as presented by Treasurer Woods was made by Secretary Baker, seconded by Director Newby and was approved unanimously. The report included a review of funds, bills for payment, financial summary, and other revenue and expenses. Information on the monthly financial activities of the District is contained within the Treasurer's Report and is on file with the District.

5. Community Update

1. Public Information Officer Urban shared her appreciation for the District and community support for the procession for fallen marine, Major Tobin Lewis.

6. Chiefs Report

1. Chief Ware presented his report to the Board of Directors, which included updates on call volume, average response time, incident summary, training, preventions, chipping, and fleet/facilities maintenance. Information on the full report is contained within the Chiefs Report and is on file with the District.
2. Three separate draft budgets are being developed for review at the October meeting. One for a consolidated District, One if Consolidation Fails but the 2.5 sunseting mil is extended and one if all ballot measures fail.
3. We have entered into a partnership with Platte Canyon Fire District for a Burn Building. Elk Creek Fire District is providing some funding for the building and it will be used by our firefighters for training. This will save money by offering this training closer to our district and not having to go down the hill for training.
4. Fire Marshal Rachel Rush was appointed to the International Fire Code Development committee to review fire code. It is a two year term.
5. Engine Standardization and Design committee they are creating specifications for a new Type 1 Engine to be completed by the end of the 1st quarter of 2024.

7. Public Comment – Matters before the Board

1. One Citizen of the District shared appreciation for PIO Urban for organizing the procession for Major Tobin Lewis, participation in Patriot Day at Marshdale Elementary, volunteers for participation at Big Chili, and C-Shift for their action on a structure fire on September 3rd.

8. Old Business

1. None.

9. New Business

1. None.

10. Public Comment – New Topics of Discussion

1. One citizen wanted to ensure the public was aware that there is information in circulation that appears to be coming from Elk Creek Fire District in respect to consolidation and that information is not coming from Elk Creek. The organization has styled itself at Save Elk Creek Fire.

11. There being no further business to come before the Board at this time the meeting was adjourned at 6:37 p.m.

Respectfully submitted,

Greg Pixley – President

Dominique Devaney – Vice President

Sharon Woods – Treasurer

Melissa Baker - Secretary

Charles Newby - Director

RECORD OF MINUTES
Elk Creek Fire Protection District
Regular Board Meeting
October 12th, 2023 In person and via Zoom

1. Call to Order at 7:06 PM

1. The regular monthly meeting of the Board of Directors of Elk Creek Fire Protection District (ECFPD) was called to order by President Greg Pixley at 6:00 p.m. on Thursday, October 12, 2023. The meeting was held in both physical attendance and via Zoom virtual meeting pursuant to statutory notice.
2. In physical attendance were President Greg Pixley, Vice President Dominique Devaney, Secretary Melissa Baker and Director Chuck Newby. Treasurer Sharon Woods attended a portion of the meeting in person and a portion via Zoom. Also attending in the Board Room was Chief Jacob Ware.

2. Agenda

1. The agenda was amended to add Item 2, an update regarding Administrative Alternatives, to Old Business, as well as Item 3, Development Impact Update. New Business had additions of Item 2, an email received from a citizen and Item 3, a letter received from past Board President, Greg Branch.

3. Minutes of Previous Meetings

1. Director Newby noted that Item #10 should be struck from the minutes. It was decided that Secretary Baker would doublecheck the name of the organization and the motion to approve minutes was tabled until November.

4. Financial Matters

1. Treasurer Woods presented the Treasurer's Report. Vice President Devaney requested to see variance numbers on the Income Statement and a list of checks that were written along with copies of invoice for reference if there are questions. The report included a review of funds, bills for payment, financial summary, and other revenue and expenses. Information on the monthly financial activities of the District is contained within the Treasurer's Report and is on file with the District.

5. Chief's Report

1. Chief Ware presented his report to the Board of Directors, which included updates on call volume, average response time, incident summary, training, preventions, chipping, and fleet/facilities maintenance. Information on the full report is contained within the Chief's Report and is on file with the District.

6. Public Comment – Matters before the Board

1. Five citizens from the District addressed the Board regarding development, misconceptions about the relationship between volunteer and professional firefighters, consolidation, and Board member conduct. One citizen asked to speak during the second Public Comment, which was approved by President Pixley.

7. Old Business

1. Chief Ware presented an update of the Developmental Impact to include information about service agreements, pending development, possible impact fees. Vice President Devaney motioned to authorize Chief Ware to engage the services of EBC Research & Consulting for the purposes of performing an impact fee Nexus Study for the Elk Creek Fire Protection District, not to exceed \$25,000, seconded by Secretary Baker and unanimously approved.
2. Chief Ware reported that Administrative Alternatives did not have the lead time to be able to do the October meeting minutes.
3. Preliminary 2024 Budget. Vice President Devaney noted that she would like to see budget numbers for approved versus actual. Chief Ware reported that the District needs to buy two new fire engines and will look at lease purchase versus a direct purchase. A discussion ensued regarding the ability to encumber funds for the two fire engines, for which a separate Resolution would be required. Attorney Chmil was directed to write a Resolution encumbering funds for purchase of an ambulance for the November meeting.

The budget hearing will be held at the December Board meeting. The budget hearing notice will be posted as soon as possible in *The Canyon Courier*.

8. New Business

1. Ms. Debbie Ford had sent an email to the Board, and she spoke during Public Comment.

2. President Pixley touched on the letter from Past President, Greg Branch, regarding truth and ethics of the Board.

9. Public Comment – New Topics of Discussion

1. Six citizens from the District addressed the Board with comments regarding misconceptions regarding the relationship between volunteer and professional firefighters, consolidation and Board member conduct.
10. Vice President Devaney motioned to adjourn the meeting, seconded by Director Newby and unanimously approved. There being no further business to come before the Board at this time, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Greg Pixley – President

Dominique Devaney – Vice President

Sharon Woods – Treasurer

Melissa Baker - Secretary

Charles Newby - Director

Charles F. Newby
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Evergreen CO 80439
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**Contemporaneous Notes: Regarding Harassment at the October 12, 2023
Elk Creek Fire Protection District Board of Directors Meeting
and
Subsequent Events**

**RE: Harassment at the October 12, 2023 Elk Creek FPD Board of Directors Meeting
and subsequent events.**

October 12, 2023

Introduction: The contemporaneous notes set forth here are intended to document for all concerned,¹ a straightforward account of a number of recent events, all related to the Elk Creek Fire Protection District (the Elk Creek FPD), which began on the afternoon of Thursday, October 12, 2023, resumed at the Elk Creek FPD Board of Directors Meeting at Station 1, 11993 Blackfoot Road, Conifer CO 80433 that evening, and continued thereafter.²

The background for these events is a prior incident wherein Ms Melissa Winefeldt addressed the Elk Creek FPD Board of Directors on August 10, 2023 during a period of public comment. During her comments, Ms Winefeldt accused me (without overtly naming me) of violating my duty as an Elk Creek FPD Director inasmuch as I – through my affiliation with the community advocacy group the *Conifer & South Evergreen Community Committee* (the Committee).³

At a crucial point in her prior comments, Ms Winefeldt made plain her attack on me

¹ Including for law enforcement, please see Jefferson County Sheriff's Office Case No. 23-17861.

² This initial version of contemporaneous notes were started the evening of October 12, 2023 and completed on November 20, 2023.

³ Along with more that 40 members of the local mountain community, I am a founding member of the *Conifer & South Evergreen Community Committee*. For more information about the community organization, please visit the Committee's website: [here](#)

by stating that, *"I have personally seen a director on this board violate this policy... [referring to policies stated in board bylaws] ...painting our [Fire] Chief and the rest of this board in a negative light..."* Ms Winefeldt then went on to say, *"This [fire] district must seek a mill levy increase for the purpose of consolidation⁴ to better serve our greater mountain community..."*, see RECORDING #1: [Elk Creek FPD Regular Board of Directors Meeting August 10, 2023](#) beginning at RECORDING #1: 1H:06M:27S (all recording time markers are approximate).

Notwithstanding accusations made by Ms Winefeldt, I have always been careful to keep separate my community advocacy activities from my duty to act in the best interests of the Elk Creek FPD Board of Directors. Notably, once the Elk Creek FPD Board of Directors voted to refer the proposed consolidation/merger questions to the ballot, I have channeled all of my advocacy in regard to these matters into an issue committee registered with the Colorado Secretary of State, as required by law.⁵

Regardless of the political climate in which these events occurred, I believe that these events, when taken together, constitute a pattern of "harassment" as defined in the Colorado Statutes.

Participants

Elk Creek FPD Board of Directors:

- Director Greg Pixley
- Director Dominique Devaney
- Director Melissa Baker

Elk Creek FPD Leadership, Members, and Associates:

- Fire Chief Jacob Ware
- Legal Counsel John Chmil
- Unidentified Firefighters 1, 2, and 3
- Unidentified Firefighters 4 - 12
- Volunteer PIO Sharon Trilk
- Community Ambassador Al Leo
- Ms Melissa "Missy" Winefeldt

⁴ Here Ms Winefeldt refers to the proposed legal consolidation/merger of the Elk Creek, Inter-Canyon, and North Forth FPDs which would latter become, for Elk Creek FPD voters, Elk Creek FPD Ballot Election Measures 7D and 7F.

⁵ For more information, please visit the Save Elk Creek Fire Issue Committee website: [here](#)

Community Member:

- Mr Andy Fulham

Synopsis of Incidents Occurring the Day, Afternoon, and Evening of October 12, 2023: The subject series of related events began with emails at ~10:15 hrs from the Colorado Campaign and Political Financial Division of the Colorado Secretary of States Office notifying me that Missy Winefeldt had filed two campaign finance administration regulatory complaints against me: 1) as the registered agent for the Save Elk Creek Fire Issue Committee and 2) as a member of *Conifer & South Evergreen Community Committee, LLC*.⁶

Additionally, that afternoon at ~16:30 hrs I received an email that Ms Winefeldt⁷ sent to Elk Creek FPD Board of Directors members Greg Pixley, Dominique Devaney, Melissa Baker, Sharon Woods, and myself, see EXHIBIT A.

In this email Ms Winefeldt specifically accuses me of:

- Various violations of the Elk Creek FPD Board of Directors Bylaws,
- Various conflicts of interest as a serving Elk Creek FPD Director,
- Violation of federal trademark law for use of the Elk Creek FPD logo,
- Violation of Colorado Statute 1-13-107, Violation of Duty,
- Violation of Colorado Statute 1-13-109, False or Reckless Statements Relating to Candidates or Questions Submitted to Electors, and
- Various violations of Colorado Campaign and Political Finance Administrative Law.

Importantly, beginning at approximately 19:45 hrs during the regular meeting of the Elk Creek FPD at Station 1 located at 11993 Blackfoot Road, Conifer CO 80433, during Public Comment Period #1 Ms Winefeldt – as described in more detail below (see RECORDING #2: [The Elk Creek FPD Pension and Regular Board Meetings October 12, 2023](#)) – began to read from her laptop computer, apparently, from the email that she had sent to the board that afternoon.

Moreover, it is my judgement that Ms Winefeldt was within her free-speech rights and possibly even within the rules of decorum under the Elk Creek FPD Board of

⁶ The context, substance, and disposition of these two administrative complaints are described in more detail at: [Save Elk Creek Fire](#)

⁷ I quickly read over this email and, as a result, I was forewarned due to the content of the email as well as the harassing statements made previously by Ms Winefeldt.

Directors Bylaws (the Bylaws)⁸ until she made the following statement at RECORDING #2: 1H:45M:45S, *"Direct violation to the above bylaws [Bylaws] proves conflicts of interest for Director Chuck Newby."*

At this point, Ms Winefeldt's speech became a direct, personal attack on me (slander), which is not allowed during a board meeting in-as-much as personal attacks are a serious breach of decorum – that is, personal attacks are "out of order" under Robert's Rules of Order – the rules cited in our Bylaws as governing meetings of the board. Therefore, I immediately "objected" to the meeting presiding officer, Mr Pixley (board president) for a ruling that Ms Winefeldt's personal attack on me was "out of order".

However, Mr Pixley refused to issue such a ruling, which would have required that Ms Winefeldt to take her seat, be expelled from the meeting, or some other remedy prohibiting her from continuing her attacks on me. Mr Pixley instead stated at RECORDING #2: 1H:46M:18S, *"It was not a personal attack..." or something similar.* Mr Pixley then adjourned the meeting so that he could have a ~3 minute private side meeting in the station foyer with Elk Creek FPD Legal Counsel John Chmil. Next, Mr Pixley returned to restart the meeting with the statement at RECORDING #2: 1H:47M:32S, *"I believe – and this is at the direction of counsel – that this is not a direct attack on you Director Newby."*

While it was early in what was to become an evening punctuated by a number of personal attacks on me, it was then that I realized these attacks had apparently been carefully organized, rehearsed, and stage-managed by Ms Winefeldt as well as others present in the room. A review of the at RECORDING #2: 1H:44M:25S – 1H53M25S reveals the full character, specifics, and extent of these relentless, unjustified personal attacks on me made by Ms Winefeldt, Mr Ware, and Mr Fulham during the remainder of the evening. Given this as context, it is unsurprising that as I attempted to leave the fire station through the foyer later that evening, my personal safety was threatened by Unidentified Firefighter 2, see item incident chronology item #13 below.

Crucially, I believe that Mr Pixley, as President, Ms Devaney as Vice-president, and Ms Baker as Secretary of the Elk Creek FPD Board of Directors, each had an affirmative duty to stop the personal attacks on me by ruling Ms Winefeldt's first attack on me, at RECORDING #2: 1H:45M:45S, out of order.

⁸ For more information, please see Bylaws: [Elk Creek FPD Board of Directors Bylaws 2018](#) including Bylaws Section 3.2 Director Conduct, Bylaws Section 4.8 Procedure, and Robert's Rules of Order Newly Revised (RONR) 12th Edition) regarding meeting decorum.

Furthermore, I believe that Mr Chmil, as Elk Creek FPD Legal Counsel, had an affirmative duty to advise Mr Pixley that, not only were personal attacks out of order under board Bylaws but that, allowing such personal attacks as he had just witnessed, was contrary to the interests of the residents, taxpayers, and other stakeholders of the Elk Creek FPD, a Title 32 Subdivision of the State of Colorado.

What-is-more, I believe that Mr Ware, as Elk Creek FPD Fire Chief, had an affirmative duty to advise Mr Pixley that, allowing such personal attacks as he had just witnessed, was contrary to the interests of the Elk Creek FPD or, failing that, to stop these personal attacks under his duty-of-care to ensure the health, safety, and welfare of all persons in attendance.

Chronology of Incidents Occurring at the October 12, 2023 Elk Creek FPD Board of Directors Meeting: For clarity, I present here a chronology – taken from the "My Mountain Town Elk Creek FPD Board of Directors Meeting 10/12/2023" (see **RECORDING #2:** [The Elk Creek FPD Pension and Regular Board Meetings October 12, 2023](#)), recorded by Volunteer PIO Ms Sharon Trilk – of the events of concern that occurred that evening, focused specifically on the oral personal attacks made on me over the course of the evening. However, this chronology also includes the threats to my personal safety that were made orally by Unidentified Firefighters 1 and 2:

1. The Elk Creek FPD Pension Board of Trustees Meeting took place without incident between ~18:00 – 19:00 hrs, see **RECORDING #2: 0H:0M:0S - 0H:59M:35S** after which the Elk Creek FPD Board of Directors Meeting began at ~19:00 hrs, see **RECORDING #2: 1H:0M:0S**.
2. The Elk Creek FPD Board of Directors Meeting proceeded normally until Public Comment Period #1, which began at ~19:31 hrs, with community member Ms Debbie Ford ~3 mins comments regarding impacts of large-scale development on the community and the fire district, see comments beginning at **RECORDING #2: 1H:31M:20S**. No applause or other public demonstrations were made by those in attendance.
3. At ~19:35 hrs community member Ms Barbara Moss-Murphy spoke for ~3 mins regarding impacts of large-scale development on the community and the fire district, see comments beginning at **RECORDING #2: 1H:35M:05S**. No applause or other public demonstrations were made by those in attendance.
4. At **RECORDING #2: 1H:44M:25S** Ms Missy Winefeldt begins her public comments with the provocative statement that she comes before the board in order to, *"...again express my disapproval of one of the board director's previous and the continued and unethical behavior..."* At **RECORDING #2: 1H:45M:53S**, Ms Winefeldt names this director as myself and, at this point in her comments, Ms Winefeldt crosses the line from – what could be construed as the general comments of a concerned citizen petitioning the board of directors – into a direct personal attack (slander) on me. At that moment, it is my judgement that – in

accordance with Robert's Rules of Order – Ms Winefeldt's comments were thereafter "out of order". Therefore, it was at **RECORDING #2: 1H:46M:10S** that I lodged an objection with meeting board chair Mr Pixley by stating that, *"We run this [our board meetings] according to Robert's Rules ... By Robert's Rules there is no place for personal attacks..."* Next, Mr Pixley can be heard saying, *"I don't believe that this is an attack on you Director Newby..."*, or something similar.

At **RECORDING #2: 1H:46M:50S** Mr Pixley asks Legal Counsel Chmil for a consultation in the foyer. At this point, video recording seems to have been stopped for several minutes while Mr Pixley and Mr Chmil confer but the recording resumes thereafter (I believe Ms Trilk stopped recording during that period) with Mr Pixley stating at **RECORDING #2: 1H:47M:32S** that, *"I believe – and this is at the direction of counsel – that this is not a direct attack on you Director Newby..."*, further stating that Ms Winefeldt was instead simply stating her concerns regarding my behavior as a member of the board. Thus, I believe Mr Pixley acted to, in affect, "legitimize" Ms Winefeldt's personal attacks on me. At **RECORDING #2: 1H:48M:05S** I lodged an appeal of this "ruling of the chair" and, while Mr Pixley at **RECORDING #2: 1H:48M:43S** offered a possible compromise by asking that Ms Winefeldt refrain from using my name in her further comments, Ms Winefeldt refused to do so and, at that point, Mr Pixley "authorized and legitimized" – in the name of the Elk Creek FPD Board of Directors – the then present personal attacks on me by Ms Winefeldt as well as the personal attacks that were to come later that evening from her cooperators.

At **RECORDING #2: 1H:49M:18S**, after Ms Devaney apparently offered something from Robert's Rules – appearing on her cellphone – to Mr Pixley which he then read aloud in what I have come to believe was another effort to authorized and legitimize Ms Winefeldt's then present personal attack on me.⁹ As a result, at **RECORDING #2: 1H:49M:50S** it is my judgement that Mr Pixley, Ms Devaney, and Ms Baker – sitting as the Elk Creek FPD Board of Directors – became complicit in the unwarranted personal attacks on me made by Ms Winefeldt, even over my strenuous and frequent objections. At **RECORDING #2: 1H:50M:48S** Ms Devaney makes what I believe are further attempts to legitimize Ms Winefeldt's personal attacks on me by telling me that, *"If you have issue with what she is saying you are every liberty to contact your own attorney on your own behalf..."*. Thereafter, the relentless, unjustified personal attacks on me made by Ms Winefeldt continued, over my frequent objections.

At the conclusion of her first public comments, in an apparent response to my interjection of, *"Slander!"*, at **RECORDING #2: 1H:53M:10S** Ms Winefeldt tellingly states, *"We've got your number buddy. ... Do you want to keep going? Let's go!"* These statements, I believe,

⁹ While all U.S. persons have constitutionally protected free speech rights in most circumstances, boards of directors, city councils, and boards of county commissioners are "limited public forums" in which are required to maintain a level of decorum at meetings in order to fulfill their intended purposes. Additionally, many such bodies in the State of Colorado are guided by rules – both formal and informal – that prohibit personal attacks of the sort made by Ms Winefeldt.

allude to the fact that her harassing personal attacks on me that evening were rehearsed, coordinated, and staged-managed in order to have the affect of harassment and intimidation. Then, with raised voice, a threatening scowl, exaggerated hand gestures, and a combative demeanor, Ms Winefeldt continued her attempts to provoke me into taking retaliatory action. At the conclusion of the Ms Winefeldt's slanderous statements against me, there was loud applause from firefighters, staff, and friends/family.

5. At **RECORDING #2: 1H:55M:00S**, the board moved to the issue of "Impacts of Large-scale Development on Elk Creek FPD" whereupon Chief Ware was asked to present to the board his recommendations as to how the Elk Creek FPD may be protected from these impacts going forward. The presentation by Fire Chief Ware began reasonably enough but then at **RECORDING #2: 1H:57M:43S**, Mr Ware falsely accused me of, during the 2019 negotiations with Mr Stuart Borne of Foothills Housing, LLC, the principal developer for the Conifer Center proposed development (to be located on 47 acres adjacent to the Conifer Town Center Safeway store) stating, "*I think you said I was on-the-take...*" which, of course, I have never said nor have I ever heard anyone else make such a statement. In response, I stated, "*I didn't say that.*" Mr Ware then said something unintelligible. I then stated, "*Nobody said that.*" I believe that Mr Ware's statement was intended to provoke me into taking retaliatory action.
6. At **RECORDING #2: 2H:40M:57S** Mr Trilk moves her video camera to the front of the room – something I have never seen her do at any prior board meeting – I believe that she did this because she had a priori knowledge that Ms Winefeldt was about to deliver the final set of harassing personal attacks against me.
7. At **RECORDING #2: 2H:41M:10S**, as Mr Pixley opened the Public Comment Period #2 by making the statement, "I've created a board decision, as president, that anyone who wishes to speak will be allowed to do so with their perspective...", using his putative authority as board president to, in effect, authorize and legitimize the harassing personal attacks that were to follow.
8. At 20:59 hrs / **RECORDING #2: 2H:52M:05S** Mr Andy Fulham began his public comments with, what seemed to be a mix of comments regarding various alleged improper acts that I have supposedly committed in my capacity as the Vice President/Treasurer of the Save Elk Creek Fire Issue Committee. While, much of the Mr Fulham statement was incoherent but at **RECORDING #2: 2H:55M:00S** Mr Fulham seems to accuse me of violations of the board Bylaws, various violations of Colorado Campaign Finance Laws, demands that I disclose email lists that we have purchased (no such email list(s) exists). Then at **RECORDING #2: 2H:55M:28S** Mr Fulham declares that it is in "*...the best interest of everyone...*" that I resign. At the end of Mr Fulham's comments, the room erupted into loud applause from firefighters, staff, and friends/family.
9. At **RECORDING #2: 2H:56M:00S** Ms Winefeldt began her second public comments and, as apparently pre-arranged and on cue, an array of firefighters, staff, and friends/family moved

in to stand shoulder-to-shoulder with Ms Winefeldt. Ms Winefeldt's public comments at **RECORDING #2: 2H:56M:00S - 2H:59M:05S** contain the numerous plainly slanderous, false, and harassing statements that formed the core of her attack. Note that neither Mr Pixley, Ms Devaney, nor Ms Baker intervened to stop these relentless harassing statements.

At the end of Ms Winefeldt's comments, see **RECORDING #2: 2H:59M:00S**, the room erupted into loud applause from Fire Chief Ware, firefighters, staff, and friends/family which included taunts, calls for me to resign, and so forth, all, I believe, intended to provoke some retaliatory response from me. Still, I attempted to defend myself by calling out the behavior of my attackers for what it was in the moment, see **RECORDING #2: 2H:59M:20S**. It is certainly clear to me that the behavior of Ms Winefeldt plus and of the firefighters, staff, friends/family, and community members who participated in these relentless, slanderous personal attacks that evening was indeed, truly despicable, well beyond any common sense standard for public decorum or even human decency!

10. Shortly thereafter Mr Pixley adjourned the board meeting, however, interestingly, moments after the meeting ended, I saw Mr Leo (AI) beginning his exit of the build through the foyer so – since we have had a friendly relationship for the last several years, I was puzzled by his behavior toward me that evening and wanted to hear from him why he felt he needed to act the way he did – so I walked toward him crossing the foyer just as he exited the building. I called out to Mr Leo (AI), *"You too AI?!"* For me, this was a real *"Et tu, Brute?"* moment but, instead of talking with me in the usual, friendly manner, AI feigned that he was somehow fearful of me, even calling out through the entryway door which I held open, *"Hey, I need witnesses!"*
11. Curiously, after the meeting ended at ~21:05 – as I was gathering my belongs to leave the building Mr Pixley asked me if, with no sense of irony whatsoever, I would like for him to escort me to my car. I refused his offer. I seriously doubt that Mr Pixley was genuinely concerned for my safety.
12. At ~21:10, after I had gathered up my briefcase and other personal items, I attempted to exit the fire station through the foyer but encountered about a dozen firefighters, all in uniform, gathered in front of the exit door milling around and effectively blocking my egress. In an attempt to get them to give way, I asked them, *"Have you had your fun now?"* At that point they did give way to let me pass through to the doorway but then, just as my right hand pressed the door's crash-bar (door-handle), Unidentified Firefighter 1 said in a loud voice, *"It's time for you to leave now!"* At that point I turned around to face the speaker but I could not identify the firefighter who spoke.
13. As I stood there to face the crowd of a dozen firefighters, I was now face-to-face with Unidentified Firefighter 2 who then took a half-step forward toward me then said in a loud threatening voice, *"I hope you know how to take care of yourself out there."* I stood my ground then responded with, *"I can take care of myself."* At that point, Unidentified Firefighter 2 clinched his fists, raised them a bit, and leaned forward even further as if

readying himself to physically attack me. At that moment, I also observed that a great many of the dozen firefighters also moved forward, I judged in the moment, quite menacingly. At that instant, Unidentified Firefighter 3, a rather rotund, bald, older firefighter who was leaning against the foyer outside-facing window ledge, said in a loud voice, "Firefighters back!" At that point, the group of a dozen firefighters stepped back a half-step, I exited, walked to my car, and started the drive home.

14. After I got about a mile toward home on northbound U.S.-285, I noticed a vehicle following me closely, right on my bumper. After about another two miles, the vehicle, a pickup truck, broke off to pass me at high speed on my left. At that point, another vehicle appeared and began to follow close on my bumper. By this time, I was approaching the Pleasant Park Road exit so I slowed down, pulled into the exit lane, and exited northbound U.S-285 but, as I did so, I observed that the second vehicle was a large service van on a GM chassis, the year was circa 2010 - 2015.
15. At 7:38AM on October 13, 2023 (the next day) I received an anonymous (no Caller ID) 26-second voicemail from an unknown caller, the call was filled with expletives and was clearly meant to harass me, listen at: [10/13/2023 Harassing Voicemail](#) – I do not recognize the voice on the recording. Additionally, later during the day on October 13, 2023, I received several other telephone calls with no Caller ID but because of my cellphone settings, those calls were silenced (not answered).

Conclusion: The incidents recounted above, when taken together, I believe contain all of the elements of "harassment" as defined in the Colorado Statutes. Therefore, in order to deter future acts of harassment, intimidation, and coercion by this group, I have referred this matter to the proper authorities.

To the best of my recollection, the forgoing contemporaneous notes are both fulsome and accurate.

/s/ Charles F. Newby

Cc: file

EXHIBIT A

From: Missy W mfrazier_healthfitness@yahoo.com
Subject: Matters of Concern
Date: October 12, 2023 at 4:23 PM
To: gregpixley@gmail.com, ddevaney@elkcreekfire.org, mbaker@elkcreekfire.org, swoods@elkcreekfire.org, cnewby@elkcreekfire.org



Elk Creek Fire Protection District Board Directors,

I am coming to you again to express my disapproval of one of a board director's continued unethical behavior and behavior that violates your District Bylaws.

In carefully reviewing your bylaws, there is no place for internal recourse when a board member's behavior and actions are unbecoming, insubordinate and in direct violation of these bylaws.

Article 3, section 1(c) states, "Meeting the needs of the District's constituents should be the primary purpose of each Director."

1(e) states, "Directors should avoid double talk, hidden agendas, backbiting and other negative forms of interaction."

1(h), "Once the Board has voted on an issue, the Directors shall not take ANY actions which would create barriers or other wise impede the District's ability to implement the Board's decision."

1(i), "...The Board functions as whole, and individual Directors have no authority to speak on behalf of the Board or the District, or to bind the District through their individual actions or statements."

Art 3, sec 7 states, "A Director is PROHIBITED from taking personal advantage of a situation to benefit himself or prejudice (aka injure or damage) the District."

Direct violation to all the above bylaws proves conflicts of interest for Director Chuck Newby.

I am publicly demanding the immediate resignation of Mr. Newby from this fire district board for these violations and of the following legal violations:

He is the registered agent to an issues committee, Save Elk Creek Fire, actively campaigning against and blatantly lying about the consolidation efforts of this fire district. He and this committee are illegally using the department's trademarked logo without permission. Despite his "feelings" of entitlement to the use of this legally protected logo, he is in violation of District bylaws Article 3.1(h) and 3.1(i) in taking actions creating barriers that impede the District's ability to implement their decision and acting independently of the fire board a whole, respectively.

This is also a violation of Colorado Revised Statute 1-13-107, Violation of Duty; and C.R.S. 1-13-109, False or Reckless Statements Relating to Candidates or Questions Submitted to Electors.

1-13-107. Violation of Duty. Any public officer, election official, or other person upon whom any duty is imposed by this code who violates, neglects, or fails to perform such duty or is guilty of corrupt conduct in the discharge of the same or any notary public or other officer authorized by law to administer oaths who administers any oath knowing it to be false or who knowingly makes a false certificate in regard to a matter connected with any election provided by law upon conviction shall be punished as provided in section 1-13-111.

Charles F. Newby
8868 William Cody Drive
Evergreen CO 80439

1-13-109. False or reckless statements relating to candidates or questions submitted to electors – penalties – definitions. (1) (a) No person shall knowingly make, publish, broadcast, or circulate or cause to be made, published, broadcasted, or circulated in any letter, circular, advertisement, or poster or in any other communication any false statement designed to affect the vote on any issue submitted to the electors at any election or relating to any candidate for election to public office.

*1-13-111. Penalties for election offenses. In all cases in which an offense denominated in this code has no penalty specified, the offender commits a class 2 misdemeanor.

Furthermore, the use of the department's logo makes it appear that the department is campaigning, which would also be a violation of Colorado Campaign Fair Practice Laws. The use of this logo endangers the integrity of this department. Therefore, a complaint has been made around these issues to the SOS Campaign Finance Enforcement Office.

He is also a registered agent of an LLC that is illegally campaigning against the district's consolidation efforts. Conifer and South Evergreen Community Committee is a registered LLC but they are NOT a registered issues committee. Without being a registered issue committee an entity may not campaign for or against a ballot issue. A complaint has been filed against this LLC with the SOS for violating Colorado Campaign and Political Finance Laws.

He is working with another citizens "group" going by the name of "Concerned Citizens of Conifer" – which is not registered anywhere with the SOS as a legitimate entity OR with TRACER as an issue committee. However, this "group" paid for an electioneering communication (aka campaign material) without being a registered issue committee AND without naming a registered agent which is a violation of Colorado Campaign Finance Law. And if you are not a registered entity with TRACER, you are unable to file campaign expenditures, which is also a violation of Colorado Campaign Finance Law. A complaint has been filed against this entity with the SOS for these violations.

These actions and behaviors are unbecoming of a fire board director in distributing false information against this fire district, its Chief and its employees.

In calling for Director Newby's immediate resignation, I guarantee he will refuse to do so. Therefore, I implore the rest of you directors to schedule a work session to review your bylaws. I encourage you to add policy that gives the board of directors recourse when a singular director is in such blatant violation of these rules. Afterall, what is the point in having these bylaws if you aren't going to enforce them? How can you enforce them when there is no consequence of a director behaving so shamefully in deliberately violating these bylaws that they took an oath to uphold?

Mr. Newby is a disgrace to the fire service and a detriment to this fire district. How long are you willing to allow this to go on? As a taxpayer in your district and spouse to one of your firefighters, I hope not much longer. I also hope for all of these issues to be addressed.

Thank you for your time and attention to this imperative matter.
Melissa Winefeldt

ELK CREEK FIRE PROTECTION DISTRICT
Income Statement
For the Eleven Months Ending November 30, 2023

		Current Month Actual	Year to Date Actual	Year to Date Budget
Revenues				
104000	Property Tax Revenue - Jeffco	\$8,869	\$3,202,937	\$3,241,319
104010	Property Tax Revenue -Parkco	\$0	\$378,649	\$388,017
104040	Delinquent Taxes	\$0	-\$10,959	-\$4,000
104100	Specific Own. Taxes - Jeffco	\$20,611	\$211,559	\$175,000
104110	Specific Own. Taxes - Parkco	\$3,378	\$41,290	\$45,000
104200	Interest Income Jeffco	\$505	\$3,401	\$2,000
104210	Interest Income Parkco	\$0	\$629	\$500
104220	Interest Income Investments	\$26,459	\$274,872	\$28,000
104300	Ambulance Billings	\$85	\$633,441	\$500,000
104310	Ambulance Billings-MCR/MCD Adj	\$0	-\$238,371	-\$120,000
104400	Other Income	\$0	\$4,286	\$0
104410	Report Charges	\$0	\$515	\$0
104420	Pension-State Contribution	\$13,500	\$13,500	\$0
104430	Permits - Inspection Fees	\$358	\$6,969	\$10,000
104440	Home Assessments	\$482	\$5,205	\$8,845
104450	Donations	\$100	\$14,956	\$5,000
104460	Lease Revenue	\$2,643	\$58,081	\$50,000
104480	Revenue from Surplus Equipment	\$0	\$0	\$10,000
104488	Grant Award - Fire	\$75,000	\$105,326	\$0
104700	CRRF Reimbursement	\$14,178	\$875,687	\$925,000
104760	Miscellaneous Income	\$1,832	\$2,173	\$0
104800	Mitigation Contracts	\$0	\$0	\$123,000
	Total Revenues	\$167,998	\$5,584,145	\$5,387,681
Expenses - Administration				
	Total Expenses - Administration	\$52,785	\$793,706	\$1,033,300
Expenses - Fire				
	Total Expenses - Fire	\$66,624	\$658,156	\$657,471
Expenses - Training				
	Total Expenses - Training	\$18,814	\$196,745	\$267,494
Expenses - Prevention				
	Total Expenses - Prevention	\$5,531	\$243,966	\$137,955
Expenses - EMS				
	Total Expenses - EMS	\$105,849	\$972,331	\$881,106
Expenses - Wildland/Suppression				
	Total Expenses - Wildland/Suppression	\$50,779	\$652,243	\$603,445
Expenses - Fuels Crew				

ELK CREEK FIRE PROTECTION DISTRICT
Income Statement
For the Eleven Months Ending November 30, 2023

		Current Month Actual	Year to Date Actual	Year to Date Budget
	Total Expenses - Fuels Crew	\$11,752	-\$62,877	\$12,200
Expenses - CRRF				
	Total Expenses - CRRF	\$47,925	\$599,502	\$765,142
Expenses - Maintenance				
	Total Expenses - Maintenance	\$30,508	\$195,843	\$309,967
Expenses - Fire Stations				
	Total Expenses - Fire Stations	\$4,011	\$104,208	\$142,330
Expenses - Leases/Capital				
608326	Capital - EMS	\$0	\$6,660	\$300,000
608336	Capital - Fire	\$0	\$36,944	\$20,000
608605	Capital - Wildland/Prevention	\$0	\$192,187	\$85,000
608606	Capital - Facilities	\$29,266	\$120,955	\$165,000
	Total Expenses - Leases/Capital	\$29,266	\$356,746	\$570,000
	Total Expenses	\$423,844	\$4,710,570	\$5,380,410
	Net Income	-\$255,846	\$873,576	\$7,271