

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF THE FOOTHILLS FIRE PROTECTION DISTRICT HELD

April 21st, 2009 (Tuesday)

A regular meeting of the Board of Directors of the Foothills Fire Protection District (referred to hereafter as "Board") was convened on Tuesday, April 21st, 2009 at 6:30 P.M., at the Mount Vernon Country Club, 24933 Club House Circle, Golden, Colorado.

The meeting was open to the public.

I. ATTENDANCE

T. J Carney-Board President
Richard Bartlett-Board Treasurer
Julianne Courim-Board Vice President
Patrick Smith-Board Secretary
Steve Close-Board Assistant Secretary
Brian Zoril-Chief
Brad Danek-Deputy Chief

Jeanette Kehoe-Business Manager
Dave Stacjar-Firefighter
Pati Stacjar-Firefighter
Todd Foster-Firefighter
John Kilpatrick-Firefighter
Paul Woodward-Alpine Rescue

II. ADMINISTRATIVE MATTERS

- A. Approve Agenda
Motion to approve with changes by Close and seconded by Smith, passed 5-0.
- B. Review and Approve Minutes of the March 17th, 2009 Regular Meeting
Motion to approve by Close seconded by Smith, passed 5-0.

III. COMMUNITY FEEDBACK

Presentation by Alpine Rescue

Many items were discussed by Paul Woodward and the Board. One question discussed was the number of calls that Foothills and Alpine had run together over the years. Mr. Woodward felt about 80 calls had been run in Jefferson County though he did not have an exact number with Foothills. In addition, no Alpine member stays at the there station with the exception of an on call Incident Commander that fulfills a 24/7 commitment. Subsequently, their members need to be toned for calls.

Director Smith raised concerns about the implications and requirements of the MLU. Alpine was asked three months prior to provide a comprehensive proposal for Board considerations. Director Smith felt the language in the

MLU, training, and resource sharing were incomplete and/or gave dramatic control to Alpine and not an advantageous partnership to Foothills. Updated MLU documents were being prepared for review by the attorneys and should be reviewed at the next meeting.

To address rationale for pursuing Alpine agreements for the long term and obtain a twenty year extension to the lease Director Bartlett explained his rationale for such an extension. In particular, Director Bartlett stated his concerns for the prior Board trying to garnish fees from Alpine in lieu of an agreement.

Director Courim expressed concerns that a decision of this magnitude would handicap future Boards for the next forty years. Director Carney agreed with Director Courim and that tying the District to future agreements may not be prudent. Director Courim followed by adding concerns about extending an MLU in perpetuity and the stats provided by Alpine were not sufficient to show or justify any extension in an agreement. Director Carney did not have any further information to provide to our attorneys on the matter. It was again recommended that Alpine provide various documentation and information as originally requested for the next Board meeting.

IV. LEGAL MATTERS

A. No Man's Land Inclusion

Apparently the Information Technology group at Jefferson County has requested the Sheriff to determine various No Man's Lands within the County and to divide up the land based upon their advice. Director Carney stated if we do not take the land it will be assigned. The inclusion map provided by the County is incorrect in some areas and questions were raised about the Mount Vernon Country Club Metro District (MVCCMD), Clear Creek Land Conservancy, and Denver Mountain Park areas. Concerns were raised that if nothing was done, land could be easily excluded from the District like the commercial space was at the new area at the Dinosaur lots a few years ago. This could damage possible tax levies.

Per Director Carney the MVCCMD and FFPD agreement existed for inclusion. The Clear Creek Land Conservancy appeared to be a new area the Board has not seen before. This area could be included except any area north of the current Highway Six. Finally, Director Carney asked that a copy of the Denver Mountain Parks agreement be obtained and reviewed for the previous Board decision and agreement. Director Carney felt it necessary to consider options as whether to include or exclude Denver Mountain Parks and Open Space.

Manager Kehoe was asked to obtain information the County has to confirm inclusion. Firefighter Kilpatrick felt that the areas in question posed potential

threats to the District both financially and to property exposures. Director Carney added that the Stapleton Drive area was planned to be included.

V. DEPARTMENT ISSUES

A. Update by station/apparatus project work groups

Director Carney thanked all those involved in the Rainbow Hills project. Deputy Chief Danek provided details on the project based upon his appointment as plan leader.

After the Pancake Breakfast additional efforts will be taken to pursue a type one engine and to work with Pierce and possibly look for a used truck.

At the last Board meeting costs were incurred for the 580 headsets and a five percent discount would be lost if the new headsets for 544 were not purchased soon. NFPA 1500 requirement indicates that hearing protection must be provided for environments of ninety decibels or higher and it was determined the engines have this. Insurance considerations and OSHA considerations were also mentioned. Sirens operate at around one hundred twenty decibels. Per the requirements our trucks are not grandfathered and we should look to add this to long term planning and budget considerations moving forward. Requesting grants for these headsets would be appropriate in the future.

Firefighter Dave Stacjar asked if we can use other headsets and/or ear plugs. Per OSHA ear plugs is not “hearing protection” according to firefighter Todd Foster.

B. Business Manager and Fleet Status Report

A grant research program proposal was given to the Manager and the Chief by Director Carney and they should contact the grantors on various grants. Grant ideas should be reviewed at next months meeting.

Manager Kehoe submitted an initial grant wish list and additional items to update her business report.

C. Chief’s Report and Fleet Status Report

Staff member Moilanen was out of town so the report was not completed. 560 had a wiring issue, 551 was in the shop to repair a light, and 560 had a primer repair completed. All the fleet is in service at present. It was felt that a plan should be implemented to complete one truck inspection each month. This would help with preventative maintenance.

The ISO planned to consider automatic mutual aid and rolling apparatus to scenes with adjoining districts to help improve ISO.

Director Courim has received the SOG's and planned to have final SOG's updated on the web site after resolving formatting issues the next day.

Problems with recent dispatches from Jefferson County were begin reviewed and additional options for dispatching were being reviewed by the Chief.

D. Status Report from the Auxiliary

The recruits planned to help as always with the Pancake Breakfast and Janet Tyrell-Eads provided a spreadsheet to the Lookout station for assignments and the auction items. Director Carney was working on pancake recipes. Emma Chanin will be out of town in June so it was felt the firefly could be sent in July. The slash pick-up was scheduled for July 27th and Chief Zoril was asked to see if this could be extended to early August so it could be added to the firefly.

VI. FINANCIAL MATTERS

A. Review and approve Payment of Claims through the period ending April 21st, 2009 for Operations.

Tom Jaspers discussed transfers from various fund balances in particular prior year surpluses and revenues for the District. Five hundred fifty thousand was for capitalized improvements including a truck and new garage in 2009. It is possible a ten percent reduction in property valuations could impact the District in the next few years. ColoTrust and Bank of the West rates are very low. Additional adjustments downward to FPPA returns were related to accounting changes. FPPA changes were for year end 2008. Further impact to FPPA balances was possible.

Director Smith planned to get ideas to Director Bartlett on improving security and return for District cash and would disclose conflicts if any. In addition, Director Smith asked if the one hundred thirty one thousand for the Lake Cedar grant which was recently approved by the Board to be unrestricted was part of the one hundred fifty thousand for the garage. Director Bartlett explained these funds were now unrestricted for the remodel. The one hundred fifty thousand would need to be modified from the budget if it were to be used on the remodel. Director Carney then asked if the budget should be amended to reflect the change to show as part of the budget. The Chief was also asked to prepare a bid package and RFP for the proposed garage.

Six thousand six hundred forty nine dollars and thirty nine cents (\$6,649.39) were approved for the line item Power Corp Rainbow Hills electrical expenses. Apparently these items were not budgeted and expenses for electrical and project management could be around twenty five to thirty thousand dollars. Additional

discussion to amend the motion for expenditures did not pass and it was requested Power Corp provide detailed expenses for the project.

A motion on the amendment was not passed with motion by Smith and seconded by Courim, not passed 5-0.

A motion to approve payment of the expenses was made by Bartlett and seconded by Close, passed 5-0.

The discussion continued as concerns were raised that roughly eighty three thousand dollars had been spent on the project for Rainbow and additional monies may need to be spent. Director Carney asked to obtain detailed electrical and general contracting expenses and that the matter may need to be discussed at the May meeting or in executive session. Some of the additional expenditures were for HVAC, ramp, door, carpeting, Qwest and countertops. The current expenses limit without Board approval is arbitrarily set at five thousand dollars. The Board may wish to modify this amount in the future.

B. Approval of Purchase Requisitions for Department Supplies and Equipment

No requisitions were made.

VII. New Matters

A. Membership Age Requirements

A proposal was given to the Board by the members to amend the age requirements for membership into the department. Next month the SOG's were to be reviewed by the Board but this amendment was desired by the members now.

A special meeting of the members was held on this subject. Eight members attended and two members provided email comment after officer approval. Some members felt it imperative to have the change in front of the Board. Per the member meeting minute's one member at the special meeting asked why no Board members were asked to attend the meeting. The impetus of the changed requirement is to accept only individuals that are twenty one years of age or older onto the department or are 18 years old that have completed fire one and hazmat certifications prior to acceptance. Specific language was:

“Applicants to Foothills Fire & Rescue Academy class must be 21 years old. Applicants who have current Colorado Firefighter 1 Certification and Hazmat Operations Certification can be 18 years old or older in order to apply to the department. If accepted they may be instated as probationary members. All department rules and regulations will apply.”

Director Smith raised numerous concerns. The current Chief, Deputy Chief and Director Smith would all not have been allowed to join the department under the new circumstance proposed by the changes upon when they started. In addition when asked, Deputy Chief Danek stated he reviewed thirty six departments in Colorado all of which allowed eighteen year old applicants to join the department and attend Academy.

Apparently some of the officers had issues with two to three immature young members many years ago and felt the age 21 policy should be implemented. Director Smith asked where the full SOG's were and why the matter could not wait until next month. Questions were raised as to how the changes would impact the SOG's, employee handbook and other rules. In Director Smith's opinion maturity of individuals is not necessarily age related and department members can and do exhibit inexperience at a variety of age levels.

In addition, Director Smith discussed the negative impact to various viable prospective in District members or out of District volunteers between the ages of eighteen and twenty one. Additional considerations for impact to the long range plan, applicant review improvement, and other criteria were needed.

An amendment to the proposed SOG change was discussed to allow some modification to the policy and allow some eighteen to twenty one year old individuals to become members.

A motion to approve an amended SOG with increased flexibility and acceptance for those under twenty one was made by Smith and seconded by Bartlett. The amendment was not accepted by majority of the Board after further discussion with a 4-1 vote with Smith dissenting.

More discussion commenced on the eighteen year old policy at departments similarly situated to ours based upon Director Courim inquiries. For those researched by Deputy Chief Danek each department similarly situated to ours has an eighteen year old policy.

Director Bartlett discussed certifications being important and the desire to have people that have their lives figured out. An application by an individual into a Fire Science program shows an indication of what they want. These individuals would start the program at roughly age eighteen and complete the program by approximately age twenty. Trust of the applicants was important.

Director Carney inquired of Firefighter Dave Stacjar and Todd Foster if they agreed with the proposed amendment to the SOG's. They both were in agreement with them.

A motion to approve the SOG as written was made by Bartlett and seconded by Close passed 4-1 with Smith dissenting.

B. Contracts for paid staff

It was felt that Director Carney would work with the attorneys on this for more information and consideration prior to a decision. The contracts outline both contractual and at will language and Mountain States Employer's Council may be able to provide guidance here too. Questions have risen as to why a contract has at will language and if so why we even need a contract as Colorado is an employment at will state.

C. FPPA Reconciliation

Director Bartlett planned to contact FPPA on Board concerns and that the FPPA may have participated in credit default swaps.

VIII. Executive session

1. Employee Contracts

This matter was addressed earlier in the meeting by Director Carney so no session was conducted here.

2. Personnel Issues

At 9:51 p.m. the request for the Executive session was commenced.

A motion was made by Close and seconded by Bartlett to go into Executive session, passed 5-0.

Executive session commenced at approximately 9:53 p.m. after a brief break.

The regular meeting commenced again at approximately 10:02 p.m. after discussion of a personnel review of Manager Kehoe. Manager Kehoe has completed successfully her probationary period.

IX. Adjournment

A motion was made to adjourn the meeting at approximately 10:05 p.m. by Close and seconded by Bartlett, passed 5-0.

Next regularly scheduled Board meeting is May 19th, 2009.

The following Directors have reviewed and acknowledged the minutes:

Dick Bartlett

T. J. Carney

Steve Close

Julie Ann Courim

Patrick Smith