

RECORD OF PROCEEDINGS

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

February 17th, 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, February 17th, 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 at 6:53 p.m. due to some technical issues with the teleconference phone.

I. ATTENDANCE

T. J Carney-Board President via phone
Richard Bartlett-Board Treasurer
Julianne Courim-Board Vice President
Patrick Smith-Board Secretary
Steve Close-Board excused out of country
Brian Zoril-Chief
Brad Danek-Deputy Chief

Jeanette Kehoe-Business Manager

II. ADMINISTRATIVE MATTERS

- A. Approve Agenda
Motion to approve with changes by Smith and seconded by Bartlett, passed 4-0.

- B. Review and Approve Minutes of the January 20th, 2009 Regular Meeting
Motion to approve by Smith seconded by Courim, passed 4-0.

III. COMMUNITY FEEDBACK

No additional comments and no other members of the public in attendance.

IV. LEGAL MATTERS

A. District Boundaries.

Chief Zoril and Director Bartlett summarized boundaries and remapping with Jefferson County for amending legal descriptions and including the correct boundaries that were intended with the original consolidation. Apparently the current electronic mapping at the County does not accurately show the correct district boundaries for the District. As a result several areas of "no man's land" exist in and around the District according to the current County maps. Director

Carney inquired as to how the mapping would provide legal descriptions to the edge of the roads and not the center. Some of the areas at issue were the areas of Stapleton Drive, Highway 40 and portions of Interstate 70 near the Buffalo Overlook.

Deputy Chief Brad Danek expressed concerns that he advised a prior Board of the issue four and a half years ago regarding this area as well as the commercial area at the bottom of Highway 40. Golden Fire Department annexed the commercial area as it was in “no man’s land” and as a result obtained approximately three hundred thousand (\$300,000 dollars) per year in tax revenue. Deputy Chief Danek encouraged the Board to obtain the correct mapping and then to proceed with annexing the areas discussed to preserve rights of the District. This may potentially allow future tax revenues in these areas to the west of the District. It was also agreed to add the item on the agenda for the March meeting.

A motion was made by Carney and seconded by Courim to authorize the Chief to open discussions with the County and obtain the corrected District boundaries with mapping, passed 4-0.

B. Alpine Rescue and use of property

Director Smith inquired if the Alpine use of the building was allowed based upon the original agreement with CDOT. In particular the question was whether the Alpine use was within the “fire protection services” agreement required by the CDOT agreement. A letter was given to the Board from District records from March 7, 1998 by CDOT to the then Vice Chairman Ms. Marie Memmer of Lookout Mountain Fire Protection District. The CDOT representative in the letter Albert T. Vonderheid, Staff Right of Way Manager checked with the Attorney General and concurred that constructing a building, leasing the space to Alpine and continuing fire department operations on the site was allowed. In particular the letter stated “we do not feel that this joint use violates in any way the reversion provision of your deed, from the Department, dated July 19, 1973”.

C. Termination of members

The Chief wanted Board guidance if rules were in place to terminate members based upon Chief decisions. More specifically the Chief wanted to know if he could terminate members for non participation. Last spring the Board decided to develop a Personnel committee that would include the Chief, a non officer selected by the Chief, a member of the department voted by the membership, and one Board member to serve on the committee if needed. Director Courim was appointed as the Board member for the Personnel Committee. A question was discussed whether the current SOG’s included appeal procedures and whether the Trustees were still considered in the SOG’s. The officers and Chief have been working on SOG changes and a final draft is near. Director Smith felt appeal procedures are included in current SOG’s. A member that feels they are treated

unfairly by the Chief may follow the appeal process to remedy their concern. The Board will be reviewing the SOG's when presented to the Board.

D. Standard Operating Guidelines-SOG's

A question was raised by the Chief if he was able to contact legal council directly on various questions of enforcing and using the SOG's with the members. It was discussed that some SOG discussions may need to go into executive session based upon sensitive and personnel issues. It was agreed that the Chief, individual Board members and certainly the Board as a whole could contact council. Based upon sensitivity of some issues "confidentiality" subject headings should be used to signify the sensitivity of the questions as legal privilege. Director Carney stated he would draft a letter to council that individual Board members and the Chief could contact and raise issues to council directly for legal advice.

V. DEPARTMENT ISSUES

A. Update by station/apparatus project work groups

Power inspections were planned for completion this week and a small change in the shower plumbing to meet code was being completed. Based upon efforts to limit the need for extensive power changes IREA was able to use three meters for the building for a cost of around one thousand dollars. The original proposal was for electrical costs of between ten and twelve thousand dollars. Chief Zoril was instrumental in helping to save these funds for the District. Director Smith asked if we would be within the requirements of the current permit timeframe well before the June permits expiring with the County. Chief Zoril assured the Board the project would be complete well in advance of these dates.

B. Business Manager and Fleet Status report

Jeanette Kehoe stated she was working with Captain Foster on various projects. In addition, Manager Kehoe was updating the workers compensation forms in the files for members as well as the death benefit forms as these have not been updated for some time.

An anonymous letter was received by the paid staff as to why Manager Kehoe was working on the billing system and why she was on so many calls and attending trainings. The calls and trainings were at the request of the Chief. The billing issues were being reviewed to improve quality and reduce cost for the District which was completed last month. These issues were brought up to the membership at the last meeting and no members in attendance had any issues with the concerns of the letter.

Manager Kehoe was asked to work more closely with Emma to obtain various grants for the District. There appeared to be a miscommunication that Manager Kehoe did indeed need the help of Emma to obtain grants for the District.

C. Chief's Report

1. Fleet Status Report

The Chief wanted to be sure that the expenditures reflected on the apparatus report for 543 and 544 were actually expenses for 2008 and should be reflected that way in our accounting. This did not change the 2009 budget in any way so no Board action was needed.

2. Paid staff benefits Proposal

The Chief discussed his proposal to improve the quality of the paid staff benefits. Manager Kehoe inquired to the Chief to review the benefits of paid staff. In particular an increase in benefits for vacation and sick time were proposed. Director Smith asked about whether a tier of benefits was considered in the proposal and Director Courim inquired as to how the benefits matched other similarly situated departments and their paid staff. It appears sick time is under benefits of other departments. It was agreed more information and discussion was needed to determine Board action. Director Smith offered to work with Manager Kehoe to develop options for Board consideration.

2. LOA request

An LOA request was received from Don Koogle. Chief Zoril explained firefighter Koogle's commitment and dedication to the department. Chief Zoril did have some question as to the impact of recent Loas usurping his authority to take action to terminate members if needed. The Chief felt these concerns may impact the real issue of dealing with members that have absenteeism issues. The Chief is authorized to provide 30 days LOA without Board approval and the additional time to April 1st, 2009 required Board approval.

A motion was made by Carney and seconded by Bartlett to approve the LOA of Don Koogle until April 1st, 2009 with no pension credit accrual, passed 4-0.

Further discussion included whether or not the Chief could deny an LOA for a member for a non fire related medical reason within or past the 30 day period. It was the opinion of Director Carney that this would not be appropriate due to various FMLA issues. To be certain of any legal

implications Director Carney encouraged Chief Zoril to contact legal council regarding a list of protected reasons.

D. Status Report from Support Auxiliary

Director Courim discussed that approximately nineteen firefighters were helped at the recent structure fire for rehab. One thought was to develop an environment that is warmer to protect people and supplies from extreme cold and heat when rehabbing firefighters.

VI. FINANCIAL MATTERS

A. Review and approve Payment of Claims through the period ending February 17th, 2009 for Operations.

The electrical expenses from Rainbow Station of five thousand one hundred ninety one dollars and eighteen cents (\$5,191.18), and VFIS payments of thirteen thousand five hundred and seventy five dollars (\$13,575.00) were discussed.

A motion to approve payment of the expenses was made by Carney and seconded by Bartlett, passed 4-0.

B. Approval of Purchase Requisitions for Department Supplies and Equipment

No requisitions were made. There was a question of the one thousand ninety two dollars and seventy nine cents (\$1,092.79) for the mobile mini, and a question as to the fuel costs for Chief Zoril for 580. Manager Kehoe planned to review the mobile mini expenses and advise the Board next month. Director Courim had questions as to the payment for the spam filters of one hundred twenty three dollars and seventy five cents (\$123.75) for monthly fees and this was being reevaluated in six months. Director Bartlett felt he may recommend to the District to discontinue the service after the initial six month trial.

A point of personal privilege was taken by Director Carney regarding the proposed joint Board meeting in March. It is possible that we may not have the meeting or perhaps it will be a less formal function. Director Carney would keep Board members aware of any changes in the meeting.

VII. Adjournment

A motion was made to adjourn the meeting at 8:45 p.m. by Smith and seconded by Bartlett, passed 4-0.

Next regularly scheduled Board meeting is March 17th, 2009.

The following Directors have reviewed and acknowledged the minutes:

Dick Bartlett

T. J. Carney

Steve Close

Julie Ann Courim

Patrick Smith