

RECORD OF PROCEEDINGS

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

HELD

January 20th, 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, January 20th, 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 6:30 p.m.

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
Dave Stacjar-FFR
Eric Jorgenson FFPD attorney
Linda Alexander FFPD attorney
Tom Jaspers-Jaspers Hall

Jeanette Kehoe-Business Manager
Jeff W. Cunningham-VFIS of Colorado
Pati Stacjar-FFR
John Kilpatrick-FFR
John Wells-Alpine Rescue
Paul "Woody" Woodward-Alpine Rescue
Bob Feraldi-Alpine Rescue

II. ADMINISTRATIVE MATTERS

A. Approve Agenda

Motion to approve by Close and seconded by Bartlett, passed 4-0.

B. Review and Approve Minutes of the December 16th, 2008 Regular Meeting

Motion to approve by Close seconded by Bartlett, passed 4-0.

III. COMMUNITY FEEDBACK

No additional comments.

IV. LEGAL MATTERS

A. Request for review of Rainbow station property Lease agreements for limited use "fire protection services", CDOT, Alpine Rescue.

A letter was discussed from Paul "Woody" Woodward from Alpine Rescue. Questions were raised from Dave Stacjar as to how FFPD and Alpine have worked together in the past and why a new agreement was needed. Director Bartlett explained the discussions of the agreement from a year ago where Alpine

asked and received a 20 year lease with a 20 year option. Director Courim asked why an agreement was maintained that was in perpetuity. Pati Stacjar asked if there had been any joint training as was discussed per meetings held with Alpine last year. In addition, questions were raised as to why an MLU (memorandum of legal understanding) had not been completed between the two organizations. Chief Zoril felt in 2009 the officers would review the MLU and would have joint trainings. Chief Zoril also felt that the District should work with Alpine Rescue and felt the current 20 year lease was positive for the District.

John Kilpatrick stated that due to the administration moving to Rainbow, additional apparatus needs, the hiring of more firefighters, and the need for more facilities that it would be appropriate to table the issue for even fifteen years and then to reconsider the issue if needed.

Director Carney suggested that Paul Woodward and Chief Zoril should visit about the issues and develop an MLU to be discussed at the April meeting. In addition, Director Smith planned to bring a legal question regarding the agreement to the Board members.

A motion was made to table by Close and seconded by Bartlett passed 4-1, dissenting Smith.

B. House Bill 1041 update

The committee hearings at the State Capital were discussed regarding recoverable charges. Paul Cook, Fire Chiefs Association Deputy Chief, EMS Chief, and an insurance representative from American Family, legislative council, and Chief Zoril had comments regarding the proposed legislation. The committee passed the measure, which will move it to the full House, with a 10-0 vote. One concern that was resolved to those in attendance is that the fire districts would not have superseding authority over other districts in collecting for various service fees.

C. Volunteer and paid exemptions

The FFPD attorney explained that FFPD was able to allow paid firefighters the ability to volunteer as firefighters as the District has 5 or fewer paid employees and 5 or fewer paid firefighters. The paid employees are allowed to continue to attend training sessions and respond to calls outside normal work hours as volunteers, based upon the current situation, as the District is exempt from FLSA as long as the employees are above the minimum wage. These volunteers are not paid for service outside their regular work hours, and receive pay only for their primary paid duties. The paid individuals would not receive overtime.

They act as any other volunteer during their off hours. These individuals will not accrue a volunteer pension in addition to the retirement plan for paid employees. The officers and the Chief can mandate requirements for completing calls, shifts, truck checks and other departmental requirements for maintaining volunteer status

in good standing. These guidelines, it is believed, will help build trust between paid and volunteer staff.

D. Request of Council

A question was raised regarding website publishing of various certifications for members of the department. The question asked if the individual certifications of members were considered private personnel information and whether they could be published in a member's only section or a public section of the website. FFPD attorney Jorgenson stated that as long as private information such as a social security number, address, and phone number are removed the District can allow this. It was discussed that it may be appropriate to advise future members that the District posts certifications for public access. Director Carney asked Chief Zoril to visit with members of the department and advise of the proposed changes and to provide any feedback to the Board and disclosure to the members.

Legal council also inquired as to whether they should attend each meeting or attend quarterly. Director Carney suggested that council can coordinate with Business manager Kehoe regarding legal issues and attendance.

V. DEPARTMENT ISSUES

A. Update by station/apparatus project work groups

580 will needs a few items and no additional work is needed on the new engine. It is believed we will be receiving ISO audits in the summer. The Rainbow station received a pass for final plumbing, the electrical needs final approval, and we are waiting from IREA to obtain the proper transformer. Chief Zoril is working with the electrician and HVAC to complete the drop ceiling. No date is known for final certificate of occupancy.

B. Business Manager and Fleet Status report

The business manager discussed merging the former administrator and administrative assistant jobs. Billing seemed to be a tedious task and contracting out the service would save the District money. Diversified Billing Service proposed to charge the District and the billing process would be done correctly with the new service. A great deal of time and energy was currently being spent on billing and in the past we spent around fifty thousand dollars per year for the same service (the main task of the administrative assistant). The District would now be charged seven percent for collection and billing services. Based upon our current billing of approximately fifty thousand per year the cost would be approximately three thousand five hundred dollars per year. The charge would also include a fee of fifteen dollars per collection. The District is now saving over forty six thousand dollars (\$46,000) per year in billing from previous years.

The Nine News Health Fair is planned for April 25th at Mount Vernon Country Club. FFPD will help Highland Rescue Team Ambulance District with staffing.

Manager Kehoe plans to complete PIO training and Director Carney recommended participation in SDA activities.

The Deputy Chief and paid staff planned to complete training as squad bosses for wildland fires. In addition, the officers are working on reclassifying the designated numbers for the engines and other apparatus. The mileage logs are being updated for the year as well.

Spending on 543 was pending based upon legal concerns with Stewart and Stevenson and waiting on the response from the demand letter. Chief Zoril is working with West Metro regarding the issue.

Finally, Director Carney asked Board members to send any questions to the Business Manager as needed to obtain information to help provide the best service to taxpayers and the department.

C. Chief's Report

Chief Zoril has no certain timeframe for removal of the trailer. Chief Zoril also felt, per discussions with the firefighters, that the Board members can and are encouraged to attend membership meetings. The firefighters may ask Board members to leave if members do not want to expose items to the Board. The following was the proposed Board schedule for attendance at membership meetings:

February	Bartlett
March	Close
April	Carney
May	Courim
June	Smith

Dave Gerald and Chief Zoril plan to attend international code classes for inspections. In February a list of members that may need to be terminated, excused, have non participation, and are eligible for pension would be completed.

D. Status Report from Support Auxiliary

Director Courim explained that eight members of the auxiliary were trained in rehab and the class was taught by firefighters Kilpatrick and Danek. Director Carney asked that the officers establish the location of response equipment on scene to help auxiliary members determine what supplies they need to bring.

E. Reinstatement request for Paul Berens

Chief Zoril recommended that Paul Berens request to be reinstated to the department as a volunteer effective February 1st, 2009 be approved.

A motion was made to reinstate by Close and seconded by Smith passed 5-0.

VI. FINANCIAL MATTERS

A. A Presentation by VFIS representative Jeff Cunningham

Jeff Cunningham made several recommendations regarding VFIS proposals to the District. In particular, the Board considered issues of lost time and use, covered losses, apparatus use and coverage, and various payment plans and deductibles. In addition, Mr. Cunningham planned to review the certificate of insurance for the Alpine lease. Two motions were made to approve the VFIS proposals.

A motion was made by Smith to maintain proposed coverage's and seconded by Bartlett.

During discussion Bartlett recommend and motioned to increase the deductibles from two hundred fifty dollars to two thousand five hundred dollars and was seconded by Close. **The modified motion was passed 4-1 with Smith dissenting.**

A second motion was made to approve the payment for VFIS of slightly over twenty three thousand with the amended increase in deductibles proposed by VFIS with motion by Smith seconded by Close, passed 5-0.

B. Review and approve Payment of Claims through the period ending January 20th, 2009 for Operations.

The Headsets for 544 of six thousand twenty seven dollars and ten cents was approved by acclamation.

POV damages for the Sliemers' vehicle were recommended by Chief Zoril for help with the Rainbow station. The Chief felt he has discretion to approve damages if under the deductible or the claim may be filed with VFIS. Final payments were made to Marv Miller for painting.

C. Approval of Purchase Requisitions for Department Supplies and Equipment

No requisitions were made.

D. Tom Jaspers from Jaspers Hall accounting report

Mr. Jaspers recommended to simplify the accounting of the District and to eliminate inconsistencies within the accounting of various financial entries on the balance sheet. The discussion of eight hundred twenty six thousand dollars

(\$826,000) of assets should be amended in the final budget for 2008. The two hundred forty three thousand dollars (\$243,000) and one hundred ninety five thousand dollars (\$195,000) should be reflected as revenue and that establishing the capital fund was appropriate. The five hundred seventy five thousand dollars (\$575,000) would be transferred to the capital fund from the general fund. The capital fund and the last three pages of the report would be entered into the quick books for budget to actual figures and would be immediately accessible by the public. The audit would be ready by month end and review of accounts receivable and accounts payable were being remedied in the accounting of the budget.

E. Use of Restricted funds at Rainbow

The use of donated funds, Lake Cedar funds, Clear Channel funds, KWGN funds, and El Pomar funds were discussed. The question is whether or not these restricted funds could be used for the Rainbow remodel and improvements. Letters were sent to the donor and in particular Clear Channel and KWGN informing them that the District wanted to use these funds for the Rainbow Hills station improvements. It is believed that the restricted funds of one hundred thirty two thousand dollars (\$132,000) may be used for the Rainbow facility. To date, no objections have been received to this proposal from any of the donors.

It was discussed, and Chief Zoril agreed, to be sure to maintain 560 at the Lookout Station, and 530 and a rescue/command vehicle would be maintained there too, per the Clear Channel agreement.

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

VII. Adjournment

Director Carney would arrange for conference call attendance at the February meeting. Director Close will be out of the country, but will be available for a phone call on any given item if deemed necessary. Director Courim would help arrange conference capabilities.

A motion was made to adjourn the meeting at 8:31 p.m. by Smith and seconded by Bartlett, passed 5-0.

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

The following Directors have reviewed and acknowledged the minutes:

Dick Bartlett

T. J. Carney

Steve Close

Julie Ann Courim

Patrick Smith