

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF THE FOOTHILLS FIRE PROTECTION DISTRICT HELD May 18, 2010 (Tuesday)

A regular meeting of the Board of Directors of the Foothills Fire Protection District (referred hereafter as “BOD”) was convened on Tuesday, May 18, 2010 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

Patrick Smith-Board President
Julie Ann Courim-Vice President
Richard Bartlett-Treasurer
Steve Close-Assistant Secretary
David Robinson-Secretary

T.J. Carney – Board President (Ending Term)
Jeanette Kehoe-Business Manager
Dave Stajcar-Self

II. ADMINISTRATIVE MATTERS

A. Approve Agenda

Motion to approve by Director Close and seconded by Director Smith, passed 5-0 with a modification by Director Bartlett to add Hildreth & Close pension issues under “New Matters” as an agenda item.

B. Review and Approve Minutes of the April 20, 2009

Motion to approve by Director Courim and seconded by Director Close, passed 5-0.

C. Administer Oaths – Introduce New Board Members

The swearing in of new board members, Richard Bartlett and David Robinson was conducted by Director Carney. A service recognition plaque was presented to Retiring Board Member, T.J. Carney by Chief Kilpatrick.

D. Appointment of President, Vice President, Treasurer, Secretary, and Assistant Secretary.

Motion by Director Close to retain Director Bartlett as Treasurer

- **Second by Director Smith**
- **Vote: Passed Unanimous**

Motion by Director Close to select Director Smith as President

- **Second by Director Bartlett**
- **Vote: Passed Unanimous**

Motion by Director Courim to retain Director Courim as Vice President

- **Second by Director Smith**
- **Vote: Passed Unanimous**

Motion by Director Smith to select Director Robinson as Secretary

- **Second by Director Courim**
- **Vote: Passed Unanimous**

Motion by Director Smith to select Director Close as Assistant Secretary

- **Second by Director Bartlett**
- **Vote: Passed Unanimous**

III. COMMUNITY FEEDBACK

Legislative Appraisals and their Potential Impacts

T.J. Carney (community member) provided board and board elect members a copy of polling analysis done at the behest of the Colorado Library Association (Pikes Peak Library District). The analysis showed 3 legislative items coming up for vote in the Fall (Amendment 60, 61 & Referendum 101). Amendment 60 – (essentially reinstalls Tabor in full force) & Ref 101 (removes property/auto ownership tax) appeared to be failing. Amendment 61 – (stated that any public body whose leases, COPs or other bonded indebtedness has retired, must reduce their Mil Levies) was passing by a wide enough margin that it would most assuredly be passed. This could be a potential blow to the district due to a current equipment lease purchase (1 truck) in the amount of \$30k or ½ mil. When the truck is paid, ½ mil must be returned to the district, unless the district voters approved an additional bond. Mr. Carney also stated that there could be potential complications due to FFPD’s mil levy being flexible with no upper limit. Director Robinson asked Mr. Carney for a better understanding of the FFPD mil levy. Mr. Carney explained that when the fire district consolidation occurred, the referendum had a provision stating that FFPD set its budget based on needs, and the Mil levy would be adjusted accordingly. This was predicated upon the fact that the fire district contained almost no commercial property. It was sold to the voters at the time as 8 mils, but without an upper limit, i.e., no vote (of the people) would be required to make mil levy adjustments. For example, if it took a mil levy of 25 to produce a \$785,000 budget to operate, then the district was in its legal right to set the mil levy accordingly. Director Robinson asked if we assume the Referendums pass, would the ability to set the mil levy still be intact. Mr. Carney answered, possibly. Because the district has an unusual circumstance, the question posed by Director Robinson wasn’t anticipated. If 60 passes, the answer is no. If 61 passes, it would be an open question. Mr. Carney informed the board he would keep them informed as he would be directly involved through client work and the Jeffco Library Foundation.

Billing Dispute

Jonathan Sherman of Evergreen, Colorado followed up on previously written letter addressed to the board, asking for dismissal of charges stemming from an accident he was involved in on I70, September 2009. Mr. Sherman presented his case as to why he felt he wasn't responsible for the bill, including the fact that he never asked for assistance, nor received any medical help from the fire department. He also stated several times that he was currently unable and unwilling at this time to pay the bill. *Note: discussion was begun pertaining to this matter at the April 20, 2010 board meeting, however further call report details were needed before the board ruled on this matter.* Director Courim asked if the report had been pulled to clear up discrepancies that were in the first letter from Mr. Sherman vs. the Foothills' call report. Business Manager Jeanette Kehoe had the report and provided the following details: Alarm time was at 0523, cleared scene at 0713. Almost 2 hours of service provided due to the dead Elk in #3 lane, and Mr. Sherman's vehicle in #1 fast lane. Foothills provided scene protection and lane closures to allow for tow truck & animal removal.

Mr. Sherman contested where the elk was located, but admitted he was unable to see exactly where the elk landed due to airbag deployment. He stated he pulled his car as far over in the center area as possible and did not think it was impeding traffic. His opinion was that these facts didn't have any bearing because he was able to leave the scene to catch his airline flight. (Okayed by Sherriff, according to Mr. Sherman) Once again Mr. Sherman stated that the fact remained, he was unable and unwilling to pay the \$1,300 bill. Director Courim stated next steps were to send Mr. Sherman to collections, and that the reasons provided by Mr. Sherman were not adequate to justify dismissal of his bill. Further discussions were held concerning FFPD's, JeffCo Dispatch & Sherriff's policies and practices. Mr. Sherman asked how FFPD was funded. Mr. Carney (community member) stated by district member taxes and fees. Mr. Sherman was informed that although he paid taxes to Jefferson County, those taxes did not support FFPD. Mr. Sherman accused the board of extortion. Mr. Carney and Director Bartlett answered that sending someone to collections for non-payment was part of the current policies and procedures of the district. Mr. Carney asked if there was a request for "hardship". Ms. Kehoe answered that she had sent out a letter to Mr. Sherman asking him to provide documentation of financial hardship. Director Smith asked if we had received anything back. Ms. Kehoe answered, just the letter provided in the board packet. Director Courim informed Mr. Sherman that he needed the fill out the hardship request so the board could make the determination if further action was warranted. Mr. Sherman asked Ms. Kehoe to send it to him and he would fill it out accordingly. Director Smith informed Mr. Sherman that if we had the paperwork back by the next board meeting, it would be addressed again at that time.

IV. LEGAL MATTERS

A. Resolution for Records Retention Schedule

Bus. Manager Kehoe presented information in the Chief's absence. Chief Kilpatrick recommended the board sign a resolution adopting the Colorado State archives retention schedule to help give us guidance. Director Robinson stated he did not receive the resolution and schedule in the packet, as was also confirmed by all other directors. Only a proposal for imaging services was received. Ms. Kehoe will send the resolution and link to the State schedule via email to all directors. Director Smith suggested the issue be tabled until the June board meeting. Mr. Carney wanted to add a comment before the issue was tabled. He stated that the only caveat to consider was; if and when you decide "not" to digitize records, the archives retention schedule would be extraordinarily complicated in terms of document destruction. HPPA issues would also be a big concern. Director Close asked Mr. Carney why we would not want to follow the schedule.

Mr. Carney responded there were 2 pieces to the documentation - one pertaining to physical storage and length of storage, the other related to destruction schedule guidelines, i.e. before the district started destroying physical documents, we needed to seriously think about whether we wanted to follow the guideline "to the letter". An example of our current executive session tape destruction timeline was given. Another example given was that the district's records retention policy could be to digitalize and keep all records. Director Robinson added a concern about the cost of digitizing documents that we may not need to keep. Choices can be made according to the archives and whether it made sense to keep certain records past the recommended state schedule.

B. Discussion of response billing procedures

Bus. Manager Kehoe noted there were several matters from the last board meeting concerning billing of district residents and mutual aid. There were also a few items that need to be clarified in terms of our collections policy. Follow up was done with our attorneys concerning current the state billing statute. Wording in billing statute was the requirement to "fix" fees. Our attorneys felt this meant fees needed to be uniformed, however exceptions could be established. (i.e., exclusion of in-district members because they already paid taxes through the mil levy.) However, mutual aid call recipients would not constitute an exception. Genesee Fire is very opposed to Foothills charging their residents for mutual aid calls. Director Courim noted that she thought we could segment out the highway from other calls, (i.e. all highway calls could be billed, vs. other calls in the district.) Or, were we dealing with an all or nothing proposal. Ms. Kehoe had not posed the question to the attorneys in that fashion. Director Close agreed with the sentiment that not charging non-residents for I-70 calls was the priority. Director Robinson also added that in addition, we would not bill for calls where Foothills also received "value for value" for mutual aid calls. Ms. Kehoe responded that our attorneys said that wouldn't be a justification for not billing. Dave Stajcar (community member) asked if we could change our billing to reflect the Genesee Fire Department instead of the accident victim. Director Courim added and asked, if our end customer became the mutual aid department, would that be allowable as an exception for mutual aid calls. Director Smith committed to follow up with our attorneys to see if we could segment billing based on in-district residents and mutual aid calls. The directors were all in agreement as to the need to change the district's current billing policy to exclude in-district residents, and mutual aid calls. Discussion will continue at the next board meeting.

Bus. Manager Kehoe discussed the issue of hardship cases from in the October 2009 board meeting. Resolution from the attorneys was provided and the board tabled the issue due to concerns over HPPA issues. Director Smith assumed 1 person would handle the information, so HPPA issues wouldn't be a consideration. Digitalizing information would also need to be considered, and when info would be destroyed. Director Bartlett stated as soon as the board made a decision, the record would be destroyed. Ms. Kehoe asked the board for guidance since the policy was not formally adopted. Did the board want to look at the resolution with the protocols again? Director Close thought we were going to approach this on a case-by-case basis, rather than a hard set of rules. Ms. Kehoe said it was left at the October 2009 meeting, that we should modify it, but it wasn't resolved. Ms. Kehoe will send the board all the information for review. Director Smith stated we would handle Mr. Sherman's case as discussed under the "Community Feedback" section. Ms. Kehoe will ask Mr. Sherman again for proof of income, prior year's tax returns, proof of hardship such as outstanding medical bills, loans, etc. If Mr. Sherman chooses to provide the information, the board will address the issue in the regular June meeting. Otherwise, Mr. Sherman will be sent to our collections agency for non-payment. Director Robinson asked Ms. Kehoe to educate him on our current collections rate; she answered around 50%, which according to Director Bartlett, equated to about \$40k this year.

IV. LEGAL MATTERS

A. Station Updates

Lookout Station - gear cubbies were built by Dave Gerald and other volunteers to accommodate out-of-district volunteers' gear at the station. This was not a concern for in-district volunteers who usually keep their gear in their cars, as they sometimes go POV to calls. Tool hanging racks are anticipated to be finished in the next several weeks. The Idledale Station still needs to have personal items removed. It is hope this will be completed shortly. Grapevine, Mount Vernon and Rainbow Hills stations have no changes. A Station Committee was formed to help with long-term planning and needs assessment. The committee has not met at this time.

B. Fleet Status Report

Starting annual pump testing at West Metro. Engine 1 & 3 have been completed, other trucks will serviced shortly. All trucks are in service except for Utility 3, due to on- going battery issues. (Truck sits outside and continually has this issue.) Craig will address the situation issue when weather changes. Engine 3's primer was repaired, and Brush 1 is due for annual service.

C. Chief Report

Member leave of absence request – Jesse Cohen has requested a leave of absence due to recently being hiring on at Greater Brighton Fire. Absence is requested from April 23, 2010 to January 2011. Chief Kilpatrick recommended approving his absence without pension credit.

Motion to approve by Director Close and seconded by Director Bartlett, passed 5-0.

D. Business Manager Report

Billing dispute #5366 was already discussed. Director Close pointed out that the FEMA engine grant was denied. Bus. Manager Kehoe explained that there were 21,000 applications, but only 420 awards. Grants were tailored toward high call volume and low budget departments and that we didn't really have a chance. Ms. Kehoe felt we would have better luck with smaller grants and that she would start concentrating on applying for those. The FEMA application period is out right now. FEMA tends to give more training grants to rural departments. Foothills will be looking at finding grants to fund equipment, Basic Fire 1 and EMT training, and perhaps funding the 2011 training class (\$4,000). Copier dispute was finally resolved after 4 months.

E. Status Report from Support Auxiliary

Pancake breakfast scheduled for June 6th. Nice write up in Firefly on the breakfast. Jeanette is collecting auction items as well. Only have a few to date, so any collections would be greatly appreciated. Firefighters are calling for items and the Auxiliary President has the donation spreadsheet from the prior year.

VI. FINANCIAL MATTERS

A. Review and approve Payment of Claims through the period ending May 18, 2010 for Operations

Board reviewed 4 disbursements; Pinnacol (\$2,880 – workers comp) already sent due to time sensitivity, check signed by Director Bartlett; FPPA (\$5,000 - pension) – continuing payment; VFIS (\$5,668 – liability insurance); and Marc James & Associates (\$3,307/80 – 2009 audit progress billing).

Motion to approve 3 invoices (Pinnacol, VFIS and Marc James & Assoc.) by Director Close and seconded by Director Courim, passed 5-0.

B. Approval of Purchase Requisitions for Department Supplies and Equipment

No purchase requisitions were presented.

VII. NEW MATTERS

A. Pension Board

Mr. Hildreth Back Pension - Pension board recommended paying Mr. Hildreth a total of \$29,367 in back pension calculated at \$3,750 (with a 10% interest rate) for a total of \$4,125 x 19 months. Amount paid would bring him up-to-date, with regular payments going forward.

Motion to approve by Director Close and seconded by Director Bartlett, passed 4-0, with 1 abstention by Director Courim.

Director Close Additional Service Time – Pension board recommended a lump sum payment of \$1,260 calculated at the time retirement rate of \$210 per month x 6 months. Director Close should have received pension payments starting right away in the month of retirement (March), but did not actually receive them until September. Determined to be a paperwork issue.

Motion to approve by Director Bartlett and seconded by Director Smith, passed 3-0, with 1 abstention by Director Courim. Director Close did not participate in the vote due to a conflict of interest.

B. Staff Change /Transition Planning

Director Bartlett brought up the fact that we were 2 months away from a staff change, and the board needed to find out (soon) from Chief Kilpatrick what his plans were, stating that the board didn't want to find out at the June board meeting, that there wasn't a backup plan. He also stated that the Chief had been given a 6 month timeframe for planning, but nothing had been provided to date, and it was important to get feedback from Chief as to what is happening. Because Chief Kilpatrick was not present at the meeting to discuss the matter further, Director Smith committed to following up with him. Director Smith also stated that if we needed to have a special meeting prior to the regular June board meeting, he would schedule it accordingly.

The Chief did provide 2 budget projection spreadsheets to the board; one containing the Business Manager position, and one without the Business Manager position. Initial comparisons were made, but no conclusions were provided by the Chief. Director Bartlett and Director Courim included an additional spreadsheet in the board packet combining both spreadsheets to help with the analysis.

The second quarter performance evaluation for the Chief was also discussed. Director Smith felt it was a conflict of interest as the new board chair to conduct the evaluation, and asked Director Robinson to take his place. Director Close will also conduct the Chief's review with Director Robinson.

VIII. ADJOURNMENT

A motion was made to adjourn the meeting at approximately 7:54 PM by Director Close and seconded by Director Bartlett, passed 5-0.

Next regularly scheduled Board meeting is June 15, 2010.

The following Directors have reviewed and acknowledged the minutes:

Dick Bartlett

Dave Robinson

Steve Close

Julie Ann Courim

Patrick Smith