

**HIGH COUNTRY FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS MEETING**

January 21, 2009

Minutes

CALL TO ORDER

1904

ROLL CALL - Paul Britton, Roger Durham, Robb Kambic, Dale Sternlicht and John Rittenhouse are all present.

LAST MONTH'S MEETING MINUTES

Numerous minor adjustments were asked to be corrected. Gary Gain reported he would have to have to refer to the tape recording to get the correct information.

PRESENTERS/PUBLIC COMMENT/GUEST SPEAKER

None.

TREASURER'S REPORT

Dale Sternlicht stated all checks have been signed.

Dale had received word that FPPA states investments are down about 25 %, which could have an effect on the outcome of the actuarial study that will be done this year.

Roger Durham stated he had a question about Dean Davis's position as HCFD Fire Inspector, Roger noticed a check was requested for Dean to observe a fire drill at the Gilpin School.

Roger asked if the board considered Dean as an Independent contractor or an employee. If Dean is an employee the board needs to pay payroll taxes or if Dean is a contractor, then he probably isn't covered by the District's insurance policy. Shelia Kambic asked if we need certifications to show Dean is qualified to do the job. Mark Cohen stated he had drawn up a contract showing Dean as an Independent contractor, Richard stated the original contract was for a different person to serve as our inspector; but that deal fell through. Richard stated he has had discussions with Dean about serving as an inspector but was not aware of any decisions being made.

Roger stated as an employee, Dean would be covered by the department insurance but as a contractor, he would have to get his own insurance unless the Board waves that requirement. Dale asked if the requirements for insurance were waved for the first person. Mark replied he thought that was the way the contract was written. Mark added he feels it would be better if the inspector's job is one of an independent contractor. Dale stated he feels what Dean does for the Department is more like a firefighter working a project for the District. Mark feels if Dean is a volunteer doing the inspections he is covered by the statutes saying you can't sue volunteers. If he is paid as an independent contractor, Dean will not get the liability protection a volunteer would get.

Mark Cohen thinks it would be possible to modify the contract to fit Dean's situation. Mark stated the independent contractor contract should be modified so if Dean would make some mistake and the District got sued; the District could possibly file against Dean to recover any loss. Roger doesn't want the Board to "go after him", he feels the board should want to protect Dean as much as possible. Mark also stated the Government Immunity Act protects the District from mistakes made. Dean and the District will be protected as long as he is performing within the

scope of his duties. Roger feels Dean needs to have a contract and requested Richard to explain all of this information to Dean so he is aware of the liabilities.

Paul recessed the regular meeting to move to the Personnel Board meeting at 1935

The regular meeting was reconvened at 2051.

LEGAL ISSUES – Mark Cohen

Station 1 engineered plans

Shelia stated VFIS (HCFD insurance), does not require stamped engineer plans for the rock wall. Paul asked if something goes wrong and there are not stamped plans, can the insurance deny the claim. Mark stated the insurance company probably cannot deny a claim by the District if the statement made by the insurance company is in writing. Shelia stated she has the statements in emails from two different insurance company representatives saying engineer stamped plans were not required, and has sent them onto HCFD attorney. Roger felt the motion approved at the December, 2008 meeting stated the District would use Midwest Rockfall if VFIS did not have a problem because the Midwest plans have no engineer's stamp and we should go with Midwest, everyone agreed.

Snowplow updated contract and bill

Shelia presented an already signed contract from Colorado Waterscapes (new snowplow contractor) for board signatures. The revised contract reads that the contractor will be on an "on-call" basis for stations 1 & 4. Gib will be the primary contact to make the decision of when this contractor is needed. The contractor's insurance is on file so everything is in place and ready to go. Shelia reported that Larry Sterling Excavating and Colorado Waterscapes is the backup plan for Station 2. Colorado Waterscape's rates are: \$65/hour for truck plow, \$110/hour for a backhoe, and \$135/hour for a wheel loader and this contractor charges time from driving to one station to the next.

Dale wanted to know if the ambulance crew could plow Station 2 if Gib is not available. Shelia replied an employee and a firefighter is insured but she would have to check with the insurance company to see if ambulance employees or board members could drive the truck if needed. The board agreed that Gary Gain could snow plow as a department employee, if Gib was unavailable. Dale moved to sign the contract, Roger second. No discussion. Motion carried.

The Colorado Waterscapes did plow Stations 1 and 4 in December and has presented a bill. Paul asked who approved the work. The owner of Colorado Waterscapes stated that Richard and John Carder were his contacts. After the contractor had talked with Richard, he assumed he had the job so he went to Stations 1 and 4 to plow snow. Roger asked how many times the contractor plowed the stations. Shelia reported one time with the total bill being \$260.00. Richard stated that even with the miscommunication, the stations did need to be plowed. Paul asked for clarification on who would contact the contractor to request plowing services. Richard stated Shelia would be the contact and he is out of the loop. Roger stated that in the future, everyone needed to be careful so that unauthorized work does not occur. Richard asked if there would be any problems if he called the backup contractors for plowing if needed and there was no way to contact anyone for approval, the Board felt that was within his power as Chief. John felt there was no obligation to pay the bill but we should simply do it because the work was done and it was needed. John Carder, a Station 4 firefighter, stated he did not approve the plowing.

Training contract

Shelia stated that a contract for an outside training instructor was in Paul's packet read for a signature. The contract states the department is going to hire a certified trainer and share the cost with Colorado Sierra and possibly Coal Creek Fire Districts. Shelia asked for clarification of how the instructor will be paid and how much each district will pay. Richard stated High Country will be participating in more joint trainings with Colorado Sierra this year and a state certified trainer was chosen so the department will have Firefighter I level classes and explained that HCFD was not mandating Firefighter I training. We want Firefighter I level classes available to our firefighters so they can work toward building a portfolio to help them achieve a State Firefighter I certificate down the road.

The trainer's name is Rene Macias who is state certified and has a million dollar general liability insurance policy. Rene is a Loveland career firefighter that also performs professional firefighter training as a business. He charges an hourly rate no matter how many students. The HCFD District will pay 2/3 of his contract and Colorado Sierra will pay 1/3. The total cost for the year would be about \$12,000 which comes in under budget. Mark Cohen wanted to know if each department was going to pay the \$35/hour or would it be divided. Richard said 2/3 of the cost for each training will come to High Country and the instructor will bill 1/3 to Colorado Sierra.

Books will be a separate expense and that has also been budgeted for. Paul asked who will buy needed equipment the department does not already have on hand and who will keep it. Richard said the department is only asking the District for the instructor's hourly rate. The training committee will make the request for equipment when and if needed and any equipment purchased will belong to HCFD. John felt the District needs to write a contract that specifies all that will be paid for at this time. Roger feels it is important that the District does not pay the bill unless certificates proving completion are provided. For example, extrication should come with certificate for each member completing the class.

Jake Vassar, on the Training Committee, is concerned that the instructor will have to wait a long time to be paid if there is a long class. Roger said we will pay when certificates are provided. Richard stated classes to be taught are planned at this time, but the dates have not set. Mark asked how training sessions will be scheduled. Richard replied they will be scheduled one month at a time. The trainer will and can schedule trainings for a year at a time if asked. John feels that Coal Creek Fire Department should not be charged for their members attending these trainings since they did not charge High Country for our members attending the Firefighter I academy in the Coal Creek District. John moved to approve the trainer contract as presented, Dale second. No discussion. Motion Carried. The contract will be sent to the trainer for his signature.

State Highway Use Permit for High Country Lane

Shelia presented a special use permit thru CDOT to widen High Country Lane. Earl Robinson has agreed to use Road & Bridge budget money to accomplish this goal. Shelia stated the work will start sometime in July and take approximately three days. Roger moved to sign the contract, Robb second. No discussion. Motion carried.

Dale Sternlicht left the meeting at 2134 for an emergency.

Correction on comments about Fire Marshall Position

Mark had reread the statute on the Immunity Act. Dean Davis will not get the protection offered under the act as a contractor that he would as a volunteer or employee. Richard will share that with Dean.

Bylaws

Mark Cohen asked if the copy of bylaws he has is the most current proposed copy. John answered what Mark has is the current markup copy of the bylaws. Roger would like to see the current markup copy before the Board approves it. John will get a copy to everyone.

Attorney contacts by Chief Bulich

Richard asked if he had the authority to make direct calls to Mark Cohen regarding issues that may come up. Paul said Richard could contact the Attorney as long as Paul is kept in the loop. In a communication with Mark, Richard had mistakenly said Paul requested Richard make the contact. Richard should have said Paul gave his permission for the contact. Mark stated he has no problems with question from anyone. Under those circumstances there is no attorney-client privilege.

10% Rule

Roger stated it has been mentioned the Pension 10% requirement is illegal. Mark had sent out on email to the members of the Board saying it is legal. Roger wanted to have it on record that the rule is not illegal. It was asked if it was possible to send out the email to the members of the department. John asked if the memo was sent out if it would be considered in the public domain. Mark stated it was originally sent out marked Attorney-Client Privileged. The Board can decide to do with it as they wish. Roger said he wanted the opinion brought up in the Board meeting so it would not have to be covered again. John used an example about an opinion that came up three years ago. If the Board made a decision on that opinion, doesn't that put the opinion out in the public domain? Mark replied as long as it is a confidential communication from me to you it is privileged until you disclose it to a third party. Roger stated he didn't think there was anything in the memo that needed to be withheld. Richard responded it was great information that would help to put out the fire. Paul stated when he receives a memo from Mark on a question, he sends that information out to all of the board members. The Board members can then decide if the memo should be kept confidential or shared. Gary was authorized to send out the memo from Mark on the legality of the Pension 10% requirement.

CORRESPONDENCE/EMAILS/HCFD INFO

A card was received from Carol of American Safety thanking everyone for the opportunity to work with High Country Fire on the purchase of new bunker gear.

OLD BUSINESS

Merger update - Board member

John stated things are going along nicely. The question of a timeline needs to be addressed to make sure progress is being made, this chart will be created by John. Nothing significant has happened that could be determined to be a deal breaker.

Safety Deposit Documents (missing documents) – Robb/Paul

Shelia has found copies of some truck titles but still needs a list of what is in the safety deposit box to be able to determine if they are new files or just copies. Paul will go to the bank get make a list of existing documents next week. Mark asked what types of documents were missing. Shelia replied primarily titles at this time.

Station 6 – Roger Durham

Roger stated there is basically nothing new and would like to move forward on this matter. He stated the Chief needs to pick out a spot for the tank from the original drawings completed by a group working through the University of Colorado. The next step would be to have Shelia start gathering bids for the purchase and installation. Richard is fine with moving forward. Paul added

we have to do something with the property and installing a tank should accomplish that. It was thought there was a requirement place on the purchase of the land that stated something has to be done on the property within ten years after the purchase. Shelia reported that she has not found an actual document showing that requirement. She has found a statement in old Board minutes stating if nothing was done on the property within 10 years, High Country would have to sell the property to the County for the original cost plus 5%. John asked if we have copies of this deed. Shelia felt it may be one of the documents that could be in the safety deposit box. Richard suggested it would be good to have a copy of the document for reference and it should be on file with Gilpin County. The Board asked Gary to email the University of Colorado plans to Richard to help him pick a tank location.

Policies – John Rittenhouse

General Liability

John wanted to know why this was still on the agenda. Paul stated the policy was not approved at the last meeting because there were changes made and it needed to be sent to Mark Cohen for comment. Mark was going to generate a document for an independent contractor to provide proof of Workman’s Compensation insurance or requesting the requirement be waved. The form was attached with the policy in the Board packet. Mark felt there were no further problems with the policy. John moved to approve the General Liability policy, Paul second. No discussion. Motion carried.

By-Law Changes – John

John will make the current copy of the bylaws available to everyone and after the changes are approved, will remove the markup information, and then redistribute current copies of the amended bylaws to the members of the Board and Mark Cohen.

Service Awards Dinner – Date/Time

Paul announced the Service Awards dinner will be held at the Black Forest Inn in Nederland on February 7th with social hour beginning at 5:00pm and dinner at 6:00pm. Dinner choices of chicken, steak, elk and a vegetarian meal will be sent to the members and invited guests. Shelia needs an RSVP from everyone as soon as possible.

County Easement on High Country Lane

This item was discussed under legal issues. No further discussion was needed.

The meeting was recessed at 2206 for a break.

The meeting was reconvened at 2211.

BUSINESS MANAGER REPORT

The items on the first page of Shelia’s report have already been covered during LEGAL ISSUES.

Auto Zone

Shelia stated there is a business account application to sign. Gib Mohan is requesting this to have access to another auto parts store, Auto Zone. The Board needs to approve the signing of the application. Roger moved to have Paul sign the credit application, Robb second. During discussion John stated he has Auto Zone stock and would abstain from voting. Motion carried.

Internet access for Station 2

Shelia stated she had met with Zane to discuss the ambulance crew’s request for DSL service from Qwest. Gilpin Ambulance does not have the money to pay for the cost of the service. This

will add an additional \$40 per month to the phone bill that was not included in the budget. If it is approved the phone budget will be over spent. Shelia added since our reporting system is now web based, DSL service will help the firefighters with their reporting. Gilpin Ambulance is currently using the EMS package from Emergency Reporting and they need a reliable connection. The current Internet system is provided free of charge by WisperTel but it is unreliable. Paul wanted to know what Shelia recommends. Richard stated if we upgrade with WisperTel there will be a \$50 per month charge. Shelia replied if the District upgrades with WisperTel, the company will probably charge for service and for the equipment. If we go with Qwest's DLS there will just be the monthly fee. Wireless is available now so the Qwest system can be wireless by running the service through the router.

Station 1 uses WisperTel at this time and that is the only available service. Qwest DSL is now available for Station 5. John moved to install DSL service at Station 2, Robb second. During discussion John stated he didn't feel a motion was needed. Paul said Shelia was asking for the Board's approval. Robb stated this item was not in the budget. John replied it doesn't have to be. If there is something that will go over budget the Board just needs to be advised. Motion was withdrawn.

Contract for Hepatitis-B shots

Shelia reported there is a contract with Boulder Community Hospital located in Paul's packet to provide Hepatitis-B shots. This is our annual contract, nothing has changed from prior years. Firefighters need to request a voucher from the Business Manager before going to Boulder Community Hospital, they then will start the series of three injections. Roger moved to accept the contract, Robb second. No discussion. Motion carried.

Signs for trucks

Shelia presented two jpeg pictures of truck decals for the last three trucks purchased by the District. The vendor has assured Shelia the decals can be taken off without damage to the trucks if and when we become Timberline. Since the District has three different colored trucks, the letter colors will be different (red trucks will get white lettering & white or yellow truck will receive black lettering). Roger moved to use the decal that stated High Country Fire Dept. He added they should all be decals. Rob second. Motion carried.

Budget

The budget for 2009 has been sent to DOLA and is completed.

Station 3 stairway

The bids for the stairs at Station 3 are on hold.

Maintenance position

Gib Mohan was hired for this position. Gib has been going to stations and correcting problems that have been noticed.

Administrative Assistant

Gary is doing great. He is learning the new reporting system. Both Gary and Shelia have been entering required data so the system is usable.

Station 2 pest control

The ambulance crews have reported the problems are decreasing. The department might be able to replace the bait in the rodent traps themselves to save some money down the road.

Grant

A grant from RETAC was approved for HCFD that would let HCFD purchase two LifePak 500 AEDs. Zane has verified HCFD cannot use the money to purchase Lifepak 1000s. Kristine Bulich, Medical Officer, has stated she is buying 10 Lifepak 1000s. If we don't buy two 500 models, the money will have to be returned. If the money is returned, there is a good chance this source will not approve another grant in the future for HCFD.

Roger asked Richard if we could buy the 500 models, Richard replied yes but some of the Lifepak 500 models are not upgradeable. Shelia stated the original grant was written asking for 3 units. It is a 50-50 grant where the district pays half the cost and the grant pays half. Due to the number of agencies applying, the grant was reduced. HCFD's award was reduced to \$775 which would allow for 2 AEDs. Richard feels the problem with buying more Lifepak 500s is standardization. It is much easier if all the AEDs are the same model. Richard suggested the 500s could be purchased and put someplace like Station 5 where that would not be as much of a problem. Paul asked if we have 500s now. Richard replied that is what the department has now but part of the purchase of the 1000s is to use the older units as trade-ins.

Dale returned to the meeting at 2245

With Dale's return, he was given a recap of the conversation on the grant issues and whether or not to use the money to purchase the Lifepak 500 units that were approved or return the money. Dale stated the ambulance carries the Lifepak 500 for back up in case their defibrillator gives out and for back country use because it is a rugged unit. Dale is concerned about the Lifepak 1000 being a more complicated unit and there could be legal issues with someone using equipment that goes beyond their training level.

Richard wanted to know how much time there was to use the grant. Shelia replied there is no expiration date on the grant. The money can't be put in the bank until the purchase is made. Richard stated another issue is we are getting a good trade-in value for the 500s we currently have. John asked what the 500 costs. Shelia replied that currently the 500 has been discontinued but we can get refurbished units for about \$1200 each. Zane has a contact that has told him the Lifepak 500 will be made again but he is not sure when. Roger asked why the 500 was specified in the grant. Shelia explained most of the area fire departments use the 500 and the 1000 has features that a department like High Country does not need to have. Richard has an issue that the 500 is not being made any longer. If that has changed then the department should go back and look at the issue again. Roger asked Richard to talk to Zane about the differences between the two models and why the grant does not allow purchasing the Lifepak 1000.

2008 Audit

Shelia stated the process is underway. It is scheduled to start June 10. Ted Snailnum and Shelia have been gathering information the auditors are requesting.

Wedgewood tank

The Wedgewood tank has been completed. This includes installation of the fittings and caps. Richard asked if anyone has tried drafting from the tank, yet. Shelia replied she didn't think water has been put in it. Robb wants to see that the tank is filled because there could be a liability issue if it is not. Richard replied some water needs to be added and then have the tank tested to see if firefighters can draft from it before it can be filled completely.

FIRE CHIEFS' REPORT

December/January Review of Activities:

Completion of operational Timberline SOGs

The Timberline SOGs for operations are pretty well set. The Chiefs will look over them one more time before their presentations to the Timberline, High country and Colorado sierra Boards. The only things missing right now are the administrative guidelines. There is not a real rush to complete these and it might be better to wait until Timberline Fire Protection District is formed. These new SOGs are designed to follow national standards. We have had input from the captains who hopefully got input from their members. Neighboring districts guidelines have also been compared to the Timberline guidelines. Training has been difficult because of differences in ideals between the training officers and current standards for each department. The training issue is being worked on now because both High Country and Colorado Sierra will be having more joint trainings starting in March. Roger was concerned by the change from 12 hours to 8 hours after drinking alcohol before returning to service. Jim Crawford explained the change included the addition of a .02 maximum blood alcohol limit to the guideline. If a firefighter was suspected of coming on an incident after drinking the commander could request a blood alcohol test to determine if the policy had been violated. Richard responded the guideline was written to match what is accepted nationally. Jim stated the information came from the template issued by the International Association of Fire Chiefs. Other SOGs came from the same source. The feeling behind using those templates is they could be defended in a court of law. The state definition of intoxication is .08. The .02 does give the department a measurable amount for guidance. Different people can drink different amounts before their blood alcohol level reaches a measureable level. Roger asked what will happen if someone arrives on scene with the smell of alcohol on their breath. Richard replied he will have them taken home because you can't let them drive themselves. Jim went on to say that if a member came to the station and the captain suspected alcohol use, the captain was authorized to require a test. Randy Ralphs asked if this would be a breathalyzer test. Richard replied it would be a blood test.

Training Committee issues/discussions

There are still some training issues to be worked out. These will be dealt with at a later time.

New bunker gear

The gear that was ordered has been delivered and most of it handed out.

Software

The implementation is going well, but with everything going on such as the starting to use the new software, working on SOGs and other things, some communication issues have come up. Shelia and Richard will discuss next week. Richard stated, we need to get better at distributing information to the firefighters. There are a lot of things that can be done with the software that we just don't know how to do yet.

NFPA

NFPA is becoming the recognized standard in the industry. NFPA has recommendations and consensus standards. A department must follow consensus standards. If a department does not follow those standards there will be a liability issue if things go wrong. One problem that has come up is the requirement to change tires every seven years. We have looked at tire codes on the current tires. Many of the department's tires are outside the NFPA limits. There is a problem with the coding system and for tires made before 2000 the code doesn't actually show if it was made in 1996 or 1986. The department needs to buy some new tires. Based on information gathered from Roger and Gary many of the tires were changed in the 1990s. Those tires are about 12 years old now. After looking at all tires, eight of our trucks will need tires replaced if the seven year rules is followed. This would run about \$24,000. If one of the department members takes a truck out on a

call and a tire fails, there will be an investigation conducted by the National Transportation Safety Board. Richard asked how much judgment do I get to decide which tires get to be replaced. Richard wants to see about replacing tires on trucks that are 12 years or older to begin with. Changing tires reduces the District's liability. Robb asked how many of the tenders need tires. Richard's reply is all of them. There is an issue with Tender 3 because the replacement truck is due in sometime in March or April. Gary Gain and Galen Koepke will be getting together sometime before the new truck is here to decide which is the better truck, Tender 3 or 4. That truck will stay in service and the other will be stored for a back up truck or parts if one of the other International trucks breaks down and parts cannot be found. CDOT may have a place in Rollinsville that could be used to store spare trucks. Richard stated the money for this was not budgeted because the information on the replacement requirement was just found in NFPA 1911 last week. The proposal is based on \$400 to \$500 per tire. That price per tire may be a little high to start with but once you get people to come up here to mount and balance the tires the cost per tire might be close to the original estimate. Roger has seen the rules and is in agreement. He added there are other mechanical checks in the list need to be done as well. They include things like checking the radiators, how and when fluids are changed and other similar items. Robb asked if there is a test to check to see if a tire is going bad so those can be changed out first. Roger suggested the Richard check with the Tire and Wheel Association to see what they say about changing out tires. Roger wants to make sure the needed checks and repairs are made by an EVT, Emergency Vehicle Technician. Roger went on to add that the department may want to add tire checks to the PM list for the trucks. Things like cuts on the inside of the rear duals from rocks will mean the tire could be unsafe and needs to be replaced. Other things to check include the lug nuts. Gilpin Ambulance lost a set of rear tires a while back because the lug nuts came loose. They are now coating the lug nuts with a special dye so they can see at a glance if there is a problem. Richard said most of the tires have good tread on them but with age, the rubber's integrity becomes the issue. Roger stated if one tire on a four wheel drive vehicle is replaced they all need to be replaced. Robb would like the District to look into possible selling the old tires in one way or another. Roger stated that if there is a question about the safety of the tires and Richard is uncomfortable with the age of the current tires, the tires need to be replaced and it should be done as soon as possible. Dale asked if the money for replacing tires can come from the Capital Replacement Fund. John said it is his understanding money for the tires can come from that fund.

Tender 3

The new KME tender that will replace old Tender 3 may be completed sometime in March or April. The body was being built while KME was waiting on the chassis.

Timberline

Running calls as Timberline is going well. There are some issues with communications. The department will be working on those issues as well as coming up with training solutions.

Boulder Dispatch

Richard stated there are issues with the way Boulder is dispatching our calls because of changes in their location and a number of new people in the dispatch center. He will be working with them to make improvements.

NEW BUSINESS

Open opportunity for inclusions

Due to the time, this topic has been moved to the February 18th meeting.

Personnel Policies

Roger stated he found that the existing Personnel Policies of the District cover evaluations. The Board members were presented with a copy of the policies. Roger requested they take a look at the existing policies and think about possible corrections. John suggests the Board works on a section at a time rather than the whole document at once. Roger felt they should work on Performance Evaluations first. John also wants to look at the opening disclaimer and possibly delete it. Robb felt they should, at least, revisit the opening statement before deciding what to do with it. Paul stated he will ask Mark Cohen about the statement. John doesn't want to waste any time on revising the Personnel Policies if that statement is in there.

OPEN DISCUSSION

John would like a copy of the current budget and he feels everyone on the Board should have one as well. Shelia asked which copy he would like to have. John wants the whole thing. Paul instructed Shelia to provide copies of the budget to all the Board members.

Paul was concerned about the length of time some of the Board meetings run. All agreed many of the meetings are too long. Paul wanted to know what would be a workable time to stop a meeting. Some said 10:00pm and others said 9:00 pm. The consensus was they would try to end the next meeting by 9:30pm. John felt it would help if Board packets were ready the week before the meeting and Dale agreed.

Paul would like the order of business changed by moving the approval of the previous month's meeting minutes so they follow Roll Call.

EXECUTIVE SESSION

None was needed at this meeting.

NEXT MEETING

The next meeting will be held at High Country Station 2 on February 18, 2009 @ 1900.

ADJOURNMENT

2316

Secretary to the Board

Date