

**HIGH COUNTRY FIRE PROTECTION DISTRICT  
BOARD OF DIRECTORS MEETING  
March 18, 2009  
MINUTES**

**CALL TO ORDER**

1900

**ROLL CALL**

Paul Britton, Robb Kambic, Roger Durham, Dale Sternlicht, John Rittenhouse

**LAST MONTH'S MEETING MINUTES**

Regular Meeting Minutes

John Rittenhouse moved to accept the minutes for the February regular meeting as presented, Dale Sternlicht second. No discussion. Motion carried.

Special Meeting Minutes

John moved **to** accept the minutes for the Special meeting held on February 27, 2009, **Paul Britton** second. No discussion. Motion carried.

**PRESENTERS/PUBLIC COMMENT/GUEST SPEAKER**

No one requested to make comments.

**TREASURER'S REPORT**

Dale stated the bills that have been provided for signatures have been signed. Paul Britton wants the Board to have access to the District's accounts online to be able to look at the account activity. When Dale checked on this with the bank he was told those not having an account with Wells Fargo cannot have access to accounts with the bank. Paul also feels Shelia Kambic, Business Manager, should be able to have read only access to the accounts as well. Paul asked Dale to check with the bank to see if that can be done. Roger Durham looked at the account the other day and told Shelia what the total was but he did not look at the checks that have been written. John asked if that was not Shelia's job. Paul replied yes but she has to have access first. Shelia stated she can get read only access to the accounts but she needs approval from board to have access. It might take moving the petty cash account with her name on it before she would be able to link to the other accounts. Paul stated we need to do this because we should not be blind to our account. Dale will check with Wells Fargo to see what can be done and the Board will discuss it at the next meeting.

Roger asked why we have been billed by Coal Creek Fire Department for training. Shelia stated this is because six members attended an officer's development class hosted by Coal Creek Fire. Coal Creek decided to charge \$100 per member attending the class. Shelia will pay for the High Country members attending and send the remainder of the bill to Colorado Sierra Fire Department. There was confusion on Coal Creek's part about High Country and Colorado Sierra and their relationship as Timberline. Shelia added it was easier to have Coal Creek send the bill to her and then she could pass the remainder on to Colorado Sierra. Richard said this is just the way the training was billed by Coal Creek. The class is part of the overall training package. Robb stated he thought we had discussed this issue and we were not going to do a combined billing. Richard stated we are just being billed for our six members. Richard added he does not know why the bill came from Coal Creek because the trainer had been asked to bill us directly. Roger's concern is they did not bill for Firefighter I training and the Board had decided not to bill Coal Creek for classes they attend here. Richard said we are far ahead on the training payment because Coal Creek attended our HazMat class and High Country members attended their Firefighter I classes. Roger asked if Central City is paying for their share of the HazMat class. Richard replied they are not paying for their members attending HazMat because it was a fixed fee no matter how many people attended. Roger stated he does not mind that happening, he just wants to know

which agencies are coming for these classes for future reference. Richard stated that Central City did pay for their books and they were allowed to attend the class.

Robb asked what account was used to pay for the tires and extra equipment for Engine 4. Richard said the tire have not been purchased yet and asked if they were going to be capitalized or taken from some other account. Shelia said that has not been decided at this time and the accountant said he could argue the point since the tires would run about \$11,000. Richard said the tires could come out of equipment and the equipment could come out of funds from the 2008 budget. Shelia said the accountant felt it could be done that way since money was left over from the purchase of the truck in 2008. Roger asked if the equipment is purchased this year should it come out of this year's budget. Richard asked if the purchase of the KME is same thing since it was ordered in 2008. Roger stated it was ordered and budgeted last year and the funds carried over since it will be delivered this year. Richard asked what happened to the money that was not spent in last year's budget. John replied it was carried forward to this year's budget and goes into the beginning fund balance. John added that it is possible the Board should have put some of this money into a line item for this kind of thing. Paul stated since there are issues that need to be clarified, the Board should invite Ted Snailnum to the next meeting.

John asked why there is nothing listed in the financial statements for the Capital Reserve Fund. Shelia stated she had asked for that but the answer had not come before time to prepare the reports for the meeting. She will ask Ted that again. John added he does not want all the transaction detail in the reports they receive. He added he wants to see the actual versus budget report.

## **LEGAL ISSUES**

Mark Cohen, the district's attorney, stated he had attended the meeting about the future of the ambulance. Government entities within the county seem to be willing to help keep the ambulance running. Medic 1 will remain at Station 2 for now. There was discussion about setting up an ambulance authority for the future. John asked what are they talking about with an authority. Would it be a special district or an IGA between the three entities involved? Mark replied it may be an IGA. Richard asked if the ambulance is getting funds from Boulder for coverage. John stated he did not think funds were received from Boulder for ambulance coverage. Paul stated the agreement is for Gilpin Ambulance to run on calls in the High Country district not to necessarily cover the Boulder area.

### **Black Hawk IGA**

The IGA that is in the works with Black Hawk to have repair work done on High Country trucks was tabled because there are insurance issues that have not been answered. Shelia is still waiting on a response from VFIS saying if the High Country policy meets the requirements requested by Black Hawk. Mark added the Gilpin Ambulance has a similar agreement.

### **Actions of Board member in public**

Robb stated he had asked Mark about the actions of a Board member when the member speaks in public. Mark's statement implied that a Board member, when in public, has the same right as any citizen and can speak freely. Robb went on to say he feels when a Board member speaks in public he is not speaking for the Board but it is perceived by the public what the member says is representing the Board. Robb asked Mark to elaborate on that. Mark said a Board member has the same rights as anyone else and is speaking on their own. In addition, Mark stated it would be a good practice to add a disclaimer to make it clear you are speaking on your own and you do not have any authority to speak for the Board unless it is like the instance when the Board gave John the authority to speak to Gail Maxwell on their behalf. John stated it goes one step further than that. A Board member cannot speak or commit for the board out of the boardroom. Mark added he cannot find any other statutes that cover this issue and technically, Board members only have

authority to make decisions while at a meeting. Mark said it might be best to say that you are not speaking for the Board when addressing groups. Roger feels it better not to even have discussion. John stated it could be argued that having three Board members at the awards dinner could be determined to be an illegal meeting. Mark replied there are cases where it has been determined that Board members attending a social gathering does not constitute a violation. Paul added the Board members at that dinner took extra care to stay apart so that claim could not be made. Robb stated when Board members are in public, they need to be careful. Even if there is only one Board member present, something could be said that the public might take as his speaking for the Board. In a conversation Robb had with the Special District Association attorney, she stated a Board had better not make decisions using emails. That could be considered the same as holding a meeting. Mark stated that according to the Open Records Act, if someone feels decisions are being made using email, they could go to court and get copies of those emails. Roger stated we must do it right. Meeting must be open to public. Mark finished by saying the Board needs to be careful with the way they handle their email.

#### Election of pension board

Roger said a question was raised by a department member about the way the District elects the firefighter members to the Pension Board. Roger asked Mark to clarify that issue since the question was originally addressed to him. Mark explained that the current statute requires that one of the firefighter members should be elected every year. The statute did not come into law until 1995. It also states that Districts did not have to change what they were doing before 1995 so HCFPD's current practice is acceptable.

John stated he has one or two items related to personnel to discuss in an Executive Session and it would be beneficial to have Mark present for one of those. Paul stated he has that scheduled for the end.

#### Contract for trainer

Shelia asked that the Board discuss the contract for the trainer. She stated changes have been made to the contract since the last time it was discussed and approved. John stated there does not seem to be any change of intent. Paul stated if the contract was changed from what was discussed, it needs to come back here to be approved. John feels there is a difference between making minor wording changes in a contract and changing the scope or intent of the contract. Mark stated most of the changes seemed to be clerical but it cannot hurt to reapprove the contract as it reads now. Paul moved to approve the new contract for Rene Macias, the contracted training instructor, Robb second. No discussion. Motion carried.

#### **CORRESPONDENCE/EMAILS/HCFD INFO**

Paul stated he had the letter written to Gilpin County in support of keeping Medic 1 located at Station 2. It needs his signature. John feels there is no real need to send that letter now since it has been decided Medic 1 will stay at Station 2. Robb stated the Board should still send the letter. It shows there was an effort put behind the issue. Roger stated there was a motion to send the letter so either the letter is sent or the Board needs a motion to not send it. It was decided to send the letter.

John stated he came across Senate Bill 09-021 concerning incentive for volunteer firefighters. John read that the bill creates a fund in the division of fire safety in the department of public safety (division) to make grants to qualified volunteer firefighters and fire departments to cover the costs of training in fighting fires in wild land-urban interface areas. Directs the division to collaborate with the state board for community colleges and occupational education to develop a system to provide tuition vouchers to qualified volunteer firefighters who

are enrolled in full-time or part-time study and who agree to serve as volunteer firefighters for a specified number of years after completing their education.

Allows qualified volunteer firefighters to claim a tax rebate up to a specified amount for reimbursement of the costs of firefighting equipment.

Robb asked John to send the link to the site with this information to the Board

Roger stated he had the bill from Rene Macias that includes items purchased and asked Shelia if it went through all the proper procedures. Richard said it goes to the Training Director, Jake Vassar. Did the Training Director sign off on it? Shelia stated this was for the HazMat class that was held before the procedure was in place.

## **OLD BUSINESS**

### Merger update

Paul announced there will be a joint Board meeting with Colorado Sierra on March 23 at the Justice Center, 2690 Dory Hill Rd. at 1930. This is the night before Timberline Fire Authority meeting. Mark needs to be present at the meeting on the 23<sup>rd</sup> but not Timberline Fire Authority meeting on March 24<sup>th</sup>. Robb asked if a Sherriff's Deputy will be requested to attend the meeting in case gets out of order. Paul replied no request for an officer has been made. He does not want to set the tone of the meeting in that way. Paul went on to say the meeting will be held as a workshop and everyone should bring their concerns. Paul finished by saying he will be in charge of meeting because he is the one who asked for it.

### Station 6 – Roger

This item will be covered by Richard during his report.

### Personnel Policies

Roger stated he has not done anything with this because he has been busy with other things. Paul talked to Mark about deleting the first paragraph of the policy and asked whether the book be called a policy or handbook. Paul asked if we should discuss this tonight. John stated we have talked about this in the light of evaluations and specifically we were charged to look at section 5. Paul stated the Board did look at this and then someone suggested we ask Mark about the disclaimer. Mark's reply to Paul was a lot of places include this type of statement because someone could come along and claim this document could be considered a contract between the firefighters and the organization. Roger asked if volunteers are considered employees. Mark replied they are not employees in that context. Roger thought Shelia had said Workman's Compensation considers the firefighters as employees. Mark replied only for the purposes of coverage. Roger asked if the Board wants to change it to call it an employee handbook. Roger stated the Chief is covered in the book and he is a volunteer. Shelia's position is listed as an employee. Do we need to separate that out? Mark asked when this policy was established. Roger replied this was the first personnel policy that was approved by a previous board. We are going through the policy to make adjustments. Roger added the first issue John had was with the disclaimer. As it is written as part of a policy it means the policy does not mean a thing. If we want to leave the disclaimer in there we may just want to change the book from a personnel policy to a handbook or guideline. Mark said the disclaimer could be rewritten to address your concerns and say it is not a contract. Paul stated since Mark had not seen the policy it might be a good idea to let him go over it so he can give guidance. Shelia will send copy of policy to Mark. John stated he is concerned there are things in the policy that it says the Board does that he is not sure is done. Paul said that while Mark is looking at the legality, the Board should be looking to see if everything listed in the policy is what we really want to do. Roger agrees with that statement so he feels the first step is to let Mark do his part and then come back and start again with section 5. Roger added we may be able to have a workshop and do the whole thing in one day. Paul would like everyone to go through the policy and start noting corrections and have a

special meeting for just this policy. Paul stated this was designed to cover paid employees and some of it includes the chief because he is working for the Board.

#### Wedgewood tank

Roger stated that he and Gib Mohan have filled the Wedgewood tank and it is in working order. There was a problem with the engine and the pump truck, due to leaking valves, that made it difficult to get a draft. We did go ahead and have Ramstetter shorten the pipe. We might have a problem with freezing because of the amount of ground coverage on the tank at the draft pipe. Gib and some of the neighbors will shovel out the draft connection to keep it clear. The tank was tested with two different pumps, the big pump on the squad and a portable pump. We had no trouble with either with a lower level of water.

### **BUSINESS MANAGER REPORT**

#### The Thornton truck

Shelia stated a \$140,000 bid for the truck located in Thornton has been delivered. She has had some emails back from there stating there were only two bids with the other coming from Brindle Fire Department. When asked when the bid will be awarded, Shelia was told all the department heads have to approve it first before it is decided to award or reject the winning bid. The Thornton representative said we had the high bid but the ones responsible for making the award have rejected high bids in the past. Roger moved to ratify the decision that was made to sign the contract for the bid on this truck, John second. No discussion. Motion carried. John stated he does not feel we need another motion to sign the check or the contract. Shelia stated if we are awarded the contract, she will see if they will approve a department check. If not it will take a Board member to get a cashier's check from the bank.

#### Minutes procedure

Shelia asked if the Board wanted to approve the meeting minutes procedure that was discussed last month. We did not meet the timeline but it did seem to make the process better. Paul moved to approve the minutes procedure, Dale second. No discussion. Motion carried.

#### Fire proof safe

The fireproof safe has been purchased and the files in the Business Manager's possession are now in it. Paul asked if the Board needs to move the rest of items out of the safety deposit box at the bank. Shelia stated it would take two Board members to remove the remaining items if that is what they want. Paul stated the only things he remembers being down there are a couple deeds. Roger moved to remove all items stored in the safety deposit box, close out the box at the bank and put all deeds and titles in the safe located in business office, Dale second. John asked if a one-hour rating is adequate for the items being stored in the safe. Is there anything in the safe that cannot be replaced? Shelia stated all documents in there are recorded and replaceable. The only document not there at this time is the deed to Station 4 as she is still working on getting it. Mark suggested someone make a full set of photocopies of everything in the safe and the copies be stored somewhere else so if something happens the documents could be easily replaced. Paul stated he has a set of keys to the safety deposit. Robb also has a set incase Paul is out of town and someone needs to get in there. Who should have the combination to the safe? Shelia replied at least one or two Board members should have the combination. John moved the people with keys to the safety deposit box also have the combination to the safe. Roger said they need to vote on the first motion before they can vote on this one. John changed his motion to an amendment. Roger accepted the amendment to his motion. Dale provided the second for the amendment. Motion carried.

#### Emergency Reporting training

Shelia stated there is training on the emergency Reporting software we are using on April 7-8. Both Gary and Shelia will attend that training.

Special District Association conference

Shelia will be attending that conference on April 29<sup>th</sup>. Board members are also invited to attend. The conference is primarily for managers but could be useful for members of the Board.

Emergency Reporting reports

Shelia had Gary print off examples of some of the reports available from our records system.

Word Perfect

A copy of Word Perfect has been purchased to help with John's documents.

## **FIRE CHIEFS' REPORT**

New firefighters

Five trainees have been promoted to firefighter. There are two more promotions pending. One needs a test for SCBA and the other needs to take a first aid class. This was a twelve hours test to make sure everyone know all their functions. Those members that proctored the test should be commended.

ISO

There will be an inspection completed by ISO to see if our rating can be changed. The only insurance company that does not use the ISO rating is State Farm Insurance. State Farm buys their data but they do not use their recommendations. We still want to participate. Having auto aid agreements with other departments will help reduce our rating. They are different from mutual aid agreements in that when we are toned for a structure fire other departments will be toned automatically. Mutual aid means we have to ask for other departments to be toned. Richard asked Mark if he needs to see these agreements before he signs them. Roger stated the Board has to sign all agreements. Paul added the chief works the agreements out and the Board signs them. Richard feels the only foreseen problem with the process is hose testing. They want the hose tests over a three year period and we have only just started. They will also want to see a lot of statistics from hose testing to ladders testing, training records and more. There will be a lot of extra work for Shelia during this time. Roger told Richard to make sure all required tools for an engine type Class A are on the trucks. Richard added we could end up with areas with different ISO ratings depending on location. We may end up with areas with an ISO rating of 10 An example would be the new places we have added to the district near Tolland that are more than 5 miles from a station.

KME tanker

Richard has heard nothing. Shelia stated she just had an email saying the chassis has been delivered. A number of the body components are done. They are looking at April 20 for the final inspection. Richard asked where KME is located. Someone thought it was in Pennsylvania. Richard stated the Board needs to think about delivery, making the final inspection. Do we want to pay to have it delivered, or do we send someone out to Pennsylvania drive it back?

Truck inventory

Richard stated old Engine 4 is located in Station 5. We will have to do something with Old Tender 3 when the new KME arrives. After comparing Tanker 4 and 3 it was decided Tanker 4 is the better truck. The next question is what do we do with the old trucks. Do we take the water out, store them and put them back in service when they are needed or get rid of them. The officers feel we should probably get rid of them because they are older trucks. Nederland Fire has shown an interest in purchasing a tanker. Roger stated if you do move Tanker 5 to a Sierra station, then put old Tanker 3 at Station 5. Richard added we are going to try to keep one of the old engines for

parts. Paul stated with ISO coming in here it might be an idea to keep the tanker for additional water supply. If the ISO inspection shows we are short on water supply you do not get rid of water supply. If we are over then we can get rid of the truck. Roger feels the department may want to get rid of Old Brush 1 or Old Engine 4. Roger feels it should be sold by bid process. Richard stated it might be best to auction off Old Engine 4. Roger suggested we put Old Engine 4 outside until sold. Roger suggested Richard contact Kevin Klein. Kevin has all the addresses for fire departments in Colorado. He might be willing to send the information to them. John moved to sell Old Engine 4, Roger second. Dale asked if there is there a minimum bid. John stated \$0.00 would be a good minimum. Motion carried.

#### Old Brush1

Duane would like to take Old Brush to his house to use as a response vehicle. Richard asked if that is possible. Are there any insurance or legal issues if we do this? We could use it for a brush truck during the summer and take the water out of it during the winter to use it just for medical response. If Brush 1 was at Duane's house he would not have to go all the way to Station 5 to get a truck. Duane stated we have had a lot of calls lately in Golden Gate Fire Protection District. The response would have to come out of Station 3 or 5. Having the truck at his house would make our response to those areas a lot faster. John asked if it was a possibility to put the truck in the garage at the state park. Roger replied they probably have no room and they have a fire truck of their own. Robb added Jim Larson kept a truck at his house during the warmer months. There should not be a problem unless the insurance company has an issue. Shelia stated a key was broken off in the lock while the truck was at Jim's house. Dale asked if it would be possible to get a lock box like the realtors use and keep the key in that. Paul asked what kind of equipment is on it now. Richard replied it is set up as a brush truck. Dale asked if there is way to secure storage. Richard feels that can be worked out. Mark stated we have protection as a governmental entity but he is not sure about other legal issues. Paul asked if there is a liability issue with it being at Duane's house. Mark does not see an issue from the District's standpoint. Roger asked if the Board needs an agreement with Duane to do this. Mark said it would be a good idea. Sheila will ask VFIS Insurance about possible problems. John asked if there is a potential problem if the truck is not fully equipped. Roger stated it would be quipped for a specific use so that should not be a problem. Duane stated the only problem he sees is that we need to make sure the truck will interface with Golden Gate trucks. Richard asked if we should leave the radio in. Richard feels the truck can be relocated to Duane's house as soon as VFIS comes through with approval and Mark completes the agreement. Mark wants details about truck to help write the agreement. Roger added the truck will need a new call sign.

#### Clarification on budget for medical supplies and firefighter equipment

Richard is requesting to purchase approximately \$1800 of supplies but there is only \$500 in the line item for these supplies. There is \$6000 in firefighter budget. We need these medical items. Richard wants to know if he can use money from the firefighter supply line to purchase the needed medical items. Richard stated he will not exceed the budget. Roger is fine with that as long as bottom line of budget not exceeded. John has no problem with exceeding an individual line item as long as bottom line not exceeded.

#### Station 6 cistern

Richard has asked Gib to help him with this project. It has been a busy month so a site for the tank has not been picked yet. Roger stated it is difficult to get vehicle in and out of the site. The district probably needs to have a contractor cut driveway so access is easier. Richard asked if the money would come out of a line item for Station 6. John asked if they need specs for a driveway and location. Roger stated plans were drawn up for that site and the driveway location is shown on those plans. Richard asked if the driveway can just be cut or is a permit needed. Roger stated they will probably need a permit to install a culvert. Dale added the driveway and culvert need to be big enough to work for a station. Robb added a side note. It is a good idea to avoid cutting

trees during certain times of the year because of pine beetle problem. It would be a good idea to get the trees down before the pine beetles become active again.

Roger asked if the firefighters have been informed about the change in the pension rules. Richard said he would have to check with Mark Moyer. Shelia said the only thing she knows Mark did was give clarification to Gary for entry into the system. Robb felt Mark sent the letter to everybody.

## **NEW BUSINESS**

### **OPEN DISCUSSION**

Shelia asked if Paul needed to sign the current copy of the bylaws. During the signing John asked what the official adoption date is for them. Roger stated the official adoption date of the bylaws would be the date they are signed by the President of the Board. Paul signed copies of the bylaws for the official record, for each of the Board members and for Mark Cohen.

Paul asked for an Executive Session for personnel issues according to CRS Section 24-6-402.2(f).

The meeting was moved into an executive session at 2110.

### **EXECUTIVE SESSION**

The regular Board meeting was reconvened at 2202.

Paul made presentations to both Roger Durham and Gary Gain. He presented Roger with a badge stating he has served the department for 35 year of service and he presented one to Gary for 25 years.

### **NEXT MEETING**

**April 15, 2009**

### **ADJOURNMENT**

**2204**

Presented by Gary Gain on April 15, 2009

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**Secretary to the Board**

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**Date**