



SOUTHERN PARK COUNTY FIRE PROTECTION DISTRICT

Board of Directors' Meeting

March 6, 2014 @ 7:00 pm

1) Introduction of Visitors

Josh Breslin

Betty Cain

Jim Cain

Marcy Cain

Sam Calanni

Don Cole

Mary Curtis

Rhonda Davis (by phone)

Marshall Dunn

Karen Frerichs

P. R. Ferguson

Lani Gossett

Bonnie Gibeson

Denny Gibeson

Nancy Harper

Barb Light

Pamela Mandel

Richard Mandel

Mary Ann Melvin

Ron Dale Melvin

Jim Moehle

Pam Moore

Linda Parrish

Mike Parrish

Mary Reppard

Steve Rizzio

Don Rocksted

Donna Rodriguez

Joe Rodriguez

Sandy Rucker

Kenneth C. Thomas

Ric Turley

Steve Wilson

2) Attendees:

Board members present:

Amy Mason

Anita Long

Flip Boettcher

Secretary to the Board Mike Brandt

Excused Board Member:

Jim Ivey

Department members present

Scott Elmore

Bill Harper

Acting Chief Aaron Mandel

Maria Mandel

Tim Rucker

Davis Tilton, Chief Engineer

3) Call to Order:

Meeting called to order at 07:07 PM by Chairwoman Amy Mason.

4) Appoint new board member

Many people (and candidates) offered to fill the temporary board appointment. The Board considered appointing a Treasurer candidate, but the Board attorney advised the Board to appoint someone not running for election to the Board so that there is no implied recommendation of any particular candidate this close to the election. Ms. Harper is a registered voter, has been an auxiliary member for several years, and has not filed a self-nomination for the May Board election.

Ms. Mason moved to appoint Nancy B. Harper, second by Ms. Long; PBA. Ms. Mason administered the oath and Ms. Harper was welcomed to the board. Ms. Curtis notarized the oath document. This appointment will expire with the May 2014 election.

5) Approval of Agenda:

Ms. Mason requested the following be added to the agenda:

Add Item 11d – Inclusion

Change to Item 8 – approval of minutes for 2014 Feb 06 and 2014 Feb 25.

Ms. Long moved to accept the changes, second by Ms. Boettcher; PBA

6) DEO - Rhonda Davis (via phone)– Lot drawing for placing on election ballot

Candidates that have applications in to the DEO were drawn from a hat to establish order of placement on the ballot. Resulting order is:

- Order of Candidates for the 2-year term position: 1. Mike Parrish, 2. Jimmy Leon Ivey, 3. Roberta V. Smith;
- Order of candidates for the 4-year term position: 1. Steve R. Wilson, 2. Sandy Rucker, 3. Kenneth B. Thomas, 4. Marshall L. Dunn, Sr., 5. J. Gordon Scott, 6. Jim Cain.
- Candidates will be on the ballot in the order designated and as listed.

7) DEO – Rhonda Davis – Election update

Self-nomination process is completed and no additional candidates will be listed. If candidates wish to withdraw, they can do so prior to Mar 21st and their name will not appear on the ballot. If they withdraw after Mar 20th their name will be on the ballot but votes for them will not count.

If, at any time prior to the election, enough candidates withdraw so that no election is required, the election will be cancelled. However, if this takes place after the ballots are ordered, the cost for the ballots will still be incurred. Even if the election isn't held, costs will still be incurred.

Rhonda will be certifying the ballot tomorrow (March 7) and as the current Board has chosen the mail in ballot, that plan calendar will be used. Ballots will be mailed out. There will be an additional drop off site at my (Rhonda's) office. As Rhonda can't be in Guffey every day, there can't be a drop off location in Guffey.

Questions:

Joe McConnell at DOLA stated that walk in centers have to be convenient to the population. Evergreen isn't convenient to the population. *[Rhonda] The most important thing is that I must control the ballots and can't control the walk in ballots in Guffey.*

What if you don't get a ballot in the mail? *[Rhonda] Ballots are mailed out awfully early. If you don't get your ballot, voter can come to her to pick up a ballot.*

We have to drive 220 miles round trip to obtain a ballot? *[Rhonda] I have to maintain control over the ballots and can't drop off ballots for pick up at the post office or fire department because they aren't under control. We reviewed options and possibly could put a ballot lockbox in the post office. This doesn't address the problem of unreceived ballots or a ballot someone lost.*

Ballots will be mailed to Rhonda's office – will judges be appointed at the office? Don't there have to be 2 election judges? *[Rhonda] In Mail in ballot, there can be election staff and we can designate trained individuals at the office.*

What about canvass board? One BOD member and one from the community would have to go to the office to seal the election? *[Rhonda] The canvas board confirms or affirms the election result, and is comprised of a board member and a community member.*

Were you aware that there were going to be these concerns with the balloting process? Were you told ahead of time that there may be problems and costs associated with obtaining ballots and receiving replacement ballots. *[Board] The board felt that it would be more convenient to send the ballot through the post office. The process has been working and is designed to obtain greater voting access and become more transparent. If there are problems, there will be plenty of time to*

rectify them, whereas on a one day polling process, it is more difficult to do so with only one opportunity. Data shows the process is more transparent and more people vote.

Comment that it may be true in areas that are not rural. *[Board] Would agree that it may offer different circumstances.*

Was the BOD aware of the cost in a rural area and did it anyway. *[Board] Yes, we felt it was the best solution in the area, that the post office works, and if there is any problem we will have plenty of time to correct it and get ballots to those people. If it is a problem we will have time to correct it.*

Is there a way that if we mail in our ballot we can call and verify that our ballot has been received? *[Rhonda] Sure – no problem. And the board made a decision based on a lot of things that they learned. They chose to proceed with the process based on cost and accessibility. A walk in is one day and that has to be considered as well.*

What costs more, mail in or polling: *It is very location specific. One of biggest costs is getting the list, and matching names to only send ballots out to those who are registered to vote. This is labor intensive and costly and must be done for either method of election.*

Did the BOD do research to determine the varying costs. I want to know what the costs were forecast to be. What was the cost of the last election (15 years ago)? *[Board] BOD and her office went through the various options. What is the cost if something goes wrong with the election? We are trying to get the most fair, most transparent election possible.*

Can we have poll watchers the night they count the ballots? *Yes*

Is there a day or night when the DEO can send some one to the local area on a set day to address problems or supply ballots if there is a problem to people that have such problems? *[Rhonda] I don't see a problem with that, but will have to check with the research group to make sure it is legally OK.*

How do new arrivals obtain a ballot if they move into the area 2 weeks before the election? How does one that changes their address in short term obtain a ballot? *[Board] We obtain an updated list before the election. I thought this was addressed by requiring voters to be able to obtain a ballot and same day registration even if staying in a hotel and having the intent to live here. Have to register with Secretary of State as shown under HB1303. May have been modified by 1164?*

When will the ballots be mailed out? *April 14th.*

Rhonda may be contacted with questions at 303 674 0800. Each candidate runs their own campaign and Rhonda can't address how to do that process.

8) Approval of Minutes from Feb 6th and 25th Mike Brandt

We had problems with the copier and will postpone the approval until the next meeting.

9) Treasurer's??? Report – Anita Long (see Treasurer's report on the SPCFPD web site)

Reports submitted:

Sunflower Bank Check Register – February 2014

Balance Sheet as of February 28, 2014

Quick Overview of Actual vs. Budget Over/Under- YTD at February 28, 2014

Profit & Loss Actual vs. Budget Detail - Month of February 2014

Graphs - District Snapshot, Income and Expense Graphs - at February 28, 2014

Sunflower Bank Check Register: Opening Balance at February 1, 2014 was \$5,036.70. Items to note:

Ck #7353 \$1,900 PPCC - EMT classes for Joy & Ron Oliver
Ck #7354 \$11,160 Toussaint, Nemer & Coaty for legal fees
Ck #7358 \$2,226.60 ENXX Propane for 651 gals of propane @\$3.399 plus \$13.85 fees
Ck #7364 \$1,155.72 Park County Road & Bridge - January fuel usage (135.8 gal unleaded, 183.5 diesel)
EFT on 2/28 for Public Sector Health Care Group for payroll group insurance \$1680.50
(rec'd 840.04 cobra - net \$840.46 2 months for Mandel)

Ending Balance in our checking account at end of February was \$941.14. Total General Fund (checking, savings and petty cash) at February 28th was \$91,777.87. Capital Reserve Fund balance is \$31,000. All cash \$122,777.87.

Balance Sheet: Capital accounts remain unchanged except for the usual: cash balances, payroll liabilities and current year net income.

Quick Overview:

YTD Income for 2014 is \$3,123, which is \$679 more than budgeted. YTD Expenses are \$45,052, which is \$12,777 more than budgeted. Net Income is therefore \$-41,929, which is \$12,098 worse than budgeted. Capital Outlays are \$11,000 under budget.

Profit & Loss: Donations, Grants, District Tax and Interest Income are all higher than budgeted. Service Income is \$786 less than budgeted due to training expense.

Four expense categories are over budget by more than \$300: Payroll (\$4,888), Professional Fees (\$8,073), Training (\$1,571) and Utilities (\$1,312).

Four expense categories are under budget by more than \$300: FF Supplies (\$307), Repairs (\$968), Travel/Meals (\$875) and Vehicle Fuel (\$394). All other accounts (combined) are under by \$523.

Discussion:

Were legal fees for lawsuit the amount shown? *[Ms. Long] Total fees were \$11,000+ to date and I read the detail of this at the last meeting. With the election coming up and the legal fees, where will the money come from? Will the money be listed in the treasurer's report? May go over budget and some of the moneys will come from the surplus funds. Budget income is fixed for year – so any legal expenses will come from surplus cash or operating funds.*

Will the report reflect what is being spent on lawsuit legal fees and what is being spent on the election? *Expenditures will be listed in the treasurer's reports. I get a fairly detailed itemization of the charges.*

Is this all? Will there be added costs from the lawsuit? *[Ms. Long] Funds may come from the insurance company for lawsuit legal fees but this is still to be determined. So there is a potential for 10 to 20 thousand to be incurred? Yes*

If we call the DEO, will there be a charge for calling? *Yes, there will be a charge for every call*

If the DEO comes out, may be able to see if one's ballot has been received.

[Ms. Long] I'm submitting a copy of the letter noting that the CPA firm has submitted the form for the year ending Dec 31, 2013 and showing the application for exemption from audit. With this letter we have fulfilled submitting the proper documents to the state auditor, which was due by March 31st. This satisfies the requirement.

Also have submitted a payroll forecast to Pinnacol – our workmen's compensation insurance provider – showing expected wages for May 2014 through May 2015 for calculation of our

premiums. Based on what we report, they submit an annual invoice to us. This submission has been completed.

Ms. Long is submitting invoices to be paid:

- Dirks repair has an invoice for \$662.14. Mr. Mandel explained that we purchased a new fire engine from Denver; on the way home Mr. Tilton noted the steering was sloppy and took it to Dirks. While there, Dirks also did the DOT inspection and found a rusted air tank requiring replacement. There is one item still requiring repair or replacement and the truck is back in limited service. Ms. Long moved to pay invoice, second by Ms. Mason; PBA.
- Training expense report \$536.84 for Kale Casey reimbursement wildland annual refresher course with one night at a hotel. Ms. Long moved to pay invoice, second by Ms. Boettcher; PBA
- \$6,885 to law firm TNC: broken down to termination \$275, Research for minutes and Pep Points \$385: Research on EMS on call, minimum wage labor laws: just over \$2,000; Election \$1,275, and additional \$2,795 for general services. Ms. Long moved to pay invoice, second by Ms. Mason; PBA

10) Chief's report - Aaron Mandel

Incident Responses:	Month	Year to Date
• Traffic Accidents	0	2
• Medical	<u>1</u>	2
• Wild Fires	0	0
• Smoke Reports	0	0
• Structure Fire	0	0
• Other	0	1
• Total Calls	<u>1</u>	5

Summary of activities:

Finished the rough drafts of Standard Operating Guidelines (S.O.G.) – were Standard Operating Procedures (SOP), and are now guidelines. Will go to committee for review and then to members.

Completed radio inventory – missing 2-4 new radios and 1 county radio.

Created a new frequency list. Change from narrow band to wide band in past but change was incomplete. New software to complete this is on the way. Have to complete re-programming on all our radios as it is required by FCC and could incur fines if not accomplished.

Worked on ambulances. Dave Tilton has kept one in service at all times and he is a great resource.

New 9-3 (new structure engine) went to Dirks for repairs and came home (see above). Med 92 went to Dirks for new injector,

Met with Jay Hutchison – Hartsel purchased old 9-3. Hartsel is strong on rescue and fire, Guffey on Wildland and Medical; the 2 departments complement each other and will work together more in the future to take advantage of their strengths. .

Board meeting – hired Wendy West as Admin/Medical Coordinator. She is a basic EMT and also works as a nursing assistant at a nursing home in Cripple Creek.

Trained Ms. West and firefighter Scott Elmore – both will be on the pay per call system as it is developed. Trained on how to cover district and expectations in their new roles.

Met with Brenda Waslowski from state – she is the FMO for the state, particularly for wildland and prescribed fires and manages agreements with the state in handling wildfire resource sharing arrangements. Mr. Mandel is working with her to establish new support agreement.

Attended tax meeting in Fairplay – some fire districts are looking for a 1% sales tax to support fire district EMS. More information to come and will be reviewed at these meetings. Little effect on businesses in SPCFPD, mostly would affect services in surrounding districts.

Jim Ivey – doing well at the hospital. Community help is still needed.

Set a possible date for radio tower removal from G. Scott property. Found an old map from consulting firm showing best locations for relay towers. Property is owned by a family in Florida that is getting ready to move here and retire. Now working on lease arrangement – tower to be out of sight and will operate with solar power.

New members: Tim Rucker, Lydia Reynolds – former EMT and worked with Fremont S&R. Willing to be recertified as EMT.

New Shirts received have a problem – t-shirt markings on the back disappearing when washed.

Wildland class planned for next week.

On call system was discussed in February, but was not incorporated because it was still under review by attorney to determine what payments could be paid to volunteers without jeopardizing their volunteer status under the Fair Labor Standards Act.

- Can pay expenses, and some nominal stipend but must be maintained throughout the year.
- Fee can't be a replacement for full time pay.
- Can't be a short-term operation (for only a few weeks) – has to be established throughout the year.
- As a general rule, the Dept. of Labor calls a fee nominal if the fee is $\leq 20\%$ of the total compensation package a full time firefighter would be paid for the same service. There is no bright line of determination – has to be justified and clear but may still get reviewed.

After discussing it with the members, proposal will be \$45 for a 24-hour “shift” pay plus \$25 for a call (regardless of duration of the call). For example, the on-call firefighter gets \$45 and if called out, the pay is then \$70. Each response is separate, so 3 calls in a shift would be \$45 + \$75. Total cost listed in the meeting minutes based on a total expectation of 110 calls in a year.

Parrish: will the person on call have to be at the station for the hours? *Yes – but there is not strict requirement. Starting on Saturday afternoon for some period and return on Sunday. The intent is to have someone at the station during same time that Mr. Mandel is normally in the station, for at least 8 hours. Time at station is not idle time but would be spent on inventory, training or equipment checks.*

New EMT location - hire response time? *Out by Big Bear ranch. Timed drive from house to station at 11-15 minutes – about average for volunteer response.*

Comments:

When budget is increased, does this increase taxes we have to pay. What are we getting back with the budget increase? *Mr. Mandel – budget is set, and is based on property tax income. Election was a priority, and money is allocated.*

More discussion ensued on what election method was best, and whether the decision to have a mail-in ballot is cost effective. *[Mason] The board made a decision that was warranted at the time.*

Ms. Long moved to accept the plan for pay per call, second by Ms. Harper. PBA

Break for 15 min at 20:30 – reconvened at 20:50

11) Auxiliary report – Dave Tilton

Last meeting was Feb 7 – new officers: President: Dave Tilton; Vice President: Doug Schellenger; Secretary: Susan Geiger; Treasurer: Mike Brandt. Member-at-large was elected at January meeting – Aaron Mandel.

Pancake breakfast held on Feb 22nd and it was successful. Lots of folks had a good breakfast and a community get-together.

Started to plan the July 4th yard sale and ice cream social.

The town has meetings scheduled at Bull Moose on every other Saturday to plan for the Guffey Heritage Days and Chicken Rodeo for July 4th weekend.

12) Old Business

- a. Communication – towers, radios, etc. – (see chief’s report)
- b. Newsletter update – Rita is working on the next newsletter.
- c. Regulatory deadlines -

March 1st Report of outstanding non-rated public securities - n/a

March 30th Application for audit exemption – completed.

Next deadline July 30th – audit report.

- d. Requests for inclusion in district – added 8 new properties. Approximately ~600 more are not signed up for the district. Program over the last few years has been successful. Ms. Long will send notice on Mar. 17th to the legal section of the Flume to post in the Mar 21st edition, which is used by the court as evidence of notice. If we get the information to the assessor by the end of April, it will be included in the 2015 tax year.

If your tax area is 0020 on your tax bill, you’re included in the tax district. If you are listed as area 0004, you’re located within the district boundaries, but are not included in the Fire District and can be billed for services.

Sam Calanni, former BOD chair noted: *The Fire District is unique in that of the 2500 properties in the district’s area, only 1800+ are included, tax-paying members of the district. So there is about \$50k in potential income if we can gain inclusion of the untaxed properties. Much of the non-included properties are vacant land. While the department must respond to fires on any property within the District, the board can bill the remaining properties if service is supplied. It is up to the Board to set a rate for reimbursement for properties that are not part of the District.*

There is no apparent or perceived advantage for insurance purposes. The insurance rates are set by the ISO rate based on department capabilities and other considerations. The Fire District is appealing to landowners to support the department.

In past years the treasurer sent a card to every property. This last year, the treasurer sent registered letters to the properties that had changed hands in the previous year. Mary Curtis noted that the notice let her know that she wasn’t part of the district and it was helpful.

13) New Business

- a. Policy review –a change is proposed to the 2nd paragraph of the bylaws to allow directors who are also firefighters to receive PEP points in accordance with the District’s rules/guidelines and in accordance with CRS 32-1-902. Ms. Long supplied a copy of the existing bylaws and the proposed change. Motion to accept change by Ms. Mason, Second by Ms. Harper; PBA.

- b. Board communications regarding the proposed gift of property to Fire District. The property is directly behind the department. The property is 7 contiguous lots with the station (each 75' x 125'). The addition of the property would expand the department training area. A law firm drew up special warranty deed in July 2013, but one of the owners has since passed away and the deed must be rewritten with the sole survivor. Long moves that we work with the law firm to modify the warranty deed and file the deed for recording. Second by Ms. Boettcher; PBA
- c. Physician advisor: with the retirement of present advisor, options are to work with alternate agency. Ms. West is investigating what is available through Cripple Creek; Mr. Mandel noted that St Thomas More has limited acceptance of patients with cardiac problems as they normally stabilize and transfer to Colorado Springs.

14) Public input

Thanks for changing the room configuration and the sound system. As the acoustics suffer a bit in the meeting, it would help if the attendees could try and maintain a single meeting.

April 19th is the health screening at the school. One can register (and pre-pay) on line for the screening. If you pre-pay, you'll avoid the payment line at the screening.

The 4H dog training started again and kids that take part can go to the competition at the Fair. The club is also training a rescue dog. Training is Monday nights at the fire station. Also trying to raise money to get one of the police dogs a bulletproof vest.

Cost of the election is a concern. Is the election cost fixed, can the decision to have a mail in ballot be reversed? *Ms. Long noted that changing the residency and non-residency requirements – if one is not in town, then it is much more difficult to vote. The advice we got was to reach as many voters as possible. In the last fireboard election, 80 people voted. Other concern was to establish a transparent election. The rules were undergoing change, and the SDA advice was that there were going to be challenges to elections, if not fully in agreement with the changing rules.*

If the decision has been made to have a mail-in election, then we need to get the election to proceed smoothly and at a minimum cost.

Mary Ann: if candidates drop out, the election can't be cancelled after March 4th – advice to the contrary may be wrong. Since 1164 has passed, the changes presented differences in the way the election proceeds. The firm is handling a number of fireboard elections and this may not suit the community wishes. Will all the ballots be held in a lockbox until the end of the election period? Poll observers can't be on hand when ballot are counted. *Rhonda will address this.*

If people want to confirm that their ballot is received, might get one person to collect all the names that are concerned.

As a community, if there is concern about the cost of the election, we might organize events to offset costs for the election. Perhaps this will offset the cost of the lawyers' fees.

15) Personnel information and discussion - possible executive session

Ms. Mason moves that the meeting adjourn to address Personnel matters and Acting Chief performance evaluation: Second by Ms. Harper PBA. Ms. Mason noted that this will be for discussion purposes only, and no decision will be made for the contract. Any decisions that must be made will be discussed at a subsequent meeting.

Adjourned to executive session at 9:38.

16) Executive Session:

Items for executive session

Contact negotiation regarding chief's position with Mr. Mandel.

Performance evaluation and review with goal setting.

17) Adjourn executive session meeting:

Motion to adjourn was made by Ms. Long and seconded by Ms. Boettcher. Meeting adjourned at 11:30 p.m. by Chairwoman Mason.