

MINUTES OF THE REGULAR BOARD MEETING OF THE  
ELBERT FIRE PROTECTION DISTRICT  
April 14, 2015

The regular meeting of the Elbert Fire Protection District Board of Directors was held on April 14, 2015, at Elbert Fire Station No. 1, 24310 Main Street, Elbert, Colorado, at 7:00 pm.

Attendance:                      Directors in attendance were:

Lee Sherman  
Doug Rufenacht, Absent  
Ric Poston  
Sean Mulvihill  
John Wood

Also in Attendance:

Brandon Homer, Fire Chief  
Carolyn Homer, Administrative Assistant  
Robert L. Tibbals, Jr., Attorney  
Mike Harrower, Department Member  
Kim Homer, Department Member  
Joe Marchese, Department Member  
Ryan Knox, Department Member  
Isaac Christensen, Department Member  
Wanda Randall, Community Member  
Bob Randall, Community Member  
Ed Garrard, Community Member

At 7:00pm, the regular meeting of the Elbert Fire Board was called to order.

Agenda:                              The Board considered the proposed agenda. A motion was made by Chairman Sherman, and unanimously carried, that the agenda be approved.

Minutes:                              The Board next considered the minutes from the pension meeting of March 10. A motion was made by Director Mulvihill, and unanimously carried, the minutes be approved.

The Board next considered the minutes from the regular meeting of March 10. Chairman Sherman had some follow-up questions for Chief Homer who stated that updates would occur in the Chief's report. Chairman Sherman stated that carry forward is two words. In addition, Chairman Sherman pointed out a typo. A motion was made by Director Poston, and unanimously carried, the minutes be approved as amended.

Financials:

Ms. Homer presented the financial statements. Ms. Homer presented a Balance Sheet that reflects reconciled bank balances for all accounts and also shows a debit balance for accounts payable because of a credit balance on a vendor, which should be cleared out in the next couple of months. Ms. Homer presented the Profit and Loss for April, indicating that the amount under medical billing is from the monies identified at the State of Colorado that came in which was identified as medical payments sent to the wrong place and a full payment from the client discussed previously. The SOT from Elbert County has almost reached the annual budget amount. Ms. Homer stated that it is obvious that this item will need to be adjusted with a budget revision at some point by the end of the year. Ms. Homer pointed out that the ambulance repairs are for a light bar for the ambulance. Chairman Sherman asked why the insurance was significantly underspent and Ms. Homer stated that the district had yet to receive the new insurance bill, which was budgeted to have been paid by now, and will balance out when the bill comes in and is paid. Ms. Homer stated that she added a miscellaneous expense account to track the expenses for a recruitment and retention conference that will be fully reimbursed in the next couple of months. Ms. Homer pointed out that the first quarter firefighting checks had been paid to members. Ms. Homer stated that the website expense shows a negative balance because the Chief Homer had procured a \$1,000 payment by selling an ad on the new website to Volunteerfirefighters.org, which was billed and booked, but that to date only \$200 had been paid of the estimated \$1,000 cost of the new website, causing a credit balance that will zero out in the next couple of months. Chairman Sherman asked for clarification and a discussion took place to explain the credit.

A motion was made by Director Poston, and unanimously carried, that the financial reports be accepted and the bills be approved.

Ms. Homer pointed out that for the last two meetings she has been providing the financials at the meeting instead of a week in advance because although the Board had previously requested the financials in advance there seems to be a lot of confusion because the financials and the bills being approved don't match. Ms. Homer asked if the Board felt that receiving the financials on the day of the meeting was a problem for anyone, or it is was less confusing. The Board decided that it was less confusing to receive information that matches, thus Ms. Homer will only provide the minutes, agenda, and task list in advance moving forward.

Public Comment:

None.

Correspondence:

Chief Homer stated that he reviewed the transparency notice that was previously sent to Mr. Jaramio and sent again to Director Poston for publishing on the website. In that review he noted multiple errors on the form, including, but not limited to the fact that it was stated that he was the one to complete the form when in fact Mr. Tibbals was the one who completed the form. Chief

Homer stated that had the notice been posted some community members might take issue with him providing incorrect information and that as such moving forward he is requesting that anything going out to the public with his name on it that he be allowed to review it prior. Mr. Tibbals apologized for the error and that he would send information to Chief Homer first in the future. Chairman Sherman stated that he felt that it was a good policy overall if a document is prepared with someone else's name, that person have the opportunity for review prior to the document being made public.

Mr. Tibbals asked if the District had received information from Elbert County about the election and Chief Homer stated that Captain Harrower delivered the packet to the county the day before the meeting.

Chief Homer announced that the District had officially received the ISO rating. The new rating is 3/3Y (the rating is a 10 and not 3Y if the residence is more than five miles away from a fire station, unless they are within 1,000 feet of a cistern tank then the rating is a 10W), down from a 7/9. A discussion took place about how the rating could drop from a 10 and Chief Homer stated that a substation would need to be built and meet the requirements of an ISO substation to drop the rating.

Chief's Report:

Chief Homer said that the non-compliant members received letters in March to let them know why they were not compliant and the steps that needed to be taken to become compliant. Two members have resigned and three more members have received a letter putting them on probation for three months. Chief Homer announced that the 2014 VFA grant was approved for \$3,750 with a 50% match which will be used to purchase wildland gear. In addition, Volunteerfirefighters.org has agreed to pay for the new website and some flyers in exchange for an ad on the materials. The 2015 Colorado Prevention and Disease grant of \$125,000 was not awarded. Chief Homer stated that the training in Estes Park on recruitment and retention was attended and the department will be reimbursed for all expenses incurred. The department did receive the almost \$2,500 from the State of Colorado which was associated to old medical bills. Chief Homer and Lieutenant Marchese have decided to only get one monitor instead of two, so some of the monies that have been paid to Bound Tree for the monitors will be returned. Chief Homer announced that the new tender had been put into production but he is still unsure of the delivery date. In addition, Chief Homer stated that the department did a station cleanup which resulted in hauling in scrap for \$215, but paid out \$38 in fuel to take the scrap in, \$414 for the dumpster, and \$100 for lunch for the members that participated in the cleanup, making it a net expense of \$332 for the cleanup. Chief Homer updated the state EOC on equipment which has not been updated in two years. Captain Harrower delivered the water use agreement to the water department. Chief Homer announced that the two members joining the county investigation team are Captain Fuchs and Lieutenant Marchese. Additionally, Chief Homer stated that the group meeting with the water, school, and fire

Boards was successful and that another meeting had been scheduled for June 30 at 7pm and the group had decided to invite the 4-H, the Women's Club, the Elbert Committee, and the Park and Recreation. Lieutenant Marchese and Chief Homer met with the Silver Spur Ranch to discuss obtaining a water use agreement with them in anticipation of a bad fire season. The department members will be going to the 102 fire scene to work on fire mitigation as part of training and to help reduce the fire danger in the area. Members are continuing to work on the SOP's and have only done minor changes so far, but Chief Homer will continue to keep the Board informed of the changes. Captain Harrower's CPR class is up and running and the first class will be held on April 18, which is full. Chief Homer stated that the 1993 ambulance had been listed on surplus website for \$38,000. The new website is up and Chief Homer requests that the Board members check out the site and that part of the new site is that each member and Board member has a department email for community members to contact them. As such, Kim Homer will be sending an email to everyone telling them how to access the email. Chief Homer requested that if the Board receives an email through their department email, that they respond from their department email and not their personal email. Chief Homer reminded the Board that the members will be serving breakfast at the Women's Cub on April 26 at 8am and invited them to help or come have breakfast. The members are exploring the possibility of starting a cadet program for youth between 16 and 18 and have submitted draft requirements and guidelines to the insurance company for review and approval while trying to gain commitment from the members to maximize the effectiveness of the program. Chief Homer met with the air park home owners association to answer some questions and discuss the new ISO rating and the possibility of getting a substation in their community. Finally, Chief Homer announced that there were 9 calls; 4 medical, 1 transport, 1 smoke investigation, 4 fires, and 2 mutual aid.

ECCA Report:

ECCA will be having a special meeting on April 20 to review the IGA with all the districts for the updated mapping. Chief Homer has reviewed the agreement which will eliminate the need for every department to do their own mapping and provide them with an annual disk with updates and simultaneously update MapQuest and Google Maps. As part of this agreement there will be a MOU with Elbert County Planning Department and ECCA to assure that any planning changes are communicated to ECCA so that all updates can be put into the annual updates. The Board recommends that Lieutenant Marchese, as the department representative, agree to the MOU and the IGA. Director Mulvihill asked if departments still put red posts at the end of driveways with the address so the fire department can easily identify addresses. Chief Homer stated that the county actually places the posts at the request of the homeowner for a \$15 charge. ECCA has completed a weather forecasting agreement with Sky View Weather. ECCA is working on getting a new Elizabeth tower and is seeking grant funding from the State of Colorado to reduce ECCA's outlay to \$75,000.

Attorney's Report:

Mr. Tibbals stated that he has not heard any feedback about the new Elbert County assessments, which will hopefully be completed by the end of 2015. The assessments were contracted out to a third party.

Unfinished Business:

a. Policy Manual: A motion was made by Director Mulvihill, and unanimously approved, to adopt the updated policy manual.

b. Mil Levy: Chief Homer spoke with some of the community members identified at the last meeting and no one wants to be on the committee. It was stated that it wasn't that they would not support a mil levy increase, it was more they did not want to be the individual on the committee and be seen as the one 'pushing' for yet another mil levy increase. Chief Homer recommends that there not be a committee, but instead implement a three part plan: Part 1 – send out the annual report and implement a newsletter that is sent out a minimum of every six months; Part 2 – intensive training of all department and Board members around the mil levy proposal so that they can 'talk it up' with community members; Part 3 – implement door knocking, public presentations, and community meetings to discuss the mil levy. The Board agreed with the proposed plan. Chairman Sherman asked why there wasn't information in the annual report about the individual members, Chief Homer responded that he felt that information was more appropriate for a newsletter. Mr. Tibbals stated that he sent out an outline of the mil levy process to the Board. Mr. Tibbals also reminded the Board that July is the deadline to file to have an election if want to do it in November, otherwise could wait for the Special District Election in 2016 or the general election in 2016. Chief Homer reminded the Board that the last time the District went for a mil levy increase it passed in El Paso County but not in Elbert County, but that it was only short by 6 to 12 votes. This is considering that there was not a lot of information or a coordinated plan, so the hope is that with a plan the mil levy will pass. Director Mulvihill stated that as part of the plan specific examples should be developed so that individuals can clearly understand how the change with the ISO rating and higher mil levy impacts them. The Board will review the proposed annual report and provide any feedback by Friday so that it can be printed in time for the Women's Club breakfast.

c. Heater for Station: Chief Homer requested that tabled until September because there are other priorities for the District.

d. Medical Billing: Ms. Homer reviewed a summary of the information received from Wakefield and Associates. Overall, they have 41 claims that were all submitted to them from EMA, with the last claim submitted from April 2012. Ms. Homer next reviewed the information outstanding from EMA, which is six claims. Ms. Homer stated that nothing was billed for the department from April 2012 until November 2012 and there were three claims in December 2012 that were never billed for unknown reasons. In November of 2012 the Board fired EMA and decided to go with Fidelis. In January 2013 the Board agreed to

engage Fidelis for six months for six percent of collections. There was no activity from January to October 2013, when Fidelis started billing. Fidelis submitted 52 claims, mainly to individuals and not to insurance companies, and the District received only a four percent return from all the bills. There were 12 claims that were completely unbilled. Currently, Ms. Homer is going to go back and rebill anything from 2010 forward that both her and Chief Homer feel might be collectible, with the thought being that any money received is better than nothing. There are currently 19 claims outstanding.

Ms. Homer requests that the Board write off 33 claims for a total of \$29,077.40, because they are prior to 2009 and are uncollectible because they are past the statute of limitations. A motion was made by Director Poston, and unanimously approved, to write off \$29,077.40 of medical bills.

New Business:

a. Action Item Review: All items closed.

b. Lease Purchase Resolutions: Chief Homer stated that a requirement of the new lease purchase agreement is that the payments be approved annually. A motion was made by Director Mulvihill, and unanimously approved, to approve Resolution 15-04 regarding the lease purchase agreement 2015 payments of \$22,456.82 with Bank of the West.

A motion was made by Director Mulvihill, and unanimously approved, to approve Resolution 15-05 regarding the lease purchase agreement 2015 payment of \$25,067.00 with First Bankers Corporation.

c. Surplus Equipment: Chief Homer stated that Flagler fire needs some equipment, i.e. ladders, axes, pike poles, etc., that the department has extra that they are not using. He is requesting that the Board approve to surplus the unused items for whatever donation Flagler can afford. A motion was made by Director Poston, and unanimously approved, to surplus unused department tools to Flagler for whatever donation they can afford. Director Mulvihill stated that Denver Fire is taking over Englewood Fire and will not be using any of their equipment and will be putting items on GSA. Chief Homer will monitor the bids to determine if there is anything that can be procured.

d. Attorney: Director Poston stated that in reviewing an overview of the budget and the ongoing goals and needs of the department he recommends that effective immediately the District relieve the attorney, Robert Tibbals, of his commitment to Elbert Fire. Director Poston believes that after reviewing the past records the District should only use an attorney on 'Demand' and save the \$600 per month and instead hold that money in a reserve account to be used as needed. Chairman Sherman asked what Mr. Tibbals hourly rate was and Mr. Tibbals stated that it was \$225 per hour. Director Mulvihill asked how many hours Mr. Tibbals puts in per month now and Mr. Tibbals stated that he puts in two to three hours per month outside of the monthly meeting, plus travel time. Director Mulvihill asked if Mr. Tibbals would be willing to work for the District

hourly and Mr. Tibbals stated that yes, he would be. Mr. Tibbals stated that if the District needs legal advice that they should address the issue immediately and not wait because of cost so that it does not grow into a larger issue. Director Poston stated that because Mr. Tibbals is connected to other Districts and ECCA that he would need to recuse himself if any issues came up between those organizations and Elbert Fire, so the District would need other legal options anyway. Mr. Tibbals stated that he would offer a one hour per month consultation at a reduced rate of \$200. Chairman Sherman asked Chief Homer's opinion, from a department and member standpoint. Chief Homer stated that he doesn't feel that the District needs full time legal counsel, but that yes there would be a benefit of having money set aside to use on legal needs as necessary. Mr. Tibbals stated that he would be willing to review the minutes and agenda and have a discussion with the Chief or Chair to determine if there are any possible issues that might require legal opinions. Director Poston asked that Mr. Tibbals put in writing what options he is willing to offer the District and the cost(s) associated with them in writing so the Board could compare it to other legal options. A motion was made by Director Poston, and unanimously carried, to immediately remove Mr. Tibbals as legal council for the District and set the money aside for any possible future legal needs. Mr. Tibbals was asked to return any District information that he has to the department by the end of the week.

There being no further business to come before the Board, a motion was made by Chairman Sherman, and unanimously approved, the meeting be adjourned at 9:27pm.

Respectfully submitted:

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Recording Secretary to the Board

Approved:

Reviewed:

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

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By: \_\_\_\_\_