



## MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT

October 17, 2017

A meeting of the Board of Directors of the South Adams County Fire Protection District was held at 6050 Syracuse St, Commerce City. Chairman Koger called the meeting to order at 6:20 p.m.

The following Directors were present by roll call: President/Chairman Ken Koger; Treasurer Alex Fairfield; Vice President Randy Buckalew; Secretary Craig Machuga and Director Sam Gillan.

Also present were: Fire Chief Kevin Vincel, Deputy Chief Dave Bierwiler; Deputy Chief Bob Monzingo; Dino Ross, Attorney for the District; Ron Fano, Special Counsel for the District (appeared by teleconference for the 1<sup>st</sup> executive session only); Fire Marshal Randall Weigum; and, Diane Roemer, District Administrative Assistant.

**Guests:** Roger Japp and Jamie Buckalew with Northglenn Ambulance; Emma Connors; Melissa Rossback; Rick Gonzales with Marchetti & Weaver; Kevin Kellar; Augdon Greening, Micha Hill, Chris VanDijk; Robert Kreutzer and Derek Stockton.

### **Executive Sessions:**

Chairman Koger asked for a motion to go into an executive session to receive legal advice from legal counsel on the Sable-Altura Fire Protection District boundary alignment matter pursuant to C.R.S. 24-6-402(b). Treasurer Fairfield made the motion. Vice President Buckalew seconded. The motion carried. Special Counsel for the District participated in the executive session by telephone, and the executive session constituted an attorney-client communication.

The Board reconvened the meeting. No action will be taken on matters discussed in the executive session.

Chairman Koger asked for a motion to go into an executive session pursuant to C.R.S.24-6-402(b), to receive legal advice regarding (a) the proposed updated Advanced Life Support Ambulance Service Agreement with Northglenn Ambulance, (b) proposed Fire Station Use Agreement with Northglenn Ambulance, (c) possible consulting agreement with Fitzmartin Consulting, and (d) the two pending Impact Fees Intergovernmental Agreements with Commerce City and with Adams County.

Treasurer Fairfield made the motion. Vice President Buckalew seconded. The motion carried.

Attorney Ross stated the executive session constitutes attorney/client privileged communications and will not be recorded.

The regular meeting reconvened at 7:30 p.m.



**Public Comment:**

No comments.

**Minutes:**

Chairman Koger asked for a motion to approve the minutes of the September 19<sup>th</sup> Board meeting. Treasurer Fairfield made a motion to approve the minutes; Director Machuga seconded the motion. The motion carried.

**District Projects:**

Chief Vincel informed the Board that, moving forward, Bob Kreutzer will be attending the regular Board meetings to report on building maintenance at each station.

Bob Kreutzer informed the Board there currently are no major projects. Mr. Kreutzer provided the Board with the following overview of the maintenance at each facility:

**Headquarters building:** There was a walk through with the contractors last week. The contractors did some paint touch ups and have corrected the landscaping problems.

**Station #1:** The windows have been replaced by Gravino Windows.

**Station #2:** The remodel is complete and the landscaping is being installed along with a patio on the south side of the building.

**Station #4:** The roof is leaking in the patio area. Mr. Kreutzer has called Flynn Roofing to come and assess the leak. The street light in the front of the station was hit by a driver likely driving under the influence, and will need replaced. Mr. Kreutzer is working with Commerce City to get the light repaired.

**Station #6:** The painting has been completed on the outside and inside; carpet will be installed next week and the roof will be repaired.

**Station #8:** The duct work is leaking. Mr. Kreutzer stated that he is working on repairing the problem. Vice President Buckalew inquired about the concrete in the front of Station #8. Mr. Kreutzer stated that he did not believe that at this time there was significant enough damage to warrant repair.

The Board inquired about the heating system at Station #8, stating that the currently system does not heat the station very well. Mr. Kreutzer informed the Board that the heating system was changed shortly after the station was built. Board discussion followed. The Board asked Mr. Kreutzer to check into the cost of a drop ceiling at Station #8, which he anticipates will cost between \$10,000 to \$15,000.



### **Northglenn Ambulance:**

Jamey Buckalew and Roger Japp demonstrated the LUCAS device for the Board. The chest compression system will be located on EMS 21. Mr. Japp will be training the crews on the device.

Chief Vincel inquired about the cost of the Lucas device. Mr. Japp informed him the device cost approximately \$16,000. Mr. Japp stated that the LUCAS device can improve the outcome for cardiac patients by 30% to 35%.

### **Board Action Items:**

Chairman Koger presented Resolution #2017-10-01, a Resolution Establishing a Policy for Requests for Public Records and Assessing Charges for the Production of Public Records.

Attorney Ross explained that the District currently does not have a formal open records policy, which is required by Colorado law if a District intends to charge for reproduction or research. The policy prepared by legal counsel is an extensive policy that covers the Colorado Open Records Act, CDPHE and HIPPA regulations. In accordance with State law, the policy permits the District to charge \$30 per hour for research, with the first hour being at no charge.

Chairman Koger asked for a motion to approve Resolution #2017-10-01, Establishing a Policy for Requests for Public Records and Assessing Charges for the Production of Public Records. Secretary Machuga made a motion to adopt the Resolution; Vice President Buckalew seconded. The motion passed.

Chairman Koger presented Resolution #2017-10-02, a Resolution Approving the District's Continued Payment of Pension Contributions During the Period an Employee Participates in the Deferred Retirement Option Plan ("DROP") and Amending the January 1, 2017 Member Handbook to Reflect the Same.

Attorney Ross stated that, pursuant to the Board's direction, legal counsel prepared prepare a resolution stating when an employee goes into the FPPA DROP plan, the District would place 8% into the employee's deferred comp (457) plan for up to the five years they are in the DROP plan. The Resolution also makes the appropriate change to the District's Member Handbook.

Chairman Koger asked for a motion to approve Resolution #2017-10-02, a Resolution Approving the District's Continued Payment of Pension Contributions During the Period an Employee Participates in the Deferred Retirement Option Plan ("DROP") and Amending the January 1, 2017 Member Handbook



to Reflect the Same. Secretary Machuga made a motion to approve the resolution; Director Gillan seconded. The motion passed.

Attorney Ross informed the Board that the Advanced Life Support Ambulance Service Agreement with Northglenn Ambulance is ready for consideration and, if appropriate, approval by the Board.

Attorney Ross noted that Director Buckalew and Director Fairfield have recused themselves from voting on the Northglenn Ambulance Agreement, due to their conflicts of interest. Chief Vincel thanked Jamey Buckalew and Rick Lindsey for their work on the contract.

Secretary Machuga made a motion to approve and execute the Northglenn Ambulance Agreement. Director Gillan seconded. The motion passed.

Attorney Ross stated that the Fire Station Use Agreement (“Agreement”) between the District and Northglenn Ambulance for Station #3 is a companion agreement to the Northglenn Ambulance Agreement. This Use Agreement gives Northglenn Ambulance full usage of Station #3 with the exception of the common area and the far east side of the bay. The Agreement has a clause stating either side may terminate the agreement upon giving 30-days prior written notice.

The Agreement specifies that Northglenn Ambulance will cover the cost of utilities, snow removal and all other maintenance of the station, and will maintain the workers’ comp and liability insurance.

Attorney Ross noted there is an incorrect effective date on the Agreement, and stated that he will have the date corrected and will provide the Board with a clean contract for the District and Northglenn Ambulance to sign.

Attorney Ross noted that Director Buckalew and Director Fairfield have recused themselves from voting on the Fire Station Use Agreement, due to their conflicts of interest

Treasurer Machuga made a motion to approve the Fire Station Use Agreement between the District and Northglenn Ambulance for the use of Station #3. Director Gillan seconded. The motion passed.

**Treasurer’s Report:**

The Treasurer’s Report is included in the Board packet.

Chief Vincel informed the Board that Rick Gonzales with Marchetti and Weaver will present the financial statements, the 2018 Budget and the CSAFE and CSIP accounts.

Mr. Gonzales informed the Board that the financial statements and the balance sheet continue to look strong for the District. The operations on the income statement through the third quarter are looking very good. 35% of the budget still remains.



The Capital Fund: There will have to be an amendment to the 2017 budget due to the furniture purchased for the headquarters building. The District had intended to place the money that was left over from the Station #4 remodel into the fund intended for the purchase of furniture, etc. for the headquarters building. Unfortunately, the funds were not placed in the headquarters fund.

Director Gillan inquired about account 5508, Station #8. The proposed budget is showing \$7,000, and the actual budget is \$40,000. Chairman Koger stated the difference was for the painting of the station.

Director Gillan inquired about account 5640, Station #4. The utilities were budgeted at \$2,000, and the forecast is now showing \$12,000. Mr. Gonzales explained that, with the new and remodeled facilities, the utilities so far for this year have been \$6,300, so the forecast was increased.

Mr. Gonzales informed the Board that the mill levy must be certified to Adams County Board of County Commissioners by December 15th. He asked if the Board would like to certify the budget and the mill levy at the November Board meeting. The Board agreed to consider adopting the 2018 budget at the November Board meeting.

Attorney Ross stated that, by statute, the final assessed valuation provided by Adams County is not provided to the District until after December 10<sup>th</sup>. Attorney Ross suggested that the Board could adopt the 2018 Budget in November, but with language that permits the consultants and Chief Staff to make non-substantial changes to the Budget, once the final assessed valuations are received.

Mr. Gonzales stated the Board had inquired about the CSIP and CSAFE accounts. There is currently \$2.7 million dollars in the CSIP account with an interest rate at .87% on the investment. The CSAFE account is currently paying 1.8%, a little higher yield. There is \$7.1 million dollars in these accounts. Both CSAFE and CSIP have the same restrictions on what they can invest in, and are covered by the District's investment policy.

Mr. Gonzales informed the Board that COLOTRUST has an interest rate of 2.4%.

Mr. Gonzales stated that CSAFE has undergone some administrative changes and he has had some clients experience clerical errors. There would be some additional paperwork moving funds from CSIP to COLOTRUST, but the funds in CSIP could be moved to CSAFE, it depends on the Board's preference.

There was discussion from the Board about placing all the District funds in one location. Chief Vincel stated his opinion that the money is easier to track if it is in one location and the return rate is better at one location.



Mr. Gonzales suggested the Board look at different investments when they are working on the budget for each year.

Mr. Gonzales stated that he did a comparison of CSAFE, CSIP and COLOTRUST. The \$2.7 million dollars that is in CSIP would yield \$1,900 per year, CSAFE would yield \$2,700 and COLOTRUST would yield a little over \$2,800 per year. The CSAFE account yields \$7,400 per year, at COLOTRUST it would be \$7,800 per year.

Chief Vincel suggested that Mr. Gonzales prepare a recommendation on where the funds should be invested for the next Board meeting.

Secretary Machuga would like some history on each investment bank. Attorney Ross stated COLOTRUST has been around a long time.

Chief Bierwiler informed the Board that he is proposing to the Fire Chief and Staff that the District move ahead with cost center areas in the annual Budget. He stated that each department Chief (i.e., Fire Prevention, Training, IT and Operations Chiefs) would have their own budget to work with. They would assign what line item each purchase would come out of. This would give each department a better understanding of and control over what is being spent. Chief Bierwiler would like this to start with the 2018 Budget.

Mr. Gonzales informed the Board that the union dues are deducted from the employee paycheck and are credited to a liability account on the balance sheet. When the dues are paid, the check is charged to that liability account.

**Bills for September 2017:**

Treasurer Fairfield asked for a motion to pay the bills for September totaling \$418,561.85. Secretary Machuga made a motion to pay the September 2017 bills; Vice-President Buckalew seconded. The motion passed.

**Legal Comments:**

Attorney Ross stated that the attorney's report is in the Board packets.

Attorney Ross highlighted several items, including the Open Records Policy for responding to Open Records requests, the Northglenn Ambulance Agreement and Station Use Agreement, and the DROP Program. All of these items were approved by the Board earlier tonight.

Attorney Ross informed the Board that his office assisted District Staff in filing the Oaths of Office with the Court and with the Division of Local Government. Attorney Ross stated that Attorney Duke advised



the District on Board director reimbursement. Attorney Ross reiterated that there is only one Board member who is eligible to receive the increased Board reimbursement at this time.

Attorney Ross informed the Board that he has drafted proposed legislation for the Colorado Legislature to consider that would define who is a volunteer under the worker's compensation statute. The Special District Association's Legislative Committee is currently reviewing the legislation.

Chief Vincel thanked Dino, Kelley and Michelle for their work with the District.

Chief Vincel also informed the Board that Attorney Duke had a baby boy last week. Mom and baby are doing great.

**Fire Chief Report:**

Chief Vincel informed the Board that the District has participated in several community events, including the chili cook-off that was held in downtown Commerce City a couple of weeks ago. The District won first prize for the most exotic chili, which was made with mountain lion.

Chief Vincel informed the Board that he and Chairman Koger have been invited to the Commerce City Council's study session on Monday, October 23<sup>rd</sup> to discuss impact fees. This is a public meeting and anyone can attend. Chief Bodane and the president of Greater Brighton Fire Protection District have also been invited. The two departments' representatives will be able to answer any of Commerce City Council's questions pertaining to impact fees.

The Commerce City Council will consider the adoption of an impact fees ordinance at the City County meeting on Monday, November 6. If the impact fees are passed, they will constitute just 2% of the total impact fees imposed by Commerce City.

Chief Vincel informed the Board that he attended the Colorado State Fire Chiefs' annual conference last week, and stated that there was a lot of great networking going on at the conference.

Chief Vincel stated that he is now attending Metro State College. He also stated that he has been asked to work with the Department of Homeland Security as a Denver Metro Area fire chief liaison. He advised the Board that he informed Homeland Security that he will think about the proposal.

Chief Vincel informed the Board that the new payroll for the firefighters will start on December 16<sup>th</sup> of this year for their 2018 salaries, due to the change-over to the 48/96 schedule.

**Chief Dave Bierwiler Report:**

No Report.



**Deputy Chief Monzingo Report:**

Deputy Chief Monzingo informed the Board that all ladder and pump testing has been completed. There were a couple of ground ladders that will need to be replaced.

The trucks that will be up for sale are the old brush truck and the old rescue #28. Bid packages will go out soon.

Chief Monzingo sent out a new update on the new engines. They should be completed the first week of December.

Chief Monzingo has been working a lot with ADCOM regarding the new Mobil Data Terminals (MDT's) and closest unit dispatch. He hopes to have a report for the Board at next month's meeting.

The new brush trucks have been held up due to the fires in California.

The ballistic vests have been ordered and are being shipped.

Chief Monzingo stated that the Station #6 remodel is almost complete. The painters are done, and the carpet will be installed. The station really looks good. This may be the next staffed station.

**Training Chief Whitner Report:**

Chief Vincel stated that Chief Whitner is very busy with training. She has a live burn scheduled for tomorrow.

**Fire Marshal Weigum Report:**

Fire Marshal Weigum informed the Board that he and Battalion Chief Derek Ross participated in a tabletop drill at Suncor, involving a scenario of two oil tankers that went into Sand Creek, leaked and caught fire. The tabletop exercises provided a lot of information regarding how the agencies work together.

The Fire Prevention Division will be in Vail next week for arson investigation training. Investigator Lodge and Fire Marshal Weigum will be teaching a portion of the training.

Fire Marshal Weigum has been checking on future land purchases by 96<sup>th</sup> and Tower Road for the District.

**Volunteer Fire Department:**

Chief Vincel informed the Board there were 8,234 hours put in by the volunteers so far this year.



**Board of Directors Report:**

Vice President welcomed Director Sam Gillan to the Board.

**Adjournment:**

As there was no further business, Chairman Koger adjourned the Board meeting at 9:05 p.m.

**SUMMARY OF ACTIONS TAKEN BY THE BOARD**

**RESOLVED:** To approve the minutes of the September 19th, 2017 meeting.

**RESOLVED:** To approve the Treasurer's report for September 2017.

**RESOLVED:** To pay the bills for September 2017, totaling \$418,561.85.

**RESOLVED:** To adopt Resolution #2017-10-01, a Resolution Establishing a Policy for Requests for Public Records and Assessing Charges for the Production of Public Records.

**RESOLVED:** To adopt Resolution #2017-10-02, a Resolution Approving the District's Continued Payment of Pension Contributions During the Period an Employee Participates in the Deferred Retirement Option Plan ("DROP") and Amending the January 1, 2017 Member Handbook to Reflect the Same.

**RESOLVED:** To approve the Fire Station Use Agreement between the District and Northglenn Ambulance for the use of Station #3.

**RESOLVED:** To approve the Advanced Life Support Ambulance Service Agreement with Northglenn Ambulance.

**X**

---

Ken Koger  
Board President 10/17/2017



X

---

Randy Buckalew  
Board Vice President 10/17/2017

I hereby attest that the information communicated during the first Executive Session, which was not recorded, constituted privileged attorney-client communications.

---

Ron Fano, Special Counsel to the District

I hereby attest that the information communicated during the second Executive Session, which was not recorded, constituted privileged attorney-client communications.

---

Dino A. Ross, Attorney for the District

I hereby attest that both Executive Sessions were confined to the topics authorized for discussion in Executive Session pursuant to C.R.S. § 24-6-402(4)(b).

---

Ken Kroger, President/Chairman