

**RECORD OF PROCEEDINGS FOR THE
COLORADO RIVER FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
FEBRUARY 11, 2020
STATION 41, 1850 RAILROAD AVENUE, RIFLE, CO 81650**

The regular scheduled meeting was called to order by Chairperson Lambert at 6:31 pm. The Pledge of Allegiance was said and a moment of silence was given.

ROLL CALL:

Board Members Present:

Alan Lambert, President/Chairperson
Matt Weisbrod, Vice President
Paige Haderlie, Treasurer
Levy Burris, Director

Board Members Absent:

Addy Marantino, Secretary (Excused)

Others Present:

Randy Callahan, Fire Chief
Leif Sackett, Operation Division Chief
Zach Pigati, Wildland/Training Division Chief
Mike Scott, EMS Division Chief
Orrin Moon, Prevention Division Chief
John Gredig, IT Director
P.J. Tillman, Administrative Director
Dino Ross, Legal Counsel for the District

Director Burris made a motion to excuse Secretary Marantino from the meeting. Vice President Weisbrod seconded the motion. The motion passed unanimously.

ADDITIONS/DELETIONS/CHANGES TO THE AGENDA:

None

CONSENT AGENDA:

Minutes of January 14, 2019 Regular District Board meeting
Prior Month Financial Reports
Prior Month Accounts Payable Reports

Director Burris made a motion to approve the consent agenda items. Treasurer Haderlie seconded the motion. The motion passed unanimously.

PUBLIC COMMENT:

None

LEGAL COUNSEL UPDATE:

Attorney Ross asked if the Board preferred to hold reviewing the legislative tracker until next month's meeting so that the Board could have more time to review and consider the other meeting agenda items.

President Lambert asked Attorney Ross if there was any pending legislation that could affect the District in the short term. Attorney Ross stated that all of the pending legislation was still being processed by the legislature.

Attorney Ross stated that he wanted to briefly mention HB20-1017, which Fire Chief Callahan brought to his attention and which was discussed at the last Colorado State Fire Chiefs (CSFC) Legislative Committee teleconference. The bill would include all fire stations in the State within the definition of a "safe house", where an individual could turnover any type of controlled substance, be evaluated for immediate treatment and referred for rehabilitation services. CSFC is now opposing the bill. Attorney Ross commended Fire Chief Callahan for bringing the bill to his attention.

Director Burris stated that he agreed that HB20-1017 should be opposed.

The Board agreed to discuss the other specific legislative tracker items at the next Board meeting.

FIRE CHIEF REPORT:

Fire Chief Callahan stated that he tried to keep his report brief as there were big ticket items to discuss. He stated that the new business items include a Federal Mineral Lease District (FMLD) grant application, approval of an affiliate agreement with Colorado Mesa University, and ratification of a conflict of interest letter from Attorney Ross.

Fire Chief Callahan stated that after multiple months of public education, research and outreach, a formal recommendation on a potential mill levy increase election will be presented to the Board this evening by Public Task Force members Wayne Pollard and Ray Langstaff.

Fire Chief Callahan stated that if the Board decides to move forward with a May mill levy election, Chief Staff will ask the Board on whether the District should conduct the

election using internal staff or contract with an external election specialist. In addition, Chief Staff may ask the Board to sign a possible IGA with the Garfield County for election assistance. Chief Staff may also ask the Board to select the ballot language as well.

Fire Chief Callahan stated that the District's 2020 Budget has been submitted to the Colorado Department of Local Affairs (DOLA) and posted on the District's website. This year's budget includes a summary of budget history and current funding allocations.

Fire Chief Callahan stated that the crews remain busy with numerous high-acuity calls with both fire and EMS responses. Their professional actions make a positive impact on the citizens and communities served.

NEW BUSINESS/ACTION ITEM REQUESTS:

a. Fire Chief/Legal: Conflict Disclosure and Waiver Letter Ratification: Colorado Mesa University:

Fire Chief Callahan stated that the District has been working with Colorado Mesa University (CMU) on an Affiliate Agreement that allows CMU students to complete EMT/paramedic internships through the District. Fire Chief Callahan stated that the agreement helps train aspiring EMT/paramedics while enhancing external partnerships. Furthermore, the attached agreement has been vetted by Attorney Ross and CMU's legal counsel. Fire Chief Callahan stated that Chief Staff recommends accepting and signing the Colorado Mesa University Affiliate Agreement.

Fire Chief Callahan noted that, before getting into a discussion on the proposed Affiliation Agreement, it would probably make sense for Attorney Ross to discuss the potential conflict of interest issue. Attorney Ross stated that one of his partners, who works in the firm's Grand Junction office, has been asked to represent CMU as Special Counsel in a potential dispute it may have with third-parties regarding certain hotel contracts. While that matter would have nothing to do with Attorney Ross' representation of the District, there is a potential conflict of interest which needed to be disclosed to both entities and informed consent received. Due to the time-sensitive nature of the firm's potential assistance of CMU on the hotel contracts matter, attorney Ross disclosed the potential conflict to the District Board members and confirmed that the individual Board members did not have a concern with his firm representing CMU on that separate matter. Based on that informal polling of the Board, President Lambert signed the formal Conflict of Interest Disclosure and Waiver Letter. A similar letter has been signed by CMU.

Following Board discussion, Director Burris made a motion to approve the Conflict Disclosure and Waiver Letter with Colorado Mesa University from Ireland Stapleton and ratify President Lambert's prior signature. Vice President Weisbrod seconded the motion. The motion passed unanimously.

b. Fire Chief/EMS Division: Colorado Mesa University Affiliate Agreement:

Attorney Ross stated that he made a significant number of changes to the Affiliate Agreement, including adding standard provisions, such as governmental immunity. Attorney Ross stated that CMU accepted all the changes, except that CMU was not willing to add the term "intentional" to the liability provision in Section 4(a) of the agreement. CMU would still be liable for the negligent acts and omissions of CMU and its employees, students, agents or representatives. Attorney Ross briefly described the distinction between "intentional" and "negligent" acts and omissions.

President Lambert stated that the change CMU would not accept was not a huge problem as the rest of the agreement was standardized.

Treasurer Haderlie asked Attorney Ross if there was a synonym of the term "intentional" that CMU could possibly accept. Attorney Ross stated that there was not an alternative word that would have the same legal meaning. Attorney Ross stated that the Board certainly could table consideration of the agreement and direct Chief Staff and legal counsel to further negotiate the issue with CMU.

Treasurer Haderlie asked if the approval of the Affiliate Agreement was a time sensitive matter.

Fire Chief Callahan stated that CMU has a student who would like to conduct an internship with the District. He stated that it was more time sensitive for CMU.

Attorney Ross stated that the District can go back with the term "intentional" included in the Affiliated Agreement and if CMU denies that proposal, Attorney Ross and Fire Chief Callahan can seek further direction from the Board.

Treasurer Haderlie stated that in today's day and age, there seems to be more cases where people go postal, thus the term "intentional" applies.

President Lambert stated that he does not want to end all negotiations on the Affiliate Agreement if CMU denies the addition of "intentional" as interns are an important component to the District.

Vice President Weisbrod stated that in his opinion the level of risk resulting from removing the term "intentional" from the Affiliation Agreement was relatively low.

Director Burriss agreed with the comment made by Vice President Weisbrod. He stated that the listing of liabilities in the Affiliate Agreement was set up in a way that should address concerns that may arise in the future.

Board discussion continued.

Director Burriss made a motion to accept the Affiliated Agreement with Colorado Mesa University and authorize the Board President to sign the Agreement. Vice President Weisbrod seconded the motion. The motion passed unanimously.

c. Fire Chief/Operations: Review and Approval of GCFMLD Grant Application (Resolution No. 2020-02-01):

Fire Chief Callahan stated that the status of the District's self-contained breathing apparatus (SCBA) compressors have a high probability of failing in the near future. Fire Chief Callahan stated that Station 41's SCBA compressor has failed, is not repairable, and the District is in search for a Federal Mineral Lease grant to replace the compressors at Station 41 and Station 61.

Operation Division Sackett stated that the parts for the SCBA compressor are not manufactured in the United States. The District would have to purchase parts made overseas at a minimum cost of \$15,000.00.

President Lambert asked what type of bottles were filled with the compressors.

Operation Division Chief Sackett stated that the compressors fill the breathing apparatus the crews use when in structure fires and doing overhaul. Operation Division Chief Sackett stated that the compressor fills and rehabs those bottles.

President Lambert asked if it is critical to fill and rehab the SCBA bottles.

Operation Division Chief Sackett stated it is a critical function.

Director Burriss asked Chief Staff what would happen if the District did not receive the Federal Mineral Lease grant.

Operation Division Chief Sackett stated that Chief Staff would look at the budget and consider replacing the compressor at Station 61.

Director Burriss stated that in the past the District has obtained a multi-agency Federal Mineral Lease grant for SCBA bottles with other local fire districts. He asked if there was any support from local fire districts on obtaining compressors.

Director Burris asked what other districts and municipalities that rely on the compressors would do if new ones were not obtained.

Operation Division Chief Sackett stated that there were working compressors at Stations 43, 61, and 64. Operations Division Chief Sackett explained that Station 41 is the main station where everything is rehabbed after a fire.

Operation Division Chief Sackett informed the Board that Chief Staff is still working on the grant and is in the process of obtaining letters of support from other agencies.

Director Burris asked if the matching portion of the grant is within the District's budget.

Operation Division Chief Sackett stated that it is.

Treasurer Haderlie made a motion to approve the Garfield County Federal Mineral Lease District Grant Application, Resolution No. 2020-02-01. Director Burris seconded the motion. The motion passed unanimously.

d. Fire Chief/Operations/Administration: Public Task Force Recommendation:

Fire Chief Callahan stated that members of the Public Task Force will provide the Board with a recommendation on whether to move forward with a mill levy increase during the May 2020 election. In the event the Board decides to move forward with a mill levy increase election, Chief Staff will discuss ballot language samples.

Fire Chief Callahan stated that the Public Task Force has met three times and has reviewed the results of the mail surveys. He stated that the results of the mail surveys were included in the Board packet for review. The consensus of the mail survey results was a strong but cautious approach of moving forward with a mill levy increase election in May 2020.

President Lambert stated that he analyzed the mail survey results during the last Public Task Force meeting.

Treasurer Haderlie stated that she reviewed the presentation results today.

Vice Preside Weisbrod stated that he also reviewed the results of the mail surveys and asked if Chief Staff had any additional comments.

Fire Chief Callahan stated that Chief Staff did not have anything specific to include or update the Board on. He stated that he felt the presentation represented the mail survey data really well.

Operations Division Chief Sackett stated that he had nothing specific to report. He stated that Paul Hanley and his team did a great job in gathering and representing the mail survey data. There was a general feel of what the voters think about the District and the proposal of a mill levy increase. Operations Division Chief Sackett stated that Paul Hanley has advised the results of these types of surveys for fire departments tend to slightly over-represent the amount of actual voter support on election day.

Director Burris stated that he was able to attend one of the Public Task Force meetings. He had no questions or concerns with the presented information as the data was also made available to the public for review.

Fire Chief Callahan introduced Public Task Force Members Ray Langstaff and Wayne Pollard.

President Lambert asked how many members were on the Public Task Force Committee.

Operations Division Chief Sackett stated that there were nine active Public Task Force members that attended the Public Task Force meetings.

President Lambert asked if the Public Task Force members represented the communities of the District.

Operations Division Chief Sackett confirmed that they did. He stated that a letter was sent to all members of the District when looking to create the Public Task Force Committee.

President Lambert thanked the Public Task Force Committee for taking the time to attend and work through the Public Task Force meetings.

Public Task Force member Wayne Pollard read to the Board the Memorandum dated February 11, 2020 that unanimously supported the recommendation that the District pursue a mill levy increase of 6.099 mills on the May 5, 2020 ballot to fund the recruitment and retention of first responders, replace outdated emergency equipment and apparatus, and address necessary facility improvements.

Director Burriss asked to clarify that the Public Task Force unanimously recommended that the District pursue an increase of 6.099 mills over the District's current mill levy.

Public Task Force Member Pollard stated that is correct.

President Lambert stated that the Public Task Force Committee selected the 6.099 mills because they do not want the District to request another mill levy increase within a couple of years. The goal is to obtain the mill levy increase that will last for 20 years or more.

Director Burriss agreed and stated that the District has not pursued a mill levy increase in 16 to 25 years and prefers to keep that consistency going.

Public Task Force Member Pollard stated that at the beginning of the Public Task Force meetings, several Task Force members strongly looked at other alternatives to a mill levy increase. After becoming more aware of the status of the District and the community, the Public Task Force Committee agreed that a mill levy increase was the best option for the District to pursue.

Vice President Weisbrod stated that the mail survey indicates approximately 65% of the respondents are in favor for a mill levy increase and that approximately 25% of the respondents disfavor a mill levy increase. He asked if the Public Task Force Committee has begun to plant the seed and discuss with the public on the reasons why a mill levy increase option is the most feasible option.

Public Task Force Member Pollard stated that during the first two Public Task Force meetings, the Task Force came up with reasons not to pursue a mill levy increase. But after reviewing alternatives with supportive data, the Task Force strongly agrees and will support a mill levy increase.

Treasurer Haderlie asked the Board if Secretary Marantino had provided any input on her position.

President Lambert stated the Secretary Marantino has advised him that she is in favor of the District pursuing a mill levy increase; however, he noted, that there is no proxy voting and so he is just providing information to the Board.

Vice President Weisbrod stated that he felt comfortable with the Public Task Force's recommendation, given the letter and comments made by the members of the Public Task Force Committee.

Public Task Force member Langstaff stated that there is always a risk when pursuing a mill levy increase. As an observation, the bulk of the Public Task Force

Committee were conservative members of the community. Public Task Force member Langstaff encouraged the organization of a strong and education-based campaign committee to inform the communities of the District.

Vice President Weisbrod agreed and stated that if the Board accepts the Public Task Force's recommendation, the campaign committee will have to educate the public so that all community members can make an informed decision.

Attorney Ross clarified that the campaign committee would not be organized by the District. As the Board is aware, the District cannot campaign for the ballot issue, it simply runs the election.

Attorney Ross and the Board discussed the limited activities that the District, the Board members, and District members can engage in under the Colorado Fair Campaign Practices Act.

Vice President Weisbrod made a motion to accept the recommendation from the Public Task Force Committee of placing a mill levy increase of 6.099 mills on the May 5, 2020 ballot. Director Burriss seconded the motion. The motion passed unanimously.

d.1 Fire Chief/Operations/Administration: May 2020 Election:

Fire Chief Callahan stated that Chief Staff would like direction on whether to conduct the May 2020 election internally or contract it out.

Fire Chief Callahan stated that Chief Staff has an estimate from a vendor that has been utilized in the past. It would cost at least \$49,000.00 and Chief Staff would still be responsible for doing some work. Chief Staff has estimated the cost to conduct the election internally, and the costs range widely.

Vice President Weisbrod stated that, because it is a mail ballot election, the costs and amount of work involved will be extensive.

Fire Chief Callahan agreed.

Administrative Director Tillman stated that a significant amount of work will involve merging the property owners list with the voter registration list to develop the eligible voter list for this election. Administrative Director Tillman stated that IT Director Gredig has started on the merging process and that District members that are on light duty will be able to assist in the merging process as well.

Administrative Director Tillman stated that if the District conducts the election internally, Jean Alberico, the Garfield County Clerk and Recorder, has

offered to let the District use the County's ballot counting machine and staffing assistance to count returned ballots. In addition, Jean Alberico also would, at no additional cost, have a staff member visit the District to ensure that the District's merging of the property owner and voter registration lists are done correctly.

Administrative Director Tillman cautioned the Board that the actual fees billed by the vendor used previously by the District substantially exceeded the vendor's bid.

President Lambert stated that there is a huge difference in costs between conducting the election internally versus externally. He asked Administrative Director Tillman if conducting the election internally would be too overwhelming or prohibit the functions of daily administrative operations.

Administrative Director Tillman stated that she feels confident in having the ability to conduct the election internally while maintaining daily responsibilities.

Director Burris asked Administrative Director Tillman if she has conducted an election previously.

Administrative Director Tillman stated that she has not conducted an election before.

Director Burris stated that he had mixed feelings because he sees the cost savings that supports the District's measures to sustain its budget but at the same time knows that the election is such a critical component for the District. He stated that he feels inclined to outsource the election to ensure accuracy and transparency to the public.

Treasurer Haderlie stated that she has worked as an election judge four times before with Jean Alberico and knows how thorough Ms. Alberico is when conducting an election.

Administrative Director Tillman stated that Chief Sackett, Chief Callahan and she met with Jean Alberico in person and Ms. Alberico is very willing to help the District. The Garfield County Clerk and Recorder's Office has two municipality kits; one kit is going to Carbondale Fire Protection District and the other kit is being offered to the District.

Administrative Director Tillman stated that she feels support from the staff at the Garfield County Clerk and Recorder's Office. She believes they will assist Chief Staff in assuring the process is being done correctly.

Administrative Director Tillman stated that the other vendor would bring in their own machine and count the ballots as well. She stated that both options are great assets to have. Administrative Director Tillman stated that she feels there is a substantial amount of savings that could result from doing the election internally.

Discussion ensued on what each election option involves.

Fire Chief Callahan stated that if the District conducts the election internally, Chief Staff would strongly recommend the District entering into the proposed Intergovernmental Agreement (IGA) with the County for election assistance.

President Lambert stated that running the election internally requires a huge amount of work and time, but he also has confidence in Administrative Director Tillman's ability to run an election. President Lambert asked if Administrative Director Tillman had a group of members to assist in the process.

Administrative Director Tillman confirmed that she did.

Treasurer Haderlie asked for confirmation that, if the District runs the election internally, the District would be working with the Clerk and Recorder's Office.

Administrative Director Tillman confirmed that the District would be working with the Clerk and Recorder's Office.

Vice President Weisbrod stated that it was counterintuitive for the District to use a substantial amount of funds to ask the public for a mill levy increase for more funds. At the same time, Vice President Weisbrod does not want there to be discrepancies that can occur when running an election. He sees value in having a separate vendor conducting the election process, so that, if there are any discrepancies, it is not because of the District. Vice President Weisbrod also stated that he does not want the election to interfere with the time needed for daily administrative responsibilities. Vice President Weisbrod stated that, however, he is leaning towards conducting the election internally with the oversight and guidance from the Clerk and Recorder's Office.

Public Task Force Member Pollard stated that Ray Langstaff may be able to offer some advice as he was present when the District went for its initial mill levy increase many years ago.

Public Task Force Member Langstaff stated that it was a different ball game then. At the time, the District used staff from the County Clerk and Recorder's Office because they were already trained and certified. He stated that private companies

can make mistakes, as well, and the District Board needs to be careful with its decision. He stated that Jean Alberico knows what she is doing and has a great team that will get the job done.

Director Burris stated that he has confidence that Chief Staff can conduct the election internally and has the guidance from the Clerk and Recorder's Office as well.

Administrative Director Tillman stated that Attorney Ross and his legal team have been very helpful with explaining the requirements and deadlines.

Administrative Director Tillman stated that she believes that running the election internally will be a great and rewarding challenge. She stated that she believes it will be a great way to build relationships with the County as well.

Treasurer Haderlie stated that she feels Chief Staff will gain a satisfying experience from conducting the election internally.

Director Burris made a motion for the District to move forward with running the May 5, 2020 election internally and to enter into an IGA with the Garfield County Clerk and Recorder's Office to help facilitate the election. Vice President Weisbrod seconded the motion. The motion passed unanimously.

Attorney Ross explained the ballot language options with the Board.

Discussion ensued on the four samples of ballot language.

Attorney Ross explained that if the dollar amount presented on the ballot is exceeded within the first fiscal year of the voters approving the ballot, the District is responsible for refunding the excess funds to the District's taxpayers.

Attorney Ross recommended that the Board and Chief Staff set the dollar amount in the ballot at a level they are confident the District will not exceed in actual collections during the first fiscal year.

Following discussion, Treasurer Haderlie made a motion to approve the ballot language provided in sample two and to authorize Chief Staff to set the dollar amount in the ballot at 3.5 percent above the project revenues, but with the ability to increase it to 4 percent if the historical data on the variations between the County's preliminary assessed valuation and final assessed valuation shows an average greater than 3.5%. Director Burris seconded the motion. The motion passed unanimously.

Treasurer Haderlie made a motion to cancel the Special Board of Directors meeting on February 25, 2020. Vice President Weisbrod seconded the motion. The motion passed unanimously.

OLD BUSINESS/ACTION ITEM REQUESTS:

None

DIVISION INFORMATIONAL MEMORANDUM:

Operation Division Chief Sackett:

Operation Division Chief Sackett gave an update to the Board. He stated that the brush truck is in the paint shop. Regarding the possible sale of the bed of the brush truck, there will be someone to look at it on Thursday.

EMS Division Chief Scott:

The Board had no comments or questions for EMS Division Chief Scott.

Wildland/Training Division Chief Pigati:

Director Burris asked if the District needed VHF radios from which funds were available by the federal government.

Wildland/Training Division Chief Pigati stated that the District did not need the VHF radios.

Wildland/Training Division Chief Pigati stated that the District would be more than willing to pull cables and programmers as well as help with training if needed.

Prevention Division Chief Moon:

Vice President Weisbrod asked if Staff is experiencing burn out with the amount of fires and public education meetings going on.

Prevention Division Chief Moon stated that Community Risk Reduction Specialist Pina and the crews have been doing a fantastic job providing public information to the communities. Prevention Division Chief Moon stated that Administrative Director Tillman has also done a great job of posting news on social media forums.

Prevention Division Chief Moon stated that he has received five new sets of plans in one day.

IT Director Gredig:

The Board had no comments or questions for IT Director Gredig.

Administrative Director Tillman:

The Board had no comments or questions for Administrative Director Tillman.

GOOD NEWS & DEPARTMENT ACCOMPLISHMENTS:

Fire Chief Callahan commented on some of the good news items included in the Board packet. He briefly mentioned several recent fires and commended the crews for their ongoing dedication.

BOARD MEMBER COMMENTS:

Vice President Weisbrod commended Chief Staff for their willingness to operate the elections internally. He thanked the District for their continued efforts.

Treasurer Haderlie agreed with the comments made by Vice President Weisbrod. She thanked the Task Force members for their time, community education, and recommendation. She asked Chief Staff if a thank you card could be given to the Task Force members. Fire Chief Callahan stated that would be done.

Director Burris agreed with the comments made by the Board members. He encouraged the District to keep up the good work and to help the public understand what the District needs for the continuity of service.

President Lambert appreciated the Task Force Committee for their time and contributions. He supported Chief Staff sending a thank you letter to the Task Force Committee members. He also thanked Chief Staff for undertaking running the elections internally as a means to save the District money, as well as ensure the process is done accurately. He thanked the District for their ongoing efforts, as well as Attorney Ross and his legal team for their assistance.

ADJOURNMENT:

There being no other business to come before the Board, Chairperson Lambert adjourned the meeting at 8:33 pm.

APPROVAL:

The foregoing Minutes, which has been approved by the affirmative majority vote of the Board of Directors of the Colorado River Fire Protection District, is a true and accurate record of the meeting held on the date state above.

Date: 3/9/2020



Date: 3/10/20

