

CARBONDALE & RURAL FIRE PROTECTION DISTRICT

MINUTES OF THE MEETING

BOARD OF DIRECTORS

CARBONDALE FIRE HEADQUARTERS

FEBRUARY 11, 2015

The Board of Directors of the Carbondale & Rural Fire Protection District met for their regular meeting on February 11, 2015 at the Carbondale Fire Headquarters/Training Building.

President Gene Schilling called the meeting to order at 5:31 p.m. Directors present were Mike Kennedy, Bob Emerson, Louis Eller and Carl Smith. Also present were Ron Leach, Jenny Cutright, Eric Gross, Bill Gavette, Mark Chain, Leslie Lamont, Gary McElwee, Barbara McElwee, Vern Holmes, Ray Sauvey, Ron Kroesen, Allyn Harvey and Chris Pearson.

CHANGES TO AGENDA

Carl Smith asked to have the name changed under New Business, Follow Up on the Release of Public Information from Carl Smith to Gene Schilling. It was agreed to change the name to Gene Schilling.

Carl Smith also asked to have Payroll Plan added to Old Business. He asked Jenny Cutright why there was no income statement in the Board of Directors packet. Jenny Cutright said that the 2014 books have not been closed due to the audit. She said the income statement it reports all expenses and income, not just 2015, so the report would not be accurate. She said the books would be closed after the auditor comes at the end of February.

CONSENT AGENDA

The items on the consent agenda were: Approve Current Bills and Balances.

MOTION: made to approve the consent agenda. It carried and passed unanimously.

PERSONS PRESENT NOT ON THE AGENDA

No members of the public had any comments.

STAFF REPORTS

Master Plan Study Update Mike Kennedy said that the consultants have been selected and the contracts are being prepared. He said the Board of Directors need to discuss how to appoint members to the Master Plan Steering Committee. Mike Kennedy referenced the memo from Mark Chain and Leslie Lamont. Discussion regarding the proposal, number of members to appoint to the Master Plan Steering Committee and making sure the committee members are well rounded and represent different areas of the District followed.

Mark Chain proposed that Board of Directors members suggest members to participate on the committee. He also suggested 5-6 meetings with the committee. Mike Kennedy questioned what the committee would do. Leslie Lamont said that they would help the consultants with the public opinion and be the ambassadors to the community about the Fire District. She said that the two board members on the committee would update the Board of Directors on the committee's progress. She added that staff would be a resource to the committee, not part of the committee.

Mark Chain said the committee should be people who are well rounded and have a good perception of their community. Discussion regarding how often the committee should meet and how many members to appoint to the Master Plan Steering Committee followed.

MOTION: made to establish that the Master Plan Steering Committee have nine people serving, including Mike Kennedy and Carl Smith as the Board of Directors representatives, that the Board of Directors representatives select the other members of the committee and that the Board of Directors representatives work with Mark Chain and Leslie Lamont to put out the information to offer people the opportunity to express interest in joining the committee. Discussion followed. It was discussed to have the Board of Directors appoint the members of the Master Plan Steering Committee at the March 11, 2015 regular meeting after the applications have been reviewed by Mike Kennedy and Carl Smith. The Board of Directors representatives will present a list of people to appoint to the committee at the Board of Directors at the March 11, 2105 meeting. Bob Emerson amended his motion to:

MOTION: made to establish that the Master Plan Steering Committee have up to nine people serving, including Mike Kennedy and Carl Smith as the Board of Directors representatives, that the Board of Directors representative will review the applications for the master plan steering committee and present a list of recommendations to the Board of Directors for appointment at the March 11, 2015 regular meeting and that the Board of Directors representatives work with Mark Chain and Leslie Lamont to put out the information to offer people the opportunity to express interest in joining the committee. It carried and passed unanimously.

Eric Gross said that he is working with both consultants on the contracts. He said they are working on the scope of work. He said that he recommends a special meeting to approve the contracts once they are prepared. Discussion regarding if a special meeting is needed to approve the contracts followed. It was verbally decided to have special meeting to approve the contracts, with the date to be decided.

2016 Budget Ron Leach said that one of the tasks that Mark Chain and Leslie Lamont have to do for the Master Plan is to assess the financial state of the district and make recommendations to the Board of Directors regarding funding. He said that in 2016 the assessed valuations would change. He said the new assessed valuations are a critical piece of information for the 2016 budget and the master plan. He said that his plan is to begin work with the staff, Mark Chain and Leslie Lamont on the 2016 budget. He said that he welcomes any input from the Board of Directors on the 2016 budget. Discussion regarding the estimated increase of the assessed valuations followed. Ron Leach said the District will collect approximately \$1.5 million in property tax in 2015 and if there was a 10% increase in assessed valuations that would equal

about \$150,000 in revenue. Ron Leach said that a 10% increase will not fix the financial problem, but it would help.

Carl Smith said this discussion ties in with the article he distributed from the Denver Post at the February 5, 2015 meeting. He said that the Garfield County Assessor said he predicts a 35% increase in assessed valuations, but that is an average for the entire county. Carl Smith said that the Garfield County Assessor thinks there could be a preliminary estimate of the 2016 assessed valuations in 60 days.

FINANCIAL REPORT

Garfield County Federal Mineral Lease District Resolution Jenny Cutright said that this resolution allows the District to apply for a \$25,000 grant from the Garfield County Federal Mineral Lease District. She said the grant will be for communications equipment and there is no match required.

MOTION: made to approve Resolution 2015-002, A Resolution of the Board of Directors of the Carbondale & Rural Fire Protection District Supporting the Grant Application for a Grant from the Garfield County Federal Mineral Lease District for the Purchase of Communications Equipment. It carried and passed unanimously.

OLD BUSINESS

Wildfire Season Louis Eller said he is getting concerned about wildfire season. He asked for the balance of the unused 2014 donation. Ron Leach said the remaining \$30,000 is budgeted for the 2015 IA team. Ron Leach said that it would cost about \$60,000 to put on a full IA Team for the season. Mike Kennedy noted that the funds were leftover because the program started late and the fall was rainy.

Ron Leach said that here could be a midsized wildfire in the District that is not reimbursable by the State or Federal government that costs \$1 million or more to the District. He said the key to get the small fires put out quickly, before they have a chance to become large wildfires. He said that takes teams driving around the high wildfire areas, ready to respond. Ron Leach if there was a large wildfire, it would be expensive. He said staff may need to be added or on overtime and the District would need to pay for air and land resources to fight the fire. Bill Gavette noted that the BLM is still under sequestering with another 5% budget and that effects their staffing.

NEW BUSINESS

Follow Up on the Release of Public Information Gene Schilling said that when he recently interviewed with the Sopris Sun he said some things that he should not have said. He also emphasized that what he was saying was his own opinion. Gene Schilling said that all of the Board of Directors are elected officials and should be able to talk to the press, but he said the Board should have an official spokesperson when speaking on behalf of the Board of Directors. Gene Schilling said that there have been instances since the May 2014 election where Carl Smith does not like something the Board of Directors has done and then his dissenting opinion is the

only one represented in the newspaper. Gene Schilling apologized for his comments in the February 5, 2015 article in the Sopris Sun.

Gene Schilling said that he also spoke with John Colson about the Sopris Sun not printing comments from both viewpoints. He said that John Colson said the reporting was neutral. Gene Schilling said he received phone calls from the press about hiring Mark Chain Consulting to work on the master plan and if there was a conflict when hiring him. He said that John Colson asked if there was a split vote on the consultant choice.

Gene Schilling said that there is a task in front of the Board of Directors. He said that the Board of Directors would not be able to run the District and provide the service that the community deserves unless the Board of Directors can work together and find a directing that all Board members support. Gene Schilling said that many people walk on eggshells around Carl Smith. He said that since the article came out, he has received many phone calls from people saying they are worried and want to see an united front from the Board of Directors if there is going to be an election.

Gene Schilling said that he is tired of not being comfortable talking about this issue. He said that he wants to figure out how the Board of Directors can move forward and work as a Board so the District can provide the service at the level the community deserves.

Carl Smith said that he also received several responses on the Sopris Sun article. He said that since he was elected to the Board of Directors, there have been less than 6 times that the vote has not been unanimous. He said that he does not think a non-unanimous vote is a bad thing. He noted that he has explained why he votes against something when he does.

Carl Smith referenced the packet he distributed. He said that at the June 11, 2104 Board of Directors meeting was the only time the Board talked about a spokesperson talking to the press as the voice of the board. He said that he agreed with it then and still agrees. Carl Smith said that he supports the concept that the President of the Board is the District spokesperson to the press and if he is not at the meeting, the Vice-President takes over. Carl Smith said that he would like to see more press releases that are positive. He said that the press release does not reference any comment from Gene Schilling and it should. He said there is a quote from Ron Leach but none from Gene Schilling. He also suggested using the word 'unanimous' when the vote is unanimous so the public knows that all members of the Board of Directors support the decision. Carl Smith noted that John Colson called him about the February 5, 2015 article in the Sopris Sun.

Gene Schilling said that as a Board, if the District wants to continue at the level of service that has been providing there needs to be supplemental funding or there will need to be a reduction in staffing. He said that he would like to have the Board of Directors come to a consensus after the master plan is complete on what the next steps are. He said if the master plan recommends going to a vote or a reduction or increase in service, that the Board of Directors work together and try to fulfill the recommendation. He said that the District is spending \$86,000 on the master plan and the Board of Directors need to listen to the recommendations. He said the master plan should to address each Board member's concerns so there is as united front in the future.

Louis Eller said that the recommendation to create a policy that the President of the Board of Directors is the spokesperson came from the Special District Association. He said that he does not know why they recommended it, but they did. He said that he is not trying to limit anyone's ability to speak, but feels that a unified board message needs to come from one person. Louis Eller said that the Sopris Sun article did not reflect well on Gene Schilling, Carl Smith or the District. Louis Eller said that the article upset him, saying Carl Smith had created as much of a negative image of the District as Louis Eller has worked to create positive goodwill.

Louis Eller suggested the Board of Directors contact the Special District Association to see if they could provide training on how the Board conducts their business. He said that there will be different opinions but the Board needs to be able to work together.

Bob Emerson said he does not like to have negative articles in the newspaper. He said that the staff and volunteers are doing positive things that do not get published in the newspaper. He said recently, the ambulance crew saved the life of a patient who had overdosed but that the public does not know about that. He said that he applauds the staff and volunteers for the good work they have done and continue to do.

Mike Kennedy said that he agrees with most of what has been said. He said that elected officials should be allowed to talk to the press and they need to be careful how they do so. He said that it should be to clarify why the Board of Directors did what they did, not to criticize other members.

Mike Kennedy said he does not like copying the newspaper on every email. He said that emails can be taken out of context and it is only one board members opinion, not the entire board. He said that on May 1, 2014, the Sopris Sun printed an article that said the Board used the reserves for collateral on the ladder truck. Mike Kennedy said that Carl Smith, who was referenced in the article as being against using the reserves, knew that the Board did the lease purchase to save the taxpayers a lot of money. He said that was a smart business decision made by the Board of Directors. Mike Kennedy also said that Bill Gavette proved the reason for the purchase of the ladder truck during an ISO review. He said the truck was needed at the time and he still believes that. He said that he is tired of hearing the criticism about the ladder truck and feels that Carl Smith is leading the charge to sell the ladder truck. Mike Kennedy said that he was on the Board of Directors when Carl Smith was the deputy chief. He said that Carl Smith had said many times that the District needed a second ladder truck, but used the ladder truck purchase as a negative when he ran for election.

Mike Kennedy said that the Sopris Sun only printed one side of the story and never retracted or corrected the article, even though they had information to do so when they published the article. Mike Kennedy said that the ladder truck purchase was a good deal and the District saved a lot of money on it. He said it is time to stop talking about the ladder truck and vote on it. He also said he would like to vote on selling the communications trailer, which has made money for the District when out on incidents.

MOTION: made to sell the ladder truck. There was no second. The motion failed due to lack of a second.

Gene Schilling said that he feels the Board of Directors made the right decision to purchase the ladder truck. He reviewed a fire near the Dinkle Building that would have needed the ladder truck had the fire not been extinguished quickly. Mike Kennedy said that if Carl Smith wants to sell a piece of equipment the ladder truck would bring in the most money. Mike Kennedy said that he feels selling a truck would have an extremely negative impact on the taxpayers. Mike Kennedy said that if he had to vote on purchasing the ladder truck again he would still vote for it.

Carl Smith said that he brought up the ladder truck again to point out that there are differing opinions. He said that he did not want to go in to a discussion about the ladder truck. Mike Kennedy asked why Carl Smith's opinion of purchasing a ladder truck was different now than it was six years ago when he was an employee. Carl Smith said that the ladder truck purchased was an expensive model and thinks the District could have bought a truck for half the cost. Carl Smith said that a second ladder truck was needed but that the one purchased was not the appropriate one. Carl Smith said that there were other ways to spend less money and still get the same amount of ISO points.

Carl Smith said that he will do his best to work with the board but will express his opinions. He said that he supports Gene Schilling making more efforts at public outreach. Mike Kennedy agreed and said that the Board needs to be a positive influence. He reiterated that sending every email to the newspaper is not necessary. Carl Smith disagreed.

Allyn Harvey said that he is an elected official and a person who writes a column for the newspaper. He said that he thinks when the Board of Directors makes a decision that the President of the Board should announce the decision but that the Board needs to look for ways to introduce differing opinions. He said that is a way to get the public involved.

Carl Smith said that he agrees with Louis Eller about a person to work with the board and help the board work better together. Louis Eller said that he has a call in to the Director of the Special District Association, but noted that the District is no longer a member of the SDA due to budget cuts. General discussion regarding other people who could work with the Board on this topic followed. No action was taken.

Payroll Plan Eric Gross said that Carl Smith asked about the status of the payroll change. Eric Gross said that the issue was to change the payroll structure so employees who work a 48/96 shift could get equal pay on each of their paychecks. Eric Gross said that the key for this to work is that the employee is never paid less than the average amount, no matter how many hours they work. He said while researching the issue, he reviewed a Department of Labor opinion that says while on this type of pay schedule says if an employee runs out of sick time they must continue receive the full pay amount. He said that is inconsistent with the current District sick time policy. Eric Gross said he has been looking for an exemption in the policy. He said there is a paid time off option that could be used, but that would require a change in the district's time off policies. He said that the red flags need to be mitigated before this could be placed before the board. He said that the staff is not ready to suggest this change.

MOTION: made to adjourn the Board of Directors meeting at 6:53 p.m. It carried and passed unanimously.

Respectfully submitted,

Jenny Cutright, Recording Secretary

Gene Schilling, President