

INDIAN HILLS FIRE PROTECTION DISTRICT

4476 Parmalee Gulch Rd.
P.O. Box 750
Indian Hills, CO 80454
Phone: 303-697-4568

BOARD MEETING MINUTES

Wednesday, May 22, 2013

The Minutes are intended to reflect the discussions that occurred and decisions that were made by the members; they are not intended to be a transcription of the meeting.

MEETING ATTENDED BY:

Fire Protection District Board Members: Paul Pettit — President; Marc Rosenberg — Secretary; Kelley Lehman — Treasurer; Ron Walton

Fire Department Members: Emery Carson — Chief

Non-Members: Anita Fritz — Bookkeeper; Karen Nelson — Recording Secretary

Guests: Loren Gilbert, Richard Toussaint

Absent: Scott Kellar (excused)

MEETING CALLED TO ORDER AT: 19:05 Hrs.

INTRODUCTIONS AND ANNOUNCEMENTS:

Mr. Pettit noted that Mr. Toussaint, who would now be providing legal counsel for the District, was in attendance.

MINUTES:

Mr. Rosenberg made a *motion* to waive the reading of the April Minutes, which was seconded by Ms. Lehman and passed unanimously.

Mr. Rosenberg made a *motion* to accept the April Minutes as written. Ms. Lehman seconded the motion, which passed unanimously.

NEW LEGAL COUNSEL/LAWSUIT UPDATE:

Mr. Toussaint explained that he was in attendance that evening to introduce himself and share some information about the District's lawsuit with Fire Trucks Plus. He provided some personal background as well as explained the roles of various personnel at his firm. Mr. Toussaint expressed that he would like to attend Board meetings on a quarterly or semiannual basis, perhaps coinciding with pension board meetings. Mr. Toussaint said that he prefers to limit contact to just a few members of the District, such as the Chief and President of the Board.

Conversation turned to the District's lawsuit with Fire Trucks Plus. Mr. Toussaint updated the Board by stating that an offer to settle had been received from the defendant's attorney with a specific payment plan proposal and a tight turnaround response time. Lengthy conversation followed about the details of the proposed payment plan and whether accepting the offer was in the District's best interest.

After extensive conversation, it was agreed that Mr. Toussaint would move forward with a settlement. Fire Trucks Plus would be offered the option of one of the following:

- Making full payment of the debt up front.
- Following the proposed payment plan plus fees to cover legal expenses, penalties, and interest.

It was noted that while the lawsuit has been filed, Mr. Batista has not been served yet. Mr. Toussaint also shared the process whereby a judgment is obtained in Colorado and then domesticated in California via another attorney. It was agreed that if the lawsuit doesn't work out on the civil side, the District would pursue criminal fraud charges against Fire Trucks Plus.

TREASURER'S REPORT:

Financial Reports

Discussion moved to the financial reports. It was noted that most accounts look good, although the capital expenditures account is skewed.

Regarding checks, Ms. Fritz drew attention to check #12063 to Thacker Appraisal Services for \$400 for the Noble property appraisal last year. Ms. Fritz stated that she had thought the bill had been rolled into the closing costs but had found that it hadn't been paid.

Ms. Lehman made a *motion* to approve checks #2010-2013 and #12050-12065, plus automated payments, credit card expenses, and bank fees. Mr. Walton seconded the motion, which passed unanimously.

Also, Ms. Fritz noted that Wells Fargo can't finalize the truck loan without a vendor estimate.

DEPARTMENT/OFFICERS' REPORTS:

Fire Marshal — Randy Rudloff

Not present. No report submitted. Mr. Carson stated that he and Mr. Rudloff were staying on top of the equestrian center issues.

FIREWISE UPDATE:

Mr. Gilbert shared that there is strong interest in the Firewise program in three of the six Indian Hills neighborhoods at this point. A date is needed for slash collection to move forward, he added. It was noted that the Coalition for the Upper South Platte is willing to provide mobile slash collection services for the community with an estimated cost of \$150-200 per hour. Mr. Kellar will facilitate communications with the group. Additional help has been offered via FEMA and Conifer High School students who need to fulfill community service requirements, Mr. Gilbert said.

In other news, Mr. Gilbert shared that the Fire Boots had procured a sales tax license for the Fourth of July. A raffle vendor has also been identified. Conversation followed about the raffle of a Volkswagen Beetle that was planned, with all proceeds to benefit the fire department. As an aside, Mr. Gilbert said that the Fire Boots still have not received official 501(c)(3) designation.

DEPARTMENT/OFFICERS' REPORTS:

Chief — Emery Carson

A report was distributed and various items were discussed. Mr. Carson began by stating that probationary member Ms. Epperson has received her EMT certification. Also, seven members have obtained their Red Cards, Mr. Carson added.

Next, Mr. Carson referenced a handout providing Building Committee progress. Mr. Carson noted that he had met with two real estate agents who had provided guidance about updates and repairs that should be done to the Noble house before listing it for sale. Regarding the station, Mr. Carson shared that the committee had decided to wait a few months until the land is subdivided and the Noble house is sold before doing an RFP for a new station.

Mr. Carson stated that the school had agreed to the land donation. He said that he was waiting for the paperwork. In terms of a timeframe, Mr. Carson said that it would take a minimum of two months to get the paperwork through the County for the lot line adjustment.

Discussion turned to an update from the truck committee. Mr. Carson referenced another handout stating that three vendors are being considered at this time for building the tank. Plans call for viewing trucks built by each vendor. He said that a recommendation would be made to the Board by June.

Mr. Carson turned conversation to an independent contractor form and job description for cleaning the firehouse. He explained that the Special District Association had advised against providing workers' compensation coverage for contract employees. As such, contract employees would need to sign a form stating that they understand that the District does not provide workers' compensation benefits. Mr. Carson said that perhaps Ms. Nelson should be made an employee of the District due to the fact that she works on site frequently. The Board asked that Ms. Nelson provide a proposal at the next month's meeting with her preference.

Mr. Carson next announced that apparatus radios have been programmed and then turned discussion to the Fourth of July activities. He shared that alcohol would be served in the park and that Austin Young would be playing. Alcohol consumption would be monitored via a wristband, with a three-drink limit, Mr. Carson explained. One food vendor has been confirmed thus far, he added.

Discussion moved to the calls for the month, which totaled 13. Mr. Carson briefly explained that a "bomb scare" call had been the result of people shooting off exploding targets.

Regarding grants, Mr. Carson said that he had attended two meetings the previous week: one for the Homeland Security grant for radios and the other for the EMTS grant for medicine vaults, extrication cutters, and other EMS equipment. He said decisions should be made on both soon.

Mention was made of having the attorney draw up a contract regarding the Berg property and a brief discussion occurred about the increase in fires as a result of lights used to grow marijuana.

Discussion then turned to the issue of District liability as a result of ambulance transports of Medicare patients whose conditions don't meet strict medical necessity requirements. Mr. Carson explained that Ms. Nelson had attended a seminar at Evergreen Fire/Rescue on the topic and found that that the District can be held liable during an audit if claims are filed that are in violation with Medicare policy. Discussion followed about details surrounding the audits and fines and penalties that can be levied against the ambulance service provider. Also discussed was the role of the EMT in writing the patient care reports for billing purposes.

Assistant Chief — Marc Rosenberg

Mr. Rosenberg shared that some Department members had participated in a burn building training with Inter-Canyon at West Metro's facility the previous week. He also announced that Mr. Fassula and Mr. Riley are now full members. In addition, Mr. Rosenberg also stated that racks had been built for the cross lays on apparatus 359.

Fire Captain — Scott Case

Not present; no report submitted.

EMS Captain — Bob Fager

Not present; no report submitted. Mr. Carson stated that Mr. Fager had been accepted to an Intermediate to Paramedic program. Mr. Carson also said that cross-training was needed on Inter-Canyon's ambulances.

OLD BUSINESS:

Communications System

Mr. Pettit shared that the shed would be erected at the Mt. Lindo site on June 5. A brief discussion followed about the logistics of the project.

Additional Topic

Ms. Nelson noted that payment was due for the Mt. Lindo lease by July 1. It was agreed to keep the annual payment at \$375, with \$10 for the lease and an estimated \$1 per day utilities fee.

MEETING ADJOURNED AT: 21:27

There being no more business to discuss, Mr. Rosenberg made a *motion* to adjourn the meeting, which was seconded by Ms. Lehman and passed unanimously.

President:

Secretary:

MOTIONS MADE AND PASSED:

- To waive the reading of the April Minutes. *Motion made by Mr. Rosenberg; seconded by Ms. Lehman; unanimous.*
- To accept the April Minutes as written. *Motion made by Mr. Rosenberg; seconded by Ms. Lehman; unanimous.*
- To approve checks #2010-2013 and #12050-12065, plus automated payments, credit card expenses, and bank fees. *Motion made by Ms. Lehman; seconded by Mr. Walton; unanimous.*
- To adjourn the meeting. *Motion made by Mr. Rosenberg; seconded by Ms. Lehman; unanimous.*