



**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE EVERGREEN FIRE PROTECTION DISTRICT  
MAY 12, 2009**

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The regular meeting of the Board of Directors of the Evergreen Fire Protection District was held on May 12, 2009 at the Administration/Training Building, 1802 Bergen Parkway, Evergreen, Colorado.

**ATTENDANCE**

**DIRECTORS IN ATTENDANCE:** Charles Dykeman, George Kling, George Goldbach, and Jeff deDisse (via teleconference)

**ABSENT:** Charles Simons

**ALSO IN ATTENDANCE:** Chief Garry DeJong, Nick Boukas, Brent Worthington, Linda Alexander, Wayne Shephard, Sylvia Ross, Evan Soibelman, Mike Novick, Vicki Gits, Frank Dearborn, Jeff Ashford, Carol Hucker, Evan Fosler, Robert Gottsman, Paul Rodgers, Kevin Evens, J. Scott Martin, Shelly Hunter DeAnna McMahan.

**MEETING CALLED TO ORDER**

President Dykeman called the meeting to order at 7:04 PM.

**TIME OF REMEMBRANCE AND REFLECTION:** The pledge of allegiance was recited and a moment of silence was observed.

**PRESIDENT'S STATEMENT:** "This board and other public and civic organizations are bound by the First Amendment of the US Constitution and this board has made a concerted effort to open discussion from any citizen during the process of the meeting. We also have an obligation to protect the private rights of individuals in this district, be they citizens, volunteer fire fighters, paid professional employees of the district or members of this board of directors. The conduct that occurred during the April meeting will no longer be tolerated and I personally apologize for allowing it to occur. Any negative comments by any attendee against any named citizen, volunteer, paid employee or this board will be immediately declared "out of order" and an Executive Session will be declared or scheduled to allow both sides to privately discuss their opinions and/or differences."

A discussion ensued. Director Kling asked Attorney Linda Alexander to clarify personnel matters discussed in public session verses in executive session as it relates to Colorado state statutes. Linda stated that the state statutes do not prescribe what you can/cant, should/shouldn't discuss in a public meeting. The Board of Directors of any Special District is the governing body of the Special District and as such has the legal authority to inquire about matters and to govern the affairs of the district including the spending of funds and appointing and dealing with staffing issues. From a best management perspective when you are discussing disciplinary issues or criticizing staff, in Ms. Alexander's opinion, it is best to discuss those matters in an Executive Session. The board has the legal authority to discuss staffing issues in public. State statues do not tell you when you must go into executive session they only tell you that you can go into executive session.

Director Goldbach requested a copy of President Dykeman's statement and said that the comments made were rather general and would like President Dykeman to give specific

examples of what he was referring to in his statement. President Dykeman replied that he didn't feel his statement was general. Evan Soibelman commented that he didn't feel that the conversation at the last board meeting was bad for the organization and that the questions asked at that meeting were reasonable to be asked in a public session.

**APPROVAL OF AGENDA** President Dykeman approved the agenda as presented.

**PUBLIC COMMENT**

Mike Novick thanked the board for meeting in the evenings.

**APPROVAL OF MINUTES**

The minutes of the April 14 Board Meeting were approved as presented.

The minutes of the May 4 Special Meeting were approved as presented.

**PRESENTATIONS**

March 2009 Finance Report:

- Finance Director, Brent Worthington, presented the March financial report. Total funds available are \$4,081,518. The variance analysis shows in the general fund that revenues are lagging slightly behind the projections by 3.5%. If you compare YTD to the budget we are well ahead of the actual annual budget. The revenue line item that is a little concerning is the SO tax which is lagging behind both in budget projections and the actual budget. The district has some flexibility as the budget did not take all the revenue in account that the assessments authorized. In terms of expenditures, the district is in really good shape. President Dykeman asked if there is any kind of projection of this short fall in the SO Tax? Finance Director Worthington replied that he could do some research on it if needed. In the EMS Fund, ambulance billing is lagging to what was projected to be billed so far this year but expenditures are lower than expected. A discussion ensued regarding ambulance fees.
- The District is fully operational at First Bank. The transition was smooth, and everything is working well.
- The new Financial Management software is installed, and the conversion is underway. We will start using the new system in phases, starting in June; we expect to be fully converted by the end of August.
- The annual audit is in progress; we hope to have the audit completed and present it to the Board at the June meeting. However, there is always the possibility that delays could occur; if so, we will request an extension from the State and present the audit at the July meeting.
- A discussion regarding property values ensued.

Director Kling made a motion to accept the March 2009 financial report; Director Dykeman seconded the motion. The motion passed.

**TASK FORCE UPDATES**

- Legislative Task Force – Chief DeJong presented that most of the bills that were supported by the fire chiefs passed. The bill that would raise motor vehicle fees has not been signed yet but it should be signed by the governor.

**CHIEF REPORT**

**Special Comments**

- EFR hosting the Fire Marshal Assoc of Colorado (FMAC) meeting/training on Friday May 15<sup>th</sup>.
- IMT Wildland joint training – rescheduled for May 30<sup>th</sup>.
- EFR hosted one of the Dispatcher wellness courses by Jefferson County Emergency Communication Authority (JCECA).

### **Administrative / HR**

- Working on Chiefs evaluation forms for performance appraisal.
- Mandated training options being evaluated for cost and implementation ease, i.e. EEO, Sex Harassment, Violence prevention (continuing). Working with Chris for an IT delivery for convenience.
- Reviewing OSHA mandated trainings and documentation.
- Reviewing Policy Manual options.

### **Apparatus Equipment and Facilities Maintenance**

- Tanker is under contract – already having pre-build meetings. Estimated delivery end of 2009. Funding – see old business.
- Pump repairs underway.
- Apparatus replacement schedule renamed – see presentation.

### **Communications**

- Several items had technical difficulties this month. Silver lining – processes being repaired correctly. Rooms being organized more efficiently, equipment back-ups in place.
- Waiting on Grant process for possible VHF migration. We are sitting #13 on the IPL (Priority List) sent to the state. Formal notifications will be made late April / Early May. Still no word on the status.

### **Emergency Medical Services**

- Planning underway for CPR day.
- H1N1 pandemic monitoring and planning.
- EKG interface is working. Decrease in workload for office staff of scanning and attaching to report.
- EMS Week May 17-23.

### **EVFD**

- June 13<sup>th</sup> Picnic, needing to adjust annual banquet date

### **Finance**

- Audit meetings underway.
- Live with First Bank.
- Financial software purchased installation and implementation underway.

### **Fire Prevention**

- Working with Jeff Co Planning and Zoning on code and inspection issues.
- Community Wellness day May 30, also working on Community CPR day with EMS.
- Fire safety event at Walgreens April 17<sup>th</sup> and Wildland awareness info session at Wal-Mart on May 9<sup>th</sup> with Foothills and Genesee. Very Successful.

- Working on updated fees schedule, check with Counsel on process for review and approval process, public involvement etc...Preparation packet being developed.

## **Fire Operations**

- D.E. working on annual qualifications, "A" and "C" students underway.
- Wildland classes and pack tests underway. Wildland weekend this week with Probes and members.
- Slash Weekend set for June 27/28 – See attached
- Exclusion property issue with Inter-Canyon – See new business

## **IT**

- PM, repair and maintenance underway.
- Station 1 has wireless up and running and one of the new computers available for use. Admin is currently housing 2<sup>nd</sup> computer for availability.
- Working with Communications on phone line issues.
- Will develop long range plan.

## **Training**

- Engraver received working on New PAR tags/replacements.
- Working on Fire Officer I Job Performance Requirements (JPRs) with Craig O'Connell.
- Working on Incident Qualification System (IQS) database.
- 2008 National Fire Incident Reporting System (NFIRS) data submitted.

## **Other**

- Legislative update attached.
- Insurance Service Organization (ISO) preparation underway, see your resource guide. Will be working with division managers identifying and assigning tasks/objectives in preparation

## **OLD BUSINESS**

NEAT: They will be meeting with Jeffco Road & Bridge for a walk through and after that they should be able to finish up the planning stage of the project and move on to construction.

Burn Building: Fire Operations Chief Wayne Shephard is in the still process of choosing people for a committee to work on feasibility, costs, etc. of this project.

Apparatus Replacement/Tanker Purchase: See attached presentation by Chief Garry DeJong. The floor was then opened for questions as to whether we should pay for the tanker or lease the tanker. The realized cost we would be financing is \$277, 000. There will be about \$25,000 in additional options. Director Kling would like to see a good faith estimate, and asked about the large amount of money in savings – could this money be at risk (e.g. the taxpayers requesting the money back through a reversal in the mil levy)? Finance Director Worthington commented that the decision of whether to purchase or lease the tanker should be based on the net present value analysis - look at all of the interest you pay out on the lease vs. the money you have in the account to invest. This is the analysis Director Kling would like to see. Mr. Worthington has contacted three leasing companies; two of which would write the lease for 3.99% and the third would write the lease for 4.2% which are fairly low lease rates. In response to Director Kling's comment on taxpayers seeking a refund on taxes based on our savings rate, Linda Alexander confirmed that there is no legal mechanism for the taxpayers to do that. Mr. Worthington will prepare a net present value analysis for the board and email it to them next week. Director DeDisse mentioned that if necessary the board would be open to setting up a special meeting or work session to discuss this issue. Mr. Novick commented that

he is personally not fond of leasing and since the District has the money in savings why not purchase the tanker instead of leasing it. Mr. Fosler commented that the tanker's anticipated delivery date is by the end of the year.

**Organizational Structure Update:** See attached presentation by Chief Garry DeJong. This presentation was in response to Director Kling's presentation at the last board meeting. The floor was then opened for questions. Director Kling commented on the graph presented which depicted Revenue vs. Expenses over the last nine years. Director Kling agreed that this slide affirms his point – that the increasing administrative costs of the district (up 65%) takes revenue away from operations therefore operations vs. administrative costs are out of balance. Director Kling agrees that expenses are being maintained but how does that affect our mission statement and just because the district receives increased revenues through assessments and mil levies does not mean we have to spend it. Chief DeJong agrees but confirmed that the operational budget has been increasing as well so he believes it is not fair to say that the administrative costs have spiked and fire operations has taken a drop; their expendable funds have increased as well. Director Kling agreed that this discussion will not be resolved tonight. Chief DeJong recommends work sessions to truly work through these issues and keep everyone focused on results and that we need to start working on this sooner than later based on the 2010 budget schedule. Director Kling agrees that work sessions would be the best avenue to accomplish this task and will work with the Chief on dates and times.

**Change in Attendance:** Director DeDisse left the meeting at 8:40 p.m.

**SDA:** Is the board interested in attending the SDA Conference? Director Kling can not commit to attending now due to his work schedule; Director Dykeman does not feel its worth attending but will go if others agree it is valuable; Director Goldbach does not care one way or the other. Decision was made that the board members would not attend the SDA and that work sessions will be scheduled in district.

### **NEW BUSINESS:**

**Exclusion Property:** Attorney Linda Alexander presented a letter to Board dated March 29, 2007 in which Inter-Canyon's attorney would like to know if the Evergreen Fire Protection District would object to the exclusion of properties currently within our boundaries that are being served by Inter-Canyon because Evergreen has no direct access to the area. These parcels tax revenue is divided between Evergreen and Inter-Canyon. If we exclude these properties from our district we would lose about \$5,000 – 1/3 of that is our debt service which would continue so the net loss is about \$3000. After some discussion it was agreed by the board to allow our attorneys to contact Inter-Canyons attorney to get the petition process started, pass the resolution and then present it to our board for acceptance.

### **BOARD COMMENTS**

**George Goldbach:** None

**George Kling:** With respect to the Presidents opening statement, Director Kling reserves the right to ask any questions he deems appropriate to ask in open forum.

**Charles Dykeman:** Agrees with Director Kling as long as specific names are not used and to Director Goldbach he commented that any board member can make a statement/presentation without other board members permission. Director Goldbach rebutted saying that it is common courtesy to advise the other board members when making a statement like that; this is a team effort and other members should be advised prior to the meeting.

### **MEETING ADJOURNED**

Director Goldbach made a motion to adjourn. Director Kling seconded the motion. The meeting adjourned at 9:00 pm

**NEXT MEETING DATE**

Tuesday, June 9 at 7:00 pm in Training Rooms A & B

Respectively Submitted,

Sylvia Ross, Recording Secretary