



**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS
OF THE EVERGREEN FIRE PROTECTION DISTRICT
JUNE 8, 2010**

A special meeting of the Board of Directors of the Evergreen Fire Protection District was held on June 8, 2010 at the Administration/Training Building, 1802 Bergen Parkway, Evergreen, Colorado.

ATTENDANCE

DIRECTORS IN ATTENDANCE: David Christensen, Jeff DeDisse, Charles Dykeman, George Kling, Charles Simons.

ALSO IN ATTENDANCE: Chief Garry DeJong, Eva Whitehead, Sylvia Ross, Mike Weege and Robert Gottsman

SPECIAL MEETING CALLED TO ORDER

President Kling called the meeting to order at 4:05 P.M.

APPROVAL OF SPECIAL MEETING AGENDA

The agenda was approved as presented.

CHIEFS EVALUATION TOOL

Eva Whitehead, the HR Director addressed the board as to the work she has performed so far on this ongoing project. The purpose of this process is to find a way to objectively evaluate the chief. Since there are no specific deliverables in his employment contract, the job description was the only document she could use to build this evaluation tool. As the job description is broken down into specific areas so is the evaluation document presented to the board.

Director Simons asked about the rating scale and if the scale could be numbered as that would make it easier to come out with an average for each section. Eva wants to make sure that all the board members are trained on how to use this tool. With respect to the actual evaluation itself, Eva would like to sit down with each individual board member and walk them through it, not to help them with the evaluation itself, but to help them understand this document and how it should be used. Each board member could rate the chief individually and Eva would compile them and give the board the results/summary or the board could get together and rate him on one form and give a unanimous decision. Eva asked which they prefer and Director Kling responded that from the feedback he received, Garry feels that it should be a unanimous decision for the board to hold him accountable on specific job performance; not an individual decision on what one or two board members want. Further discussion ensued but if the board decides that each board member will perform the evaluation individually, that essentially would give each board member a voice in the final decision. The most important thing to remember is that it has to be objective, whether it's a group or an individual evaluation, it needs to be an objective evaluation. The only obstacle in evaluating the chief as a group would be the open meetings laws; the only way this can be done is in an executive session or several executive sessions. Garry feels that the most efficient way would be for Eva to meet with each board member, then have an executive session to discuss the individual results and then schedule another executive session to present the evaluation to the chief.

Eva recommends from an HR stand point, that before the evaluation, the chief should fill out a self evaluation form that's in line with the evaluation document and once he fills it out each

board member receives a copy, then the board starts the process of filling out their forms. She further stated that to have an effective process the employee should see the raw data from each board member and be able to make comments during the time when the evaluation is being presented. The only concern Garry has in not being able to see the raw data is that the board cannot hold him accountable for any topics not discussed in the presentation of the evaluation. He doesn't want to be unfairly evaluated on something that he was not aware of. It is up to the board, Eva can work with whichever process the board chooses; the only caveat is that the board is consistent and that it sees the process all the way through.

Director Kling asked if this document includes the ability to get feedback from the chief's direct reports in this process, basically division heads & officers since the board does not see the day to day operations. Eva replied that she can't work on that issue until the board approves this document; she needs to know if this document defines what the board is looking for before moving forward. She continued that that raw data can go directly to her and funneled to the board; the chief does not need to see this data. This process is very common for upper/top management level positions and knowing that the chief will not see this data allows his direct reports to be more open and honest about their responses.

Director Christensen, in looking through current document, did not see an evaluation topic that deals with performance matrixes like on scene time and the second was stability of the organization. Eva will work on incorporating that into the document. Director Kling asked, if this document mirrors the chiefs contract should there be a column for other – meaning that if there is some topic that is not in his contract nor in this document but is important, for example the ability of the board to establish if the chief is following the Memorandum of Agreement (MOA) with the volunteer firefighters, how does the board evaluate him on that topic? This is sort of out of the scope of his contract but Director Kling feels we would be all be failing if we ignore a document like that. Chief DeJong commented that the MOA was never part of the negotiations nor the hiring process. Director Christensen added but it came with the territory and Director Kling agreed. The chief's response was that it could be debated since it was not presented by the board or legal council during the hiring process. Director Kling does not feel that it could be debated at all. Eva asked about the MOA incorporation, she feels that because it is a separate document, it is a legal question that needs to be addressed by our attorneys. As long as Garry knows about the requirement then it can be added under a miscellaneous topic – but he needs to know about it prior to being evaluated on it; the board can't throw in whatever it wants – it needs to be objective.

Director Kling asked the Chief how he envisions the best way to get something accomplished (goals) that he and the board are responsible for when it is not written in his employment contract? Would this document be that tool? The Chief replied that he feels this is not the tool because depending on the issue or task the board could be setting him up for failure. Director Kling replied that he would hope that the Chief would let them know that at the time the task/goal was assigned. Goals are futuristic not something that has happened in the past. Further discussion ensued. It was agreed that there would be a separate section in the evaluation for the board to assign goals for the chief, goals for the department and a development plan.

The direction given to Eva from the board was to enumerate the individual performance items within each section that Eva will average, that there will be a goals/development section at the end of the evaluation and that the evaluation would be available electronically (on-line) for the one-on-one meetings with Eva. If there is a topic that a board member does not feel he has enough information to rate it then the topic should be designated by NO – Not Observed and

that will not be averaged into the final number for that section. It was agreed that the final product needs to be completed in August and available to the board for the Chief's September evaluation.

Once the process is final Eva would like to meet with each board member to understand if the tool worked or did not work; what worked well or how can it be improved. As to the compensation part of the evaluation, the board must decide on an overall compensation plan for all employees before that can be explored. The evaluation plays a big part in the amount of the compensation. The Chief would like to meet with the compensation committee to discuss the finds in the salary/compensation survey before the next board meeting.

INSURANCE COVERAGE/CLAIMS

The Chief opened the conversation by informing the Board how we currently insure our apparatus, buildings and other property. As for the apparatus we insure them for the purchase price; not replacement price. Evan Fosler as well as our insurance broker feel that this is the most prudent way for the district to insure our vehicles. By insuring our apparatus in this fashion instead of for the replacement costs, the district has saved thousands of dollars in increased insurance premiums. Due to some recent claims our premiums have risen approximately 20% which is very close to budget. If the accident's total impact is less than \$10,000 we do not process the claim through our insurance, the district finds the funds somewhere in the operational budget. There is money set aside in the budget for accidents under the vehicle maintenance expense line item but there is not a specific line item in the budget for that. If the Board feels that it would be practical for the district to do so then that can be looked at for the 2011 budget.

Director DeDisse questioned whether the \$10,000 base line should be increased. The chief responded that he calls our insurance broker Mark Davidson to get his opinion on processing the claim through our insurance or if the District should pay for the repairs. Chief DeJong is requesting validation that the Board is fine with the current process and if anything is out of the ordinary that the Chief will go to the Board for any requests of that nature. He also would like the Board to make a decision on whether or not there should be an accident expense line item in next year's budget. The Board agreed to have this line item added to the 2011 budget.

There are five staff members that have District vehicles assigned to them (take home vehicles), they are Evan Fosler, Wayne Shephard, Frank Dearborn, EMS Coordinator and Chief Garry DeJong. Garry spoke to our attorney, Linda Alexander to figure out a policy or a recommendation on accidents when a district vehicle is damaged on personal travel within the district. We need to have a written policy. The reason they have take home vehicles is so that they can respond after hours in an official capacity. Director Kling commented that if the Board accepts the fact that we want them to be visible and get on scene with district vehicles then we have to accept the fact that accidents can occur at any moment and that the District should cover that cost as it is the vehicle that is insured not the driver. The District chose to give these staff members a vehicle and therefore has the responsibility to pay if they are involved in an accident while in our district or doing district business outside the district. Other board members agree with Director Kling. If there is gross negligence on the part of the driver then that will be taken up on a case by case basis. No official policy will be written.

PROPOSITION 101; AMENDMENTS 60 & 61

Director Kling reminded everyone present that everyone needs to watch what is said as we do not want to break the Fair Campaign Practices Act. Chief DeJong asked if the Board has enough information on what these three initiatives are about and what impact they will have on

the District. After the discussion, the Board needs to make a decision on what position it will take in regards to these three initiatives.

The four choices for the Board are:

1. Do nothing.
2. Do not take a stance but support other organizations that are for or against the initiatives.
3. Adopt a formal resolution against the initiatives.
4. Adopt a formal resolution for the initiatives.

The Chief's recommendation is for the board to adopt a formal resolution against these three initiatives based on how they would impact this organization. The Chief would like the Board's support. A discussion ensued regarding the initiatives. Linda Alexander brought the actual language of the initiatives for the board to read so that each member can read and make up their own minds on whether to support them. The Board would like to see some concrete information on exactly how these initiatives will impact the budget and the organization. Because these initiatives don't state clearly what effects they will have on state and local government; It is up to each individual district to interpret the language and what will happen if they pass. There are some guidelines we could use to help us determine the impact but in some areas the language is not clear enough and therefore it will be difficult to make a determination. Chief DeJong presented some information for the Board to consider if any or all of these initiatives pass:

- Proposition 101: This initiative will revise the current vehicle, income and telecommunications taxes and fees. The specific ownership tax income reduction over a four year period for our District would be about \$87,500 in 2011; \$175,000 in 2012; \$262,000 in 2013; in 2014 it would be a \$350,000 impact to the operating budget based on 2010 numbers. Also under this initiative the money the 911 Authority Board receives from telecommunication taxes would be impacted which therefore would impact our ability to receive reimbursement for our telecommunications equipment that has been paid by the 911 Authority board in the past. If this initiative passes the District could absorb the reduction in revenue by reducing what we invest in the Apparatus Replacement and/or Strategic Capital funds.
- Amendment 60: Amendment 60 proposes limiting how property taxes are raised and reversing recent tax laws which increased taxes. Amendment 60 would restore TABOR tax limits, cut current mill levy rates in half by 2020, set expiration dates for tax rate and revenue increases and apply 10 year limit on future property tax increases. Currently we are de-bruced; this initiative will reinforce TABOR in four years. So every four years the District will have to have a November election to go back to the voters to allow us to de-bruce so the District can increase property tax revenue.
- Amendment 61: Amendment 61 would require local governments to get voter approval for loans, to repay debt within 10 years and prohibits borrowing by state government. This would limit our ability to acquire assets. It would also require state or local governments to specify on the ballot the asset that would be purchased. It also limits the total amount of debt the District can accrue to 10% which includes lease purchases and general obligation debt. That means we must spend our revenue, and whatever we don't spend the taxpayers will receive a refund. The degree of the impact of these initiatives are not fully known at this point.

Overall the passage of these initiatives could have an \$800,000 reduction in revenue for our District. What is important is that the District inform the citizens of our district on how it impacts them on a personal level. Until the board passes a resolution, the Chief can not move forward

on taking a public position along with the other fire districts in the state. What the Chief and the Finance Director, Brent are working is to develop some contingency plans not additional budgets, the 2011 budget will be based on none of these passing (status quo), then after the November election, once we know which of these the voters approved, Brent and the Chief will then work up a budget reflecting the impact of the initiative(s) that passed. They will then recommend cuts for the board to approve. A discussion ensued on how best to inform our citizens of the impact these initiatives would have if some or all of them pass.

It was agreed to allow staff to draft a resolution and a plan of action document for a July or August vote by the Board. This will be formally addressed in the formal board meeting which follows this meeting. The resolution will be accompanied by a document which clearly states why the District is opposed to the passage of these initiatives. Since the District can not spend district resources in favor or opposition of these initiatives an alternative would be to hold Town Hall meetings. The Board will think about this option and come back with some ideas.

SPECIAL MEETING ADJOURNMENT:

A motion was made by Director Dykeman to adjourn the meeting; Director Kling seconded the motion; the meeting was adjourned at 6:58 pm.

NEXT MEETING DATE

July 13, 2010 at 7 pm in Training Rooms A & B.

ACTION ITEMS

- HR to make changes to the Chief's evaluation tool as discussed
- Schedule a Compensation Committee Meeting first week of July
- Add an apparatus accident expense line item in the 2011 budget
- No official accident policy in district vehicles will be written
- Resolution on Proposition 101 and Amendments 60 & 61

Respectively Submitted,
Sylvia Ross
Recording Secretary