

**Minutes of the Regular Meeting of the Board of Directors of the
Sunshine Fire Protection District
February 13, 2018**

Call to Order

The meeting was held at Fire Station #1, 311 CR 83, Boulder, CO 80302.

The meeting was called to order at 7:38 PM and quorum was established.

Attendance

Board Members Present: Alan Kirton, Jim Peacock, Jean Gatzka

Board Members Absent: Sam Mishkin, Gene Fischer

Other Present: Henry Ballard, Steve Stratton, Steve Waltman, Pavel Bouska

Approval of Minutes

- Minutes from the January Board meeting were reviewed and minor revisions were suggested.
- MOTION: To approve Board Minutes as amended. Motion was seconded and carried unanimously.

Treasurer's Report

Treasurer's Report was reviewed.

- Treasurer was absent, board reviewed reports from December and January.
- Recommended board should discuss emergency reserve fund and formalize rationale and factors for determining carry-over funding.

Chief's Report

- After recent incidents we have provided counseling from the county. Cost of this is not sustainable for district, prompting further work with the county. For future, the commander at scene can allocate counseling resources for firefighters and spouses.
- Discussed properties that are on district border. For those accessible from Fourmile and should be in that district, obtained permission to go through formal exclusion process. For properties that are accessible from Sunshine, but are paying into Fourmile district (some vacant, some houses), next steps will be set up appropriate meetings to complete paperwork and determine next steps.
- Implemented new minimum requirements for active firefighter status. Chief will check if there a way to track training and calls more accessible on the website.

Other Business

- Election – There needs to be communication notifying everyone in the district that seats are available. Jim Peacock volunteered to be the election official and administer proper procedures and filing with DOLA.

- Letter from Chief and Fire Marshal to Board about operational decisions and roles of Board, Chief, Fire Marshal. Also discussed response from Board President.
 - Follow up: Chief will discuss the conversation with the Fire Marshal to clarify process for permits.
 - Board President will send chief and e-mail to clarify what is requested for Fire Marshal to clarify with the County Code enforcement.

Adjourned at 9:17 PM

Attest:

Jean Gatza, Secretary

A handwritten signature in blue ink that reads "Jean Gatza". The signature is written in a cursive style and is positioned above a horizontal line.



Sunshine Fire Protection District
311 County Rd 83
Boulder, CO 80302
www.sunshine-fpd.org

Chief's Report, Board Meeting 02/13/2018

1. Issue of board interference in operations of SFPD.
2. SFPD has lobbied the County to provide counseling services for firefighters. While this has to be provided to firefighters, it is fiscally not sustainable for most district to pay for it. The County now provides services not just for firefighters but also for their spouses.
3. SFPD/FMFPD houses to be swapped. Met with Chief Gibson as discussed in the last board meeting. Was told that if there are houses that still pay to both districts, this could be due to SFPD not filing an exclusion with the County. Requested list of addresses.
4. SFPD implemented new minimum requirements for active firefighter status. We are easing into the common standards among fire districts in the area. This is important during joint emergencies among other advantages.
5. One firefighter will attend fire academy this fall.
6. 2 new firefighters have actively joined.
7. We have updated our auto aid with Boulder Rural. We no longer automatically respond to Mt. Sanitas & Knollwood. We continue to get toned for all wildland calls.
8. We have included a response policy to hazardous calls such as illegal campfires.
9. We are working with Four Mile to implement a system that ensures firefighter availability during low response times (4th of July, Thanksgiving, Christmas, New Year's).
10. Boulder Mountain has communicated with us that they will make their 16/20 person crew available to us starting in April for any wildland calls we may have.

Calls

| <u>Incident</u> | <u>Units</u> | <u>Problem</u> | <u>Response Date</u> |
|--|---|--------------------------------------|----------------------|
| <u>BCFD180109-000262</u> | 2301, 3161, 3165, 4501, 4563, A12, AMRC, BES2, BR1, GH1, SS2 | INACCR- Injury or Rollover | 1/9/2018 13:01 |
| <u>BCFD180109-000275</u> | 4661, 5404, A10, AMRC, GH1, SS3 | INACCR- Injury or Rollover | 1/9/2018 16:42 |
| <u>BCFD180111-000314</u> | 2301, 4561, 4602, 4662, A8, AMRC, BR1, GH1, SS3 | EMSR- Medical Call | 1/11/2018 8:58 |
| <u>BCFD180112-000349</u> | 4602, 4662, 5461, A6, AMRD, FM4, GH1 | EMSR- Medical Call | 1/12/2018 12:34 |
| <u>BCFD180112-000350</u> | 4602, FM2 | FIALCMR- Commercial Fire Alarm | 1/12/2018 13:06 |
| <u>BCFD180113-000382</u> | | FICONR- Controlled Burn | 1/13/2018 8:38 |
| <u>BCFD180113-000416</u> | 4321, 4364, 4369, A23, AMRB, BM1 | EMSR- Medical Call | 1/13/2018 21:03 |
| <u>BCFD180115-000468</u> | 3125, 4602, 4662, A9, AMRD, BES1, FM2 | INACCR- Injury or Rollover | 1/15/2018 10:03 |
| <u>BCFD180116-000517</u> | 2301, A4, AMRA, BR3 | EMSR- Medical Call | 1/16/2018 13:59 |
| <u>BCFD180116-000526</u> | 2301, A17, AMRA, BR2 | EMSR- Medical Call | 1/16/2018 21:21 |
| <u>BCFD180117-000534</u> | 2301, 2401, A30, AMRB, BR3 | INACCR- Injury or Rollover | 1/17/2018 7:38 |

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| BCFD180117-000551 | 4321, 4353, 4365, 4367, A13, AMRC, BM3 | EMSR- Medical Call | 1/17/2018 15:24 |
| BCFD180117-000552 | 2301, BR2 | FIASSR- Fire Assist | 1/17/2018 15:27 |
| BCFD180117-000553 | 4661 | FIASSR- Fire Assist | 1/17/2018 15:32 |
| BCFD180117-000561 | 2301, A13, A20, AMRA, BR1 | EMSR- Medical Call | 1/17/2018 18:19 |
| BCFD180120-000677 | 4364, 4366, A16, AMRD, BM1 | INACCR- Injury or Rollover | 1/20/2018 22:07 |
| BCFD180121-000687 | 2204, 2301, A23, AMRC, BR3, MVENG4 | UNACCR- Unknown Injury Accident | 1/21/2018 3:23 |
| BCFD180121-000692 | | FICONR- Controlled Burn | 1/21/2018 8:01 |
| BCFD180121-000704 | | FICONR- Controlled Burn | 1/21/2018 9:50 |
| BCFD180121-000708 | 2301, 2353, A12, AMRC, BR1 | EMSR- Medical Call | 1/21/2018 10:41 |
| BCFD180121-000718 | | FICONR- Controlled Burn | 1/21/2018 14:27 |
| BCFD180121-000722 | | FICONR- Controlled Burn | 1/21/2018 15:22 |
| BCFD180122-000739 | | FICONR- Controlled Burn | 1/22/2018 7:40 |
| BCFD180122-000741 | | FICONR- Controlled Burn | 1/22/2018 7:46 |
| BCFD180122-000742 | | FICONR- Controlled Burn | 1/22/2018 7:46 |
| BCFD180123-000777 | 2301, 3122, 4501, 4563, 4662, A3, AMRC, BES2, | INACCR- Injury or Rollover | 1/23/2018 7:14 |

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|--|---|--|--------------------|
| <u>BCFD180123-000792</u> | | FICONR- Controlled Burn | 1/23/2018 13:07 |
| <u>BCFD180128-000958</u> | 5404, A23, AMRB, GH1, SS3 | EMSR- Medical Call | 1/28/2018 23:19 |
| <u>BCFD180130-001004</u> | 2401, 4361, 4366, 4532, 4602, 4652, A3, AMRA, BM1, BR3, SS2, SS3 | EMSR- Medical Call | 1/30/2018 12:46 |
| <u>BCFD180131-001039</u> | 4602, 4652, 5522, A14, A4, AMRB, BES1, FM2, SL2 | UNACCR- Unknown Injury Accident | 1/31/2018 13:47 |
| <u>BCFD180202-001078</u> | 3122, 3151, 3165, 4662, A31, AMRA, BES1, FM1, SL2 | UNACCR- Unknown Injury Accident | 2/2/2018 0:02 |
| <u>BCFD180203-001110</u> | 2301, 4366, 4501, 4561, 4566, BCFDO2, BM1, BR2, FM2, SS2 | FISMOR- Smoke Report | 2/3/2018 7:24 |
| <u>BCFD180207-001258</u> | FM1 | FIINFR-Fire Information | 2/7/2018 16:23 |
| <u>BCFD180210-001380</u> | 4662, A16, AMRA | INACCR- Injury or Rollover | 2/10/2018 13:06 |
| <u>BCFD180210-001387</u> | | FICONR- Controlled Burn | 2/10/2018 17:26 |
| <u>BCFD180212-001452</u> | 2301, 4366, 4532, 4565, 4652, 4662, A13, AMRA, BM1, BR2, SS3 | EMSR- Medical Call | 2/12/2018 15:04 |



Sunshine Fire Protection District
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The board of the Sunshine Fire Protection District
311 County Rd. 83
Boulder, CO 80302

February 12, 2018

Dear Board Members:

We write to raise the issue of the relative roles of the Board and the ‘operational’ side of the District represented by the Fire Chief and Fire Marshal. We are concerned because there is what we believe to be increasing direct advocacy by the Board President toward what are considered to be operational decisions. This has unfortunately created unneeded tension and created more work for us. As such, we believe that it is important to clarify our respective roles. We certainly do not want this issue to devolve into a legal skirmish on authority—that would not be good for the District. At the same time, we feel that our ability to operate to carry out our duties have been strained by second-guessing and involvement in operational duties by Board members.

While it is clear that the Board possesses all authority, it typically delegates operations to the Chief with the Board reserving its function to establishing broad policy issues (e.g., directives to develop a fire code; develop medical response, etc.) and fiscal responsibility. In some districts, the ‘employment contract’ for the Chief spells out the delegation. The Chief is also the code official unless he (or she) delegates that authority to the Fire Marshal. The 2012 International Fire Code, which the District adopted, clearly states who is responsible.

Bret Gibson recently asked their attorney (Richard Lyons) for clarification on the issue and he wrote that if the Chief's authority is not in the contract (and Sunshine does not write one) then the Board would need to resort to State statutes which give the Chief all authority and powers with respect to fires and inspections. And, via the Fire Code, the Chief can delegate those powers to the Fire Marshal, as is the case with Sunshine FPD.

Recently, the Board President, Alan Kirton, has questioned the authority of the Chief, and subsequently the Fire Marshal, to carry out certain activities including decisions on water supply issues for properties that go through the site plan review process and our issuance of burn permits and bans. He has also inserted himself into the question of permissible wind speeds for burning slash piles, a project to be managed by Eric Bader. Typically, the issue of allowable wind speed (i.e., an exemption from the County guidelines) goes to the Chief. Instead, the issue has taken on a life of its own. Rather than trusting Eric to do the right thing, and the Chief and Fire Marshal to monitor conditions, the Chief and Eric have spent an enormous amount of time trying to placate Alan when the decision should be left to the Chief and / or Fire Marshal. The process is confounded since we do not know if Alan is acting as simply a resident of the District or as an agent of the Board. In either case, it is between the Chief and the Fire Marshal to decide on the interpretation of the fire code and to act in the best interest of public safety in the district: it is not a Board issue.

The fire code official has broad authority to enforce and interpret the code (Section 104.1.; 2012 IFC). We are working diligently with the County to coordinate our activities with those of the County, including the complicated issue of water supply. Over the last 20+ years, the Fire Marshal has established a consistent body of opinion on water supply and fire department access through over 100 written opinions to the County. Making water supply a political issue is complicating an already difficult analysis. Similarly, our permitting process for slash and recreational burns has proven to be a valuable educational tool with only minor inconvenience to the permit holder (i.e., they need to meet with us review their responsibilities). We will continue to observe conditions and consider a fire ban whenever necessary. The process has been very well received within the County. We simply cannot rely on the Sheriff's office to impose a ban due to the very different limitations the County faces when considering a fire ban (e.g., Forest Service property and damping): our foresight was demonstrated within less than two weeks of the SFPD Fire Ban in 2016 with the ignition of the Cold Springs Fire.

Additionally, it is common procedure, and vital to the chain of command, that any and all communication with other agencies goes first through the Chief. The Chief will either let whoever inquired proceed with the contact or choose to contact the agency himself. The Chief needs to be the first contact for other agencies and it is important for SFPD's benefit for the Chief to establish and maintain relationships with other districts in addition to simply knowing "what's going on". This issue was brought up at a recent County meeting of Fire Chiefs and the general consensus was that it is inappropriate for anyone to talk to another agency without the Chief knowing about it. As people pointed out, it takes away the opportunity for the Chief to establish/maintain a relationship with someone from another agency. There are many examples for the need to keep procedure.

Fundamentally, we see a crisis developing where one does not need to exist. We believe that we are doing our jobs in accordance with the scope and intent of the Fire Code and State statutes with the goal of reducing fire risk or putting in place the means to limit fire destruction once a fire is ignited. No one director has any legal authority except as authorized by statute or by formal delegation of Board authority to a subcommittee of Board or to a director to do a specific task on behalf of the board. In essence, we see the current situation as the Board (or Board members) lacking confidence in us as the code officials. If this is the case, and the Board does not have confidence that we are carrying out our responsibilities appropriately, then the Board should formally address the issue by recommending personnel changes.

Sincerely,



Michael Schmitt, Chief



Bruce D. Honeyman, Fire Marshal