

**Minutes of the Regular Meeting of the Board of Directors of the
Sunshine Fire Protection District
November 8, 2022**

Call to Order

The meeting was held at Station 2.

The meeting was called to order at 7:30 PM and a quorum was established.

Attendance

Board Members Present: Jean Gatz, Cathy Shoenfeld, Dan Fischer, Dick Smith, John Bauer

Others Present: Chief Michael Schmitt, Assistant Chief Henry Ballard, Alan Kirton, Eric Bader, Pat Noyes

Approval of Minutes

- Minutes from the October Board meeting were reviewed.

MOTION: To approve Board Minutes as amended. Motion was seconded and carried unanimously.

Treasurer's Report

Treasurer's report was reviewed.

- Board reviewed the checks, credit card charges, profit & loss budget vs actual and balance sheet. Contributions to date are: Go fund me \$12,980; checks \$6K; and Benevidy \$750. Fall chipping was less than usual as not as many signed up. There was a question about credit back from Curtis and Sons in capital outlay that came in earlier in year and what line to put that in the budget. No one was sure what the credit was from. Also noted that the Wells Fargo account has a relatively large sum. Dan checked on interest rates because the amount is close to the FDIC account limit for insurance. Wells Fargo has a 7-month special interest rate for certificates. Dan recommended that we move \$120K from Wells Fargo into a combination of 6 and 12 month CDs and \$200K at First Internet bank to a 12 month CD.

MOTION: A motion was made that we move \$120K from Wells Fargo account into a combination of 6 and 12 month CDs and \$200K at First Internet bank to a 12 month CD. The motion was seconded and passed unanimously.

MOTION: A motion was made to approve the treasurer's report, seconded and carried unanimously.

- The Board reviewed the draft budget for 2023. There was discussion about not including the payroll passthrough funds in the budget. It makes the budget look big, increases dues to DOLA and may affect our insurance. Also, there is the instability as to how much of this will happen next year. Decided to make this item small in the budget, but not zero. Decided to leave interest income and donations as conservative amounts, i.e., a bit less than actual from previous years. CWPP and cistern funds will be used to cover the estimated cost (\$40K) of the pressurized hydrant project. The medical director expenses will be split out as a separate item in 2023, with \$1K of that going to the Boulder County Firefighters Association. The budget will need to be audited this year at an estimated cost of \$3K. Agreement was made that special events should include funding for firefighter recognition, dinners, etc. and additional community events, at \$4.5K. It was noted that the

board needs to be more proactive in letting the community know what capital equipment has been purchased as a result of donations. These will include an air filtration system for 4505, radios, and PPE. As noted, the water supply improvement expenses will come from the cistern fund and CWPP. It was also noted that the transfer of excess 2022 funds to the capital reserve account should be a positive number for the budget to balance.

- The 2023 budget submission deadline is December 15. It was recommended that the Board move the December board meeting to December 6 to allow time to complete, approve, and sign the budget prior to submission.

MOTION: A motion was made to change the date of the December meeting from Dec. 13 to Dec. 6 to give us more time to finalize and sign the proposed budget. The motion was seconded and passed unanimously.

Fire Chief's Report – see attached

- The Chief will be picking up 4505 tomorrow (Nov 9) and the truck will go into service right away. Rosenbauer indicated that they will extend the warranty for 3 years, starting at the date that 4505 goes into service. We asked for a 7-year extension. Rosenbauer won't provide any financial recourse. Chief and Jean indicated that they were open to discuss the issue with Rosenbauer without the presence of counsel and did not want to move forward with litigation, which would be very costly. Have not yet heard back from Rosenbauer about the warranty details, when it would start, how long it would be, etc.
- Station 2 Doors: Steel Doors and door frames have been quoted at \$2100.56, plus labor. Electronic self-locking locks with auto locking dead-bolt were quoted at \$1,290.30, totaling \$3,390.86. The camera system will cost about \$1500 (budget was \$2k), and we will be able to install the camera system ourselves. We have the doors and locks dialed down and know what we want and what fits our needs, and we are still working out some functions and features of different camera systems.
- Auxiliary Firefighters for 2023: Recommend continuing the auxiliary firefighter program for 2023. Estimated amount of funding coming in will be about \$28K for the year. Need to make sure that we vet folks really well so that we don't run into problems in the future. Need to consider how much and how fast to let the program grow next year and in future years. There was discussion as to whether we should outsource the payroll process. Dan recommended that we keep doing it internally; thinks that it works well.

MOTION: A motion was made that we continue the Auxiliary program into 2023 and that we incrementally increase the program as the opportunities are presented. The motion was seconded and passed unanimously.

Other Business

- **Community Fest / Fundraising Update** – TOTAL RAISED to date: approximately \$15,600 has come in and we are expecting possibly another \$1500-2000
Good reviews on event. Fun time. LAST CHANCE TO ORDER HOODIES

- **Cistern Policy/Plan-** Eric sent an email (see attached) with several attachments requesting the Board to pause enforcement of the current SFPD Cistern Plan/Policy and direct the Sunshine Officers to work on a proposed water delivery plan and related cistern policy.

The Board needs to discuss and clarify our role in this issue. Interpretation of the building code regarding cisterns is typically an operational action that is the responsibility of the Fire Marshals and Chief. There are a lot of issues at play for the community including: consistency in application and requirements, costs, transparency, and the implications for the district's capital planning for community cisterns.

Eric indicated that the board's responsibility to residents regarding cost to residents. And if we have a history of inconsistencies then the board is responsible to approve a plan and we need to administer the plan to avoid potential liability issues if the future. Chief indicated that he hasn't had time to review the documents that Eric sent.

The board noted that there is a lot that needs to be considered. This will be taken up at future meetings.

- **Website update** – John sent Eric changes to the web site.
- **Directory update** - Pat indicated some issues that need to be addressed regarding the directory. Owner vs renter, past residents, whether continue including adult children. There has been quite a bit of interest and questions regarding the directory.
- **Firefighters Trust Agreement.** Dan was informed that we can't be covered by the workers comp program for Colorado Special District unless we pass a resolution for firefighter heart and cancer benefits. Dan does not know what the cost will be. This is a mandatory requirement.

MOTION: A motion was made that we pass resolution no. 2022-003 adopting and entering into the trust agreement for the Colorado Firefighters Heart and Cancer Benefits Trust and taking other actions in connection therewith. The motion was seconded and passed unanimously.

The meeting was adjourned at 9:50 PM

Attest: Richard Smith
Richard Smith, Secretary

Attachments

Agenda, Email from Eric Bader, Chief's report, Resolution 2022-003

Agenda

Review/Approve Minutes

Review/Approve Treasurer's Report

- Draft Budget – **see attached** Draft Budget document with notes and **CWPP projects Budget doc**
- Proposed Motion: To change the date of the December meeting from Dec. 13 to Dec. 6 to give us more time to finalize budget and get signatures

Review Chief's Report

- Update on 4505
*The engine was inspected by an independent mechanic (Mountain View) earlier this fall. Issues that had not been addressed were fixed and apparently the truck is ready to go.
We finally received a response from the Rosenbauer attorney that indicated willingness to extend bumper-to-bumper warranty and a TBD discount on additional equipment.
We responded with willingness to meet and clarify the offer, request for all documentation from both Rosenbauer and Mountain View, and a desire to pick up the truck asap.*
- Other Items

Other Business

- **Community Fest / Fundraising Update** – TOTAL RAISED to date: approximately \$15,600 has come in and we are expecting possibly another \$1500-2000
Good reviews on event. Fun time. LAST CHANCE TO ORDER HOODIES
- **Auxiliary FF program**
Eric raised the question about if we want to continue to sponsor firefighters going out on a dispatch. Previously we authorized up to 5. That number is manageable for the work Eric does to submit information to state/fed and for Dan to do payroll and taxes. [Dan – please confirm – I see that we expect about \$35,000 in revenue from the extra ~10% the district receives from sponsorship – correct?] This is substantial.
Question – do we want to explore adding more firefighters and the costs for outsourcing payroll or other tasks?
- **Cistern Policy/Plan** (we may need to start this topic but due to time carry over to Dec. meeting)
Eric sent a **detailed message on Thursday, Nov. 3** with several attachments requesting the Board to pause enforcement of the current SFPD Cistern Plan/Policy and direct the Sunshine Officers to work on a proposed water delivery plan and related cistern policy.

The Board should discuss and clarify our role in this issue. Interpretation of the building code regarding cisterns is typically an operational action that is the responsibility of the Fire Marshals and Chief. There are a lot of issues at play for the community including: consistency in application and requirements, costs, transparency, and the implications for the district's capital planning for community cisterns. *We likely won't have time at this meeting to fully unpack all of this but perhaps we can clarify what guidance is appropriate and useful from the board.*

- **Website update** – Discussed at last meeting. Progress?
- **Anything else?**

Sunshine FPD Income		
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Property Tax Income	\$167,500	FD: \$118,000; CWPP: \$49,000
Donations, grants, interest & contract income	\$37,000	
Potential appropriate from reserves for CWPP / Water projects	\$16,500	
Total Income	\$221,000	

Sunshine FPD Expenses		
General and Administration Expenses	\$38,700	
Operating Expenses	\$73,100	
Capital Expenses	\$61,000	
Total Fire Dept. Expenses	\$172,800	

Sunshine FPD Net Income		
Total Fire Dept. Income	\$221,000	
Total Fire Dept. Expenses	\$172,800	
Fire Dept. Net Income – transfer to Capital Reserve	\$48,200	

Email sent to SFPD Board from Eric Bader, November 3, 2022

Sunshine Board meeting request for 11/8/22

I would like to request the Sunshine Board pause enforcement of the current Sunshine Cistern Plan/Policy and direct the Sunshine Officers to work on a proposed water delivery plan and related cistern policy.

The new proposal should include a water delivery plan for structures in the Sunshine FPD. The policy should support that plan and be approved by the board. The approved plan and policy should be made available on the Sunshine website for residents and new buyers to access when considering changes to their properties, purchasing, or building in the district.

Our current policy has not been approved by the board, is not based on a comprehensive water supply and delivery plan, and is not available to our residents. This lack of transparency undermines SFPD credibility and puts the district's ability to act in the best interest of the residents at risk.

I am requesting formal action because I believe:

- Policies should be approved by the board and our current policy has not been.
- Policies that affect residents financially are a matter of the board.
- We need to be transparent in our policies and make them available to our residents.
- Our current policy is not based on a comprehensive water delivery plan and is not sustainable.
- Our current policy has cisterns being placed within 150' of a structure. Several officers do not support this operationally.

My main concerns on this policy are:

- Firefighter safety, including potentially placing engines downwind in toxic gasses.
- Life safety of our residents by delaying rescue and fire attack to connect to a cistern at a house.
- Cost to our residents, which is substantial with very little benefit.
- Sustainability, as a volunteer fire department we are not able to test or train on the private cisterns, and are currently unable to keep up with testing and training on our community cisterns.
- This current policy is not a standard in the fire industry and is subjective regarding requirements and enforcement. This opens the district to liability and

may be seen as government overreach, particularly as it has not been enforced consistently.

I have attached the current policy, which has not been approved by the board. (Sunshine Fire Protection District - Cistern Placement Considerations AJK.docx) In 2018, I wrote a letter to the Chief outlining my concerns with the cistern plan at that time. The plan placed cisterns within 150' of a house. (Cisterns should be set up for tenders to be able to refill them while water is being delivered to a structure fire.docx) My concerns in this letter still have not been addressed.

I have also attached a proposal for the start of a new Cistern Plan, (Sunshine Cistern Plan Outline proposal.docx) as a starting point for the officers to work on to create a Cistern Policy for the board to approve.

I have also attached an example of a mapping application using Avenza. This map shows two color coded polygons around the cistern at the top of County Road 83. The green polygon includes structures within 1000' of a cistern and the yellow polygon includes structures within 2000' of a cistern. You can open this file as a normal pdf, but when it is imported into the Avenza mapping app, you can see where you are on the map. I believe something like this will help us operationally with hose lays to deliver water from our community cisterns to structures in our district. (Sunshine-test-cistern-example-map.pdf) Four Mile FPD has created the base map that we could use to preplan structure response in SFPD.

Thank you for your time and attention to this.

Eric Bader

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Boulder, CO 80302
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311 County Rd 83
Boulder, CO 80302
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Chief Report - Board Meeting 11/08/2022

1. **New Truck Update:** Picking up the truck this week. We are waiting to hear from Rosenbauer to respond to Jean's email from last week.
2. **Station 2 Doors:** Steel Doors and door frames have been quoted at \$2100.56, plus labor. Electronic self-locking locks with auto locking dead-bolt are quoted at \$1,290.30, totaling \$3,390.86. The camera System is coming in at about \$1500 (budget was \$2k), and we will be able to install the camera system ourselves. We have the doors and locks dialed down and know what we want and what fits our needs, and we are still working out some functions and features of different camera systems.
3. **Auxiliary Firefighters for 2023:** We recommend to continue the auxiliary firefighter program for 2023.

Calls

Incident Number	Problem	Units	Key Details
BCFD221026-012736	FIALRSR-Residential Fire Alarm	BM1	GENERAL FIRE
BCFD221102-013039	FIALCMR-Commercial Fire Alarm	BM1, 4364	OFFICE SMOKE ALARM
BCFD221011-012128	INACCR-Injury or Rollover	BR2, 2301, 2321	2 VEHS/ AIRBAGS
BCFD221022-012574	EMSR-Medical Call	BR2, 2301, AMRB, SS1, A2, 4532	2ND TONES // BIKE VS SIDE OF MOUNTAIN
BCFD221018-012434	FISMOR-Smoke Report	FM2, SS1, 6531, 4654, 4662	SEEING SMOKE BEHIND A HOUSE

BCFD221021-012536	EMSR-Medical Call	FM3, AMRB, 4662, 4668, A8	NON / 60 YOM FAINTED
BCFD221021-012556	FICAMR-Illeg/Unattend Campfire	FM3, SS1, 4661, 4662 BR2, 2301, SS1, AMRB, RMR3, ESU1, 1910, A5, 1950, 4532,	15 FT FROM ROAD
BCFD221023-012609	RETECR-Rescue No Amb Access	4662, AMRB, A10	NON FOR ELDERLY M OUT OVERNIGHT
BCFD221025-012703	FIINFR-Fire Information		REF HIS GRANT
BCFD221028-012849	EMSR-Medical Call	FM3, SS1, AMRB, 4668, 4668	2ND HAND REPORT/PARTY LYING DOWN
BCFD221029-012919	FICAMR-Illeg/Unattend Campfire	FM4, SS1, 4561, 4661 FM2, SS1, AMRB, A8, 4566, 4662, 4602, 4532,	LRG BONFIRE/EMBERS IN TREES
BCFD221103-013110	INACCR-Injury or Rollover	AMRB, A12, 4603	2 VEHS / BROKEN RIBS AND NOSE 9IN DIAMETER TREE BLOCKING EB AND WB
BCFD221105-013205	FIASSR-Fire Assist	FM3, SS1, 4566, 4661	LOW HANGING XCEL LINE
BCFD221105-013207	FIASSR-Fire Assist	4665	
BCFD221106-013244	zConvulsions/Seizure (AE/EE)	FM2, SS1, AMRB, 4566, 4661, 4662, A5, 4561, 4532	35 YOM C/B SEIZURE
BCFD221021-012550	FICAMR-Illeg/Unattend Campfire		MULTIPLE CAMPFIRES ALONG ROADWAY
BCFD221021-012559	zUnconscious/Fainting (AE/EE)	GH3 GH3, AMRB, A28, 5404, 4532 ESU1, ESU2, IP3, 5321, RMR3, FRRD1, BES1, 3155, 2942, 1910, 1950, 3124, 3122, 2913	30YOM PASSED OUT / UNC/B
BCFD221024-012678	RELOSR-Rescue Lost Party		LOST PARTY
BCFD221028-012854	FIINFR-Fire Information		FOG MACHINE FOR MOVIE

RESOLUTION NO. 2022-003

**A RESOLUTION ADOPTING AND ENTERING INTO THE TRUST AGREEMENT FOR
THE COLORADO FIREFIGHTER HEART AND CANCER BENEFITS TRUST AND
TAKING OTHER ACTIONS IN CONNECTION THEREWITH**

WHEREAS, under state law, specifically, Part 3 of Article 5 of Title 29, Colorado Revised Statutes (C.R.S.), an employer as defined therein is required to maintain certain firefighter heart and circulatory malfunction benefits in accordance with and subject to the requirements and limitations of said Part 3; and

WHEREAS, under state law, specifically, Part 4 of Article 5 of Title 29, Colorado Revised Statutes (C.R.S.), an employer as defined therein may participate in the voluntary firefighter cancer benefits program to provide certain cancer benefits in accordance with and subject to the requirements and limitations of said Part 4; and

WHEREAS, in order to provide such benefits, an employer, which includes Sunshine Fire Protection Dist (the "[District/City/Town/Authority]") is authorized to participate in a multiple employer health trust; and

WHEREAS, the governing body of the Sunshine Fire Protection District, [District/City/Town/Authority] has authority under Article XIV, Section 18(2)(a) of the Colorado Constitution, and Sections 10-3-903.5, 29-1-201, et seq., 29-5-302, and 29-5-402, C.R.S., as amended, to participate with other employers in a multiple employer health trust for the provision of such benefits and for related claims handling, risk management, and other functions and services related to such benefits; and

WHEREAS, the governing body has reviewed the Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust, a copy of which is attached hereto as Exhibit A, by and through which the Members (as defined therein) desire to establish a trust (the "Trust") and provide a benefit plan that provides firefighter heart and circulatory malfunction benefits and a benefit plan that provides cancer benefits consistent with the provisions of Part 3 and Part 4 of Article 5 of Title 29, C.R.S., as specified in the Colorado Firefighter Heart and Circulatory Malfunction Benefits Plan and Colorado Firefighter Cancer Benefits Plan (collectively, the "Plan"); and

WHEREAS, the Members intend that the Trust, together with the Plan, shall constitute an irrevocable trust exempt from taxation under Internal Revenue Code Section 115; and

RESOLUTION NO. 2022-003

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THE COLORADO FIREFIGHTER HEART AND CANCER BENEFITS TRUST AND
TAKING OTHER ACTIONS IN CONNECTION THEREWITH**

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WHEREAS, under state law, specifically, Part 4 of Article 5 of Title 29, Colorado Revised Statutes (C.R.S.), an employer as defined therein may participate in the voluntary firefighter cancer benefits program to provide certain cancer benefits in accordance with and subject to the requirements and limitations of said Part 4; and

WHEREAS, in order to provide such benefits, an employer, which includes Sunshine Fire Protection Dist (the "[District/City/Town/Authority]") is authorized to participate in a multiple employer health trust; and

WHEREAS, the governing body of the Sunshine Fire Protection District, [District/City/Town/Authority] has authority under Article XIV, Section 18(2)(a) of the Colorado Constitution, and Sections 10-3-903.5, 29-1-201, et seq., 29-5-302, and 29-5-402, C.R.S., as amended, to participate with other employers in a multiple employer health trust for the provision of such benefits and for related claims handling, risk management, and other functions and services related to such benefits; and

WHEREAS, the governing body has reviewed the Trust Agreement for the Colorado Firefighter Heart and Cancer Benefits Trust, a copy of which is attached hereto as Exhibit A, by and through which the Members (as defined therein) desire to establish a trust (the "Trust") and provide a benefit plan that provides firefighter heart and circulatory malfunction benefits and a benefit plan that provides cancer benefits consistent with the provisions of Part 3 and Part 4 of Article 5 of Title 29, C.R.S., as specified in the Colorado Firefighter Heart and Circulatory Malfunction Benefits Plan and Colorado Firefighter Cancer Benefits Plan (collectively, the "Plan"); and

WHEREAS, the Members intend that the Trust, together with the Plan, shall constitute an irrevocable trust exempt from taxation under Internal Revenue Code Section 115; and

designated by the governing body, that coverage should begin on the following dates for the following type of coverage:

Date	Coverage
<u>11/8/2022</u>	Heart and Circulatory Award Coverage
<u>11/8/2022</u>	Cancer Award Coverage

IN WITNESS WHEREOF, this Resolution was adopted by a majority vote of the Board of Directors [governing body] of the Sunshine Fire Protection Dist. [District/City/Town/Authority] on the 8th day of November, 2022.

ATTEST:

Sign: [Signature]
Print Name: RICHARD L. SMITH
Title: Secretary

[Signature]
Presiding Officer
Jean H GATZA
Name in Print
Chair of Board of Directors
Title