RECORDER OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors of the Adams County Fire Protection District, held at the District's Station 11, 1675 W 69th Avenue, Denver, CO 80229
November 17, 2021

Board Members Present

Jerry Marchese President/Chairman
Ken Ciancio Vice President
Joe Domenico Treasurer
Anthony Spano Secretary
Ken Lombardi Assistant Secretary

Also Present

Stuart Sunderland Fire Chief
Troy Patterson Deputy Chief
Dave Baldwin Deputy Chief
Christina Marchese Administrative Assistant
Michelle Ferguson District Legal Counsel

Call to Order

The Meeting was called to order by Secretary Anthony Spano at 5:01 pm. The motion passed unanimously.

Moment of Silence

President Marchese called for a moment of silence for the one hundred and eighteen fallen firefighters to date in 2021.

Pledge of Allegiance

President Marchese led those present in the Pledge of Allegiance.

Additions or Deletions to the Agenda

Vice President Ciancio made a motion to approve the agenda as presented. Secretary Spano seconded the motion. The motion passed unanimously.

Approval of the Previous Board Meeting Minutes

Vice President Ciancio made a motion to approve the minutes from the October 26, 2021, Regular meeting, as presented in the Board Packet. Secretary Spano seconded the motion. The motion was passed unanimously.

Approval of August Financial Statement

Due to a technology issue, the Board was not able to receive the September Financials during the previous meeting. Vice President Ciancio made a motion to approve the September 2021 financials as presented in the Board packet. Secretary Spano seconded the motion. The motion passed unanimously.

Assistant Secretary Spano made a motion to approve the October 2021 financials as presented in the Board packet. Treasurer Domenico seconded the motion. The motion passed unanimously. Chief Sunderland is working with Meghan Lewis, Feis and Co., P.C., CPA, to make slight adjustments.

Correspondence

None

Public Comment (Agenda Items Only)

None
Executive Chiefs’ Report

Chief Sunderland was asked about the status of the CAD-to-CAD system and the continuing issues with it. The District, Adcom, and the service provider will continue to work on the problems after the holiday season due to staff shortages. Hopefully the CAD-to-CAD system will be fully operational by the end of January.

Chief Sunderland mentioned to the Board that there have been issues with Nationwide funding the Public Employee Health Program (PEHP) for the District’s administrative employees and their sick leave banks; staff have reached out but haven’t received answers. As such, it is frustrating to work with Nationwide. Chief Sunderland would like to look at options to find a solution to this issue including instead funding additional amounts to the employees’ 457(b) Plans.

Chief Sunderland informed the Board that the North Area Academy graduation will be held on Friday at Mountain Range High School in Westminster. Everyone is welcome, but masks are required. Chief Sunderland will send an invitation to the Board members.

Chief Sunderland informed the Board that an Adams County Sheriff’s Deputy passed away; many members of the District knew him. Chief Sunderland also mentioned to the Board that District personnel covered for Platte Valley Ambulance and Brighton Fire Protection District during a funeral for a fallen paramedic due to COVID-19. The District also provided a few apparatuses to hold the honorary flag for the services.

Chief Sunderland mentioned to the Board that interviews have been held for the finance position; there were several good candidates and Staff will make a decision soon.

Chief Sunderland informed the Board that the District was refunded $72,000 in funds from Workers’ Compensation.

Deputy Chief Patterson mentioned to the Board that the District is looking to sell the old Battalion Chief’s vehicle in order to purchase a new vehicle for the District’s new fire inspector. Assistant Secretary Lombardi made the motion that Deputy Chief Patterson sell the vehicle through Roller Auction, the timing of which is at his discretion. Vice President Ciancio seconded the motion. The motion passed unanimously.

Deputy Chief Patterson informed the Board that the District is working with PIO Brownman, Boyers Coffee, and the Adams County Sheriff’s office on a Toy Drive for the holidays. In the past, there was a giving tree, but this year the District wanted to reach more people. Items will be collected at every station, as well as Prevention and the Administration building. Toys collected will be delivered to Boyers around the 18th of December. Everyone is welcome to participate by donating a new unwrapped toy.

Deputy Chief Patterson stated that he attended the retiree breakfast, where several retirees indicated that they still wanted to be included in events and feel like they are a part of the District. Chief Patterson is considering creating a mailing list and obtaining department ID cards for all of them. Some of the retirees had their picture taken and have received their ID cards. Chief Patterson stated that he also is going to reach out to some of the retirees to see if they would like to be involved in the upkeep of the antique engine at Station 11.

Deputy Chief Patterson mentioned that Inspector Robison started this past week; he said that prevention has been short staffed but are still doing an amazing job regarding inspections for the year.

Deputy Chief Patterson informed the Board that Chief Investigator Means will continue to assist other departments with fire investigations, as needed, but Chief Staff have had discussions about Chief Investigator means not taking over the investigations for other entities so the District can limit the required follow-up after an investigation.

Assistant Secretary Lombardi asked about the joint training with Denver Fire Department (DFD) at the Xcel Energy Cherokee Plant. Chief Sunderland provided the background on this matter and noted this was the first joint training with DFD in nearly 50 years, which came about primarily due to a misunderstanding from Xcel about what Department’s jurisdiction the plant falls within. He noted that the relationship with DFD has improved in part due to Denver’s new Fire Chief.

Deputy Chief Baldwin stated that there is a continuing issue with hospital divers recently, due in part, to hospitals being inundated with COVID-19 patients. Deputy Chief Baldwin and EMS Chief Schultz are working on resources for the crews and the use of freestanding Emergency Rooms, but most are outside of the District’s jurisdiction. It was mentioned that less critical patients will go to these facilities while others more serious will go to the closest hospital. The District is aware that the community is frustrated with the current situation. Local hospitals are trying to move from divert status.
within hours, but sometimes it could take an entire shift before that is possible. The Operations Division is keeping track of “wall times”. This is time the crews remain at the hospital and continue to take care of the patient before the patients can be turned over to emergency staff.

Deputy Chief Baldwin stated that the Medicare reimbursement paperwork is due November 29th and EMS Chief Schultz will have it ready by the deadline.

Deputy Chief Baldwin updated the Board that the District does not have the EMS financials yet since Meghan Lewis, Feis and Co., P.C., CPA, is still reconciling.

**Attorney’s Report**

Attorney Ferguson reviewed the Attorneys’ Report with the Board and stated that the District does not fall into any of the categories identified by the Federal Government which require the District to mandate vaccines for its employees. The Board asked if it the vaccine mandate could be enforced for new employees. Discussion followed.

**Director’s Report**

- President Marchese: Nothing to report
- Vice President Ciancio: Nothing to report
- Treasurer Domenico: Nothing to report
- Secretary Spano: Nothing to report
- Assistant Secretary Lombardi: Nothing to report

**Executive Session**

Secretary Spano made a motion to go into Executive session, pursuant to C.R.S. § 24-6-402(4)(b), (e) and (f), to receive advice of legal counsel on items subject to negotiation and to discuss personnel matters including the EMS Billing Solutions Repayment Agreement, CBA, and Fire Chief’s salary.

Attorney Ferguson stated for the record that the topics for discussion in this Executive Session constitute attorney-client privileged discussion and will not be recorded.

The Board went into Executive Session at 5:50 p.m.

The Board came out of Executive Session at 6:30 p.m.

**New Business**

**Public Hearing on the Proposed 2022 Budget**

At 6:30 p.m., Secretary Spano made a motion to open the Public Hearing on the District’s proposed 2022 Budget. Vice President Ciancio seconded the motion. The motion passed unanimously. It was stated for the record that the Notice of Public Hearing was published in the local newspaper and on the District website. No public comments have been received and no members of the public were present to make comments. The Public Hearing was closed.

**Proposed 2022 Budget**

Chief Sunderland stated that he has not received the final Assessed Valuation from the Adams County Assessor and is unable to finalize the 2022 Budget until he has those numbers. He is requesting the Board make a motion to approve the Budget, subject to the understanding that slight modifications may be necessary due to any changes from the Adams County Assessor. If significant changes are necessary, Chief will advise the Board that a potential special meeting is necessary to update the draft Budget prior to the December 15th deadline for submission. Vice President Ciancio made the motion to approve the Budget, subject to any modifications necessary once the final Assessed Valuation has been received from the Adams County Assessor. Assistant Secretary Lombardi seconded the motion. The motion passed unanimously.
CBA

Consideration of the 2022-2023 Collective Bargaining Agreement (CBA) between the District and the Union was put to a vote of the Board for approval. Vice President Ciancio made the motion to approve the CBA for 2022-2023 between the District and Local 2403, as presented. Assistant Secretary Lombardi seconded the motion. The motion passed unanimously.

EMS Billing Solutions Repayment Agreement

The EMS Billing Solutions Repayment Agreement was discussed. The amounts due have not fully been repaid and will not be so by the December 31, 2021, deadline. EMS Billing has requested an extension for repayment of the amounts due.

Secretary Spano made a motion to approve a three-month extension for EMS Billing Solutions at a 0% penalty through March 31, 2022. Any amounts not repaid by then will be subject to 18% per month interest until the fees are paid. Vice President Ciancio seconded the motion. The motion passed unanimously.

Nationwide

The Board had previously authorized contributions to Nationwide for post-employment health benefits ("PEHP") for administrative employees, in line with what it does for line-employees. Unfortunately, Nationwide has been non-responsive to the District in setting up this plan for administrative employees. As such, contributions have not been made yet for 2020 or 2021 to Nationwide for administrative employees. Upon discussion, the District would like to instead submit these contributions to the administrative employees’ individual 457 accounts. The previously agreed upon contribution rate is 1% of a 1st-class firefighters’ wages. For 2020 and 2021 this is approximately $900 per employee. Secretary Spano made a motion to authorize Chief Sunderland to forego contributions to the Nationwide PEHP for administrative employees and instead make the 1% contributions to the administrative employees’ individual 457 accounts, including any catch-up contributions for 2020 and 2021. Vice President Ciancio seconded the motion. The motion passed unanimously.

Adjournment

With no further business to come before the Board, on a Motion by Vice President Ciancio and a second by Secretary Spano at 6:40 p.m., the Board voted unanimously to adjourn the meeting.

Jerry Marchese, President  
Anthony Spano, Secretary

I hereby attest that the information communicated during the Executive Sessions, which were not recorded, constituted privileged attorney-client communications.

Michelle Ferguson, Esq.

I hereby attest that the Executive Sessions were confined to topics authorized for discussion in Executive Session pursuant C.R.S 24-6-402(4)(b)(e) and (f).

Jerry Marchese, President