



Minute Record – Board of Directors – Clifton Fire Protection District  
Regular Meeting

November 15, 2023

1. Call to Order, Roll Call, Pledge of Allegiance

The Board of Directors of Clifton Fire Protection District met in regular session on Wednesday November 15, 2023, at 3254 F Road, Clifton Colorado. Board President Woods called the meeting to order at 6:03 p.m. and roll call was taken. Attendees recited the Pledge of Allegiance.

Roll Call:

Kent Brumback – Vice President	- Present
Shannon Perez – Secretary/Treasurer	- Present
Scott Stearns	- Present
Robert Thomason	- Absent
Brian Woods – President	- Present

Others present: Personnel in attendance include Jennifer Woods, Administrative Assistance and Interim Fire Chief Angermuller. A list of attendees shall be included as part of the meeting minutes. Director Thomason reported his absence in advance and was unable to attend.

2. Approve Agenda

The agenda was modified to include three items, review outstanding billing contract issues with legal counsel from Hoskin Farina & Kampf, review the Clifton Volunteer Pension program, and a request to consider adopting an SOP pertaining to the annual physical agility testing for line staff under new business. Motion by Brumback to approve the agenda including the three additional items, second by Perez; carried unanimously.

3. Guests and Public Comment

- Brent Stearns, Hoskin Farina & Kampf, P.C – Special District Attorney
- Michael Santo, Bechtel & Santo – HR Attorney

Public Comment\*

- No public comments received.



#### 4. Approval of Minutes

- Regular Meeting Minutes from October 18, 2023 (Action Item)
  - Stearns moved to accept the minutes of the October 18, 2023, Regular meeting as presented, seconded by Brumback, and carried unanimously.
- Special Meeting Minutes from November 6, 2023 (Action Item)
  - Stearns moved to accept the minutes of the November 6, 2023, Special meeting as presented, seconded by Perez, and carried unanimously.

In accordance with District By Laws, recorded meeting minutes kept at the District office and any executive recorded meeting minutes greater than 90 days are to be removed from the District's records after approval of the minutes.

The agenda order was modified to accommodate the reports from legal counsel in attendance.

#### 5. Executive Session - Conferences with the District's attorney regarding legal advice on specific legal questions §24-6-402(4)(b), C.R.S.

Director Stearns moved to enter an executive session at 6:08 p.m. to have conferences with the District's attorney's regarding legal advice on specific legal questions §24-6-402(4)(b), C.R.S, seconded by Brumback and carried unanimously. The executive session ended at 7:42 p.m. and a short recess was taken. Mr. Stearns exited the meeting prior at approximately 6:40 p.m.

- Mr. Santo attested for the record, certification of the legal advice received in the executive session was from Brent Stearns, Hoskin Farina & Kampf and Michael Santo, Bechtel, and Santo. Mr. Santo representing Clifton Fire Protection District provided legal services in executive session regarding legal questions §24-6-402(4)(b), C.R.S. he attests no votes were taken during the executive session. Legal advice that was not recorded tonight was provided to the Board for the purpose of legal advice and constituted confidential attorney client privilege information and communications. Mr. Santo left the meeting at approximately 7:45 p.m.
- Angermuller presented Policy 1045 - Health and Safety establishing the minimum physical fitness standards for members of the organization that may operate in or on an emergency scene. Angermuller summarized the practices and procedures of the District and the Fire Industry standards as they apply to physical fitness standards. Angermuller is coordinating with the District's legal counsel in finalizing the reasonable accommodations



section in the policy and request Board approval with legal counsel final review. Perez moved to accept Policy 1045 - Annual Physical Agility Test policy -establishing a minimum physical fitness standard as presented and to include minor revisions to “Reasonable Accommodations” as recommended by legal counsel with an effective date subject to legal counsel final review, seconded by Stearns and carried unanimously.

- Brumback moved to accept the revisions to the Personnel Policy Manual as presented to be effective December 1, 2023, seconded by Perez, and carried unanimously. In addition to the grammatical, spelling and formatting edits the following sections summarize as a general overview the adopted changes. This initial review of the Personnel Manual focused on incorporating and revising ensuring legal compliance, evaluating for inconsistent practices.

#### Definitions 101.1

- “Volunteer” removed throughout the manual.
- Minor edits and updates
- “Probation” removed.

#### Employment Policies 102.1

- Updated to reflect current employment laws.
- 102.16 Re employment has been added.
- 102.25 Revised location of residency.

#### Member Conduct 104.1

- Random drug testing has been revised.

#### Employee Compensation 105.1

- 105.1.2 Correction noted for hours worked from 216 to 212 hours.
- Shift trades revised to reflect trades to be completed in the same working period.
- 105.4 Timecard requirements revised to reflect labor laws and reporting requirements.
- 105.7.3 Updated exempt employee deductions.
- 105.7.4 Clarified procedures for payroll errors.

#### General Overtime Policies 105.8.1

- Clarifies single role EMS hours of overtime.
- 105.8.2a Updates overtime pay for line employees and nonexempt administrative employees

#### Benefits 106.1

- 106.2 Worker compensation revised to meet legal requirements.



#### Sick Leave 106.6

- Revised per legal updates.

#### Retirement Benefits

- Administrative requirements for Social Security deductions. Policy incorrectly applied and removed.

- It is a consensus of the Board to have Interim Chief Angermuller establish a meeting with staff to review the adopted changes. The Board President and one additional Board member either Brumback or Perez depending upon their availability will attend. Legal counsel will be requested to attend to address legal updates and Angermuller to address the specifics from an administrator role. In addition, Angermuller will also coordinate with legal counsel to provide on-site training specific to legal compliance issues regarding Employment Policies.
- Quick Med Billing Issues:
  - Perez moved to authorize Hoskin Farina and Kampf to send the initial demand Billing Services Agreement letter as presented to the Board on November 15<sup>th</sup> and authorizes Hoskin Farina and Kampf to coordinate with the Board President and staff to provide additional communication as needed if no response is received, seconded by Brumback, and carried unanimously.
- HLHIPAA Compliance:
  - Brumback moved to authorize the recommended compliance assessment and remediation of gaps in the next 3–6-month period as recommended by Hoskin Farina and Kampf, seconded by Stearns and carried unanimously.

## 6. Consent Agenda

### Interim Fire Chief Report

- Angermuller reported on the following items from the Chief's report:
  - Christmas party update scheduled for December 8<sup>th</sup>.
  - Updated the Board on the FLSA employee overpayment and staff workload. Employees have been notified of corrections to FLSA overtime calculations. Employees were also notified that no adjustments were required in cases of “overpayment” to employees. Angermuller reports the estimated overpayment calculations would be presented in a future report.



- Fire Chief recruitment update: Warren from Prothman has reported that they have had eight people apply for the Fire Chief position. They have narrowed that field down to six applicants and will be conducting interviews with them on November 20th and 21st. After completion of the interviews Prothman will provide their recommendations on the finalist. We have scheduled the interviews for the finalist for December 12th – 13th. Interim Fire Chief Angermuller will be setting up the interview panels.
- Angermuller updated the Board on the corrections to FLSA payroll requirements for single role (EMT's and Paramedics that do not perform Firefighting functions) accordingly. Employees have been notified of the payroll corrections and payments have been completed. The payroll corrections for six employees totaled \$4,692.30. Internal controls have been adjusted to ensure FLSA overtime compensation is correctly applied.
- The District continues to research and provide clarification and direction regarding previous verbal and written personnel agreements potentially conflicting with policy. Angermuller presented a job description for a proposed part-time Administrative Fire Captain position. The proposed part-time position will be reviewed and considered at the December Regular Board meeting.
- Mss. Woods responded to questions regarding the new website. She is coordinating with the website developer to improve the accessibility to the new website.
- Angermuller provided an update on the station public access policy and facility security. Project has been assigned to Captain Watkins and he is coordinating his efforts with the other Captains. Captain Watkins is requesting the purchase of a security camera system to include sixteen cameras in the amount of \$5,280. Captain Watkins reports that crews have experienced individuals attempting to access the facility when crews are leaving on calls. The Board requested clarification, staff were expected to provide a report and a plan of action addressing unsolicited public access and safety concerns for the November meeting. Angermuller confirms staff will provide additional hardening recommendations and a



public access policy. A formal report with recommendations for facility upgrades and a public access policy will be presented at the December regular Board meeting.

- Angermuller reviewed the Proposed Salary Adjustment pay plan. Comparison between the current and proposed pay plan for full-time and part-time employees. The proposed pay plan requires five steps before full timeline employees achieve top pay versus the current pay plan requiring fifteen steps to obtain top pay. Part-time line employees and administrative employees will be administered under separate step plans. Angermuller provided a summary of past pay plans including the current pay plan adopted by the Board in January 2023. Previous pay plans were viewed as difficult to understand and increases were inconsistently applied. The current pay plan is described as not being consistent with other agencies in the Fire profession and discourages employee retention. It is a consensus of the Board to continue to evaluate the proposed pay plan and employee compensation. The 2024 budget analysis will evaluate the current pay plan and the proposed pay plan as options. A discussion regarding employee total compensation of salary, health care and time off benefits was discussed as a comparative analysis within the survey.
  - No additional items were pulled from the Interim Chiefs Report for review.

## 7. District Financials

- Angermuller requested authorization to seek three competitive bids for a 16-camera security system as reported earlier for a not to exceed amount of \$5,280. Staff shall adhere to the District's purchasing policy. Perez moved to authorize staff to seek three competitive bids for a camera security system that may include up to sixteen cameras for an amount not to exceed \$5,280, seconded by Stearns and carried unanimously.
- Mss. Woods responded to specific questions and comments regarding the financials and billing reports. Mss. Woods provided a summary of the billing services and reports from Wittman Billing services.
- Perez moved to authorize staff to accept accounts payable and outgoing checks for the financial period of October 1, 2023, through October 31, 2023, in the total amount of \$380,725.88 and outgoing checks in the



amount of \$60,040.61 for October and \$29,477.31 for November checks. Total to be accepted is \$470,243.80, seconded by Brumback and carried unanimously.

8. Old Business

- A. Christmas party reported earlier in meeting.
- B. Status report on MCFMLD Grant application
  - o The grant request was not successful. As part of this discussion, the Board has expressed concern regarding the capacity and safe operations of the existing rescue boat. The Board requested Angermuller review the operational safety status of the existing boat with staff and provide a written summary confirming that the current rescue boat meets the standards required/expected for safe operations for District personnel and rescue victims.
- C. The Opticom system update was included in the Chief's report.
- D. 2024 Budget
  - o Employee compensation analysis is continuing for the 2024 budget. The draft budget was reviewed with an emphasis on the proposed pay plan, updates from the Mesa County Assessor's office and potential changes from the Colorado legislative action amending property assessment taxes. President Woods will coordinate the budget process with staff and Value Enhancement. The next regularly scheduled Board meeting will be rescheduled prior to the December 15<sup>th</sup> required state budget reporting requirements. A special meeting to review the proposed budget may be scheduled if time allows. Questions and comments were discussed.
- E. Public access was discussed previously in the Board meeting.

9. New Business

- A. The edited version of the District Bylaws has been received by the Board members and will be considered at the next regular Board meeting.
- B. Board member Resignation – Director Stearns has submitted his resignation letter with an effective date of November 18, 2023. It was a consensus of the Board to accept the resignation effective November 18, 2023.
- C. Open Board member – It is a consensus of the Board to have staff advertise the open position in the Daily Sentinel and on the District's website.



- D. Volunteer Pension Board – Discussed the requirements of the District’s participation and coordination of the Volunteer Pension Board. The District Bylaws only mention the Volunteer Pension Board and do not provide any specifics. President Woods volunteered to research with staff and then contact the current Pension Board President, Greg Martin and coordinate a meeting.
- E. The Board inquired as to what the District has or has not historically compensated the employees at Christmas. The budget does not specifically identify a line item for compensation. Angermuller will evaluate the budget and provide the Board with options to consider.

Perez moved to adjourn the meeting at 9:34 p.m., seconded by Stearns and carried unanimously.

