

LA VETA FIRE PROTECTION DISTRICT

La Veta Fire Station
100 Birch St
La Veta, Colorado
MINUTES

October 12th, 2023 @ 6:00pm

Present: Schmidt, Alt, Brunner, Valdez, and Lacy, were in attendance,

Staff: EMS Director Dave Mower and Fire Chief Ron Jameson.

Guests: Jim Littlefield, Haley Jameson, Sue Alt, Justin Jameson, Brian Jameson, Lucas Dearman

Call to Order – Pledge - Roll Call

Amendments to Agenda – CR 363

Approval of amended Agenda - Unanimous motion

Zoom call with Bart Miller

It was determined that Executive Session was not needed unless the Board wanted to call one. Board supported discussion with Bart Miller to be conducted without the Executive Session.

Question presented by Schmidt – Can the Chairman of the Board set aside the vote of any member and if so, under what circumstances?

Bart Miller – “Colorado law does not support that. The Board Chairman does not have the authority to disallow the vote of any elected Board Member.”

Question – How does the Board then police itself given the by-laws that require this conflict of interest? What’s the vehicle that the Board has to police itself within a conflict of interest?

Bart Miller - “Conflict of interest are an issue that each member of the Board needs to evaluate for themselves.” It’s not something that the Board polices. Does whatever a Board Member is voting on affect them personally? Example – if there was a business they had ownership in.

Schmidt – How do you define “affect them personally?” How far out does that go?

Bart Miller – “The person involved would absolutely have to be considered an employee of the La Veta Fire Protection District. Volunteer firefighters and volunteer EMTs are not employees.

Schmidt – The woman that is Head of the Special Districts would beg to differ on this point. (Ann Terry) Quoted the Head of the Special Districts – “Anyone that receives a W-2 from the Fire District is an employee.”

Alt – Disagreed with this point, as he receives a W-2 from the Water District (gets \$100 per meeting) but is not an employee.

Bart Miller – “Under Colorado Law volunteer firefighters, regardless of whether they get a W-2 form, are not employees of the District. They receive a small amount of money for the calls they go on but that is not a salary. They’re doing that as volunteers and are getting a stipend for doing that.”

Schmidt – According to the predecessor of the firm that Miller currently works for, Collins, Cockrel and Cole, back in 2008, we were given a lengthy opinion on stipends and how much a person can make to be an employee. Suggested that Miller might be giving an oversimplification of this.

Bart Miller – Understands that some of the Board Members are volunteer firefighters or EMTs. “The Board per diem does not make them an employee. They have to make enough money on the calls to be considered an employee.”

Schmidt – The opinion that the firm gave previously was that it was about how much a volunteer was paid hourly over how much they make. Brunner disagreed on the grounds that volunteers aren’t paid hourly. Asks Miller – the 20% is the rule for deciding whether or not somebody is an employee? Bart Miller agreed. The district has been very careful not to pay anyone an hourly wage but respects that 20%. Yes, the volunteers make a stipend but not 20% of a full-time employee in the same position.

Schmidt – The way that it was in the previous opinion was based on hourly wage. Stipends have been increased since 2008 – Schmidt believes that by-the-hour, volunteer EMTs would make more than that 20% percent above the minimum wage.

Bart Miller – “It’s not 20% of the minimum wage, it’s 20% of what the salary would be for a full time firefighter or EMT.”

Schmidt – Felt that wasn’t what was said in 2008

Bart Miller – Expressed that he wasn’t a part of the decision made in 2008 and doesn’t have that opinion in front of him or know who wrote it.

Schmidt – Expressed that we are just looking for the truth. This is a nebulous discussion.

Brunner – Brought the conversation back around to the original question. Heard Bart Miller say “no.” Our next question that was posed through the resolution would not apply – it would only apply if the answer was yes.

Schmidt – Asked Miller to send the legal citation to the opinion that he presented that the Chairman can not set aside any vote under any circumstances – Schmidt suggested this is all that is needed to be known at this point. If conflict of interest is simply a difference of opinion, why is it in the law at all? Schmidt stated that in order to prevent spending thousands of dollars, he asked Miller to send a case law or legal citation that says the Chairman cannot set aside anybody’s vote for any circumstance – that would be a great help.

Miller – Asked for the 2008 Opinion that Schmidt has referenced – did not know that existed. “I can give you a lot of backing for the fact that duly elected Board Members are allowed to vote. Just because someone is a volunteer firefighter or a volunteer EMT, it doesn’t exempt them from serving on the Board. It’s really common to have volunteers on Board, so this is not an uncommon thing.”

Schmidt – Some districts throughout the state do not allow their volunteers to be Board Directors/Members. Reiterated that this Board has already passed a resolution that, in the future, Board Members cannot be volunteers. Questioned what teeth we have at all to police ourselves as a Board.

Bart Miller – If a public official does something with a conflict of interest, there’s a potential criminal penalty for doing that. That’s really the “policing” of this. Civil penalties could also be incurred when you have a conflict of interest.

Schmidt – The chances are remote that anyone on the Board will sue anyone else over a conflict of interest. Requested the legal citation again.

Miller confirmed that he will send a legal opinion on this topic.

Valdez – Question on stipend. Encouraged Bart Miller to look at W-2s since one of the Board Members works quite a bit – has asked for the W-2 but hasn’t received it. “In the state of Colorado, if you get a W-2 you are considered an employee.”

Bart Miller – “W-2s are confidential.”

Valdez suggested that the Board could get him this information – Schmidt said that it doesn’t matter about the amount, it is the fact that you receive a W-2 that makes you an employee. That’s what the Head of Special Districts told him.

Schmidt stated that he wanted solid legal evidence about the Chairman being allowed to overlook votes. He doesn’t want to have to say “Bart said.”

Bart was thanked and disconnected from the call.

Public Forum

- Haley Jameson stated that she was authorized by seven volunteers (including herself) to prepare a statement for the Board. The statement stated that the volunteers are uncomfortable with unauthorized personnel going through volunteer files – they requested that a supervisor such as EMS Director or Fire Chief be present if a Board Member should have need to peruse volunteer information.
- A check was presented to the Board for \$10,000.00 from the Blain Family Charitable Foundation. Separately, the Blains made a verbal request for LVFPD to state their opposition to vacating County Road 363. Attempts to vacate this road would possibly prevent exit from residential properties in the event of a wildfire. Alt suggested that a letter be made by the Fire Department for Board approval regarding the situation of this road.

Guests, Correspondence, and Presenters

Treasurer's Report (30:00-1:01:00 approximately)

All Board Directors were furnished with a copy of this report.

- **Director Alt gave a report for the finances from September. He addressed revenue and costs for the month.**
- **The Budget Committee met before this Board Meeting.**
- **Mark Brunner motioned to accept the Treasurer's Report. Lacy seconded. All in favor – motion passes.**

Fire Chief Report

- Last month's training was pre-planning and going over structures in Cuchara to re-evaluate how to approach a problem in that area. The new Type 6 Engine Ram 5500 was purchased – Jameson asked if anyone received a title in the mail or new keys. All three of the Type 1 Structure Engines passed except for Engine 12 – the vacuum test had issues but these can be taken care of. The inspection from this year is complete.
- Efforts to bring the Department together at the last training.
- Station 2 has a new security alarm.
- Dave Mower, Danette, and Jameson are the administrators of the IAR system.
- 92 Hours / 143 Miles
- The Trujillo Fire paperwork is now being processed – this will bring income into the District.
- The La Veta School District will be giving grant money to the Fire Department District.
- Expressed a need to be more in the loop in terms of communication.

Discussion was had about the personnel files and who has access to those files. Mike Lacy currently has the key to this file – he is the Secretary. Schmidt made a motion that would give Lacy that key until a District Administrator is hired. Jim Alt seconded.

Dave Mower requested that he and Ron Jameson have access to the files that they need.

Schmidt amended the motion to state that Mike Lacy will have the key and Dave Mower / Ron Jameson will be the other two individuals in attendance if the personnel files are accessed. Jim Alt seconds that.

All in favor. Motion passes.

EMT Director's Report:

- Mower stated that communication between Jameson and himself has been excellent.
- No repairs or maintenance.
- Wondering on status of Faith Brunner's approval in terms of getting her a radio/call sign. Schmidt authorized to give Brunner a radio in lieu of waiting for a drug test result from Spanish Peaks.
- Met with the Alts as well as Norma Mower to attempt to resolve some issues – felt that the meeting was very productive.
- Reached out to Dr. Elias as the newest EMS Director.
- Suggested that the EMS Department go to the County Commissioners and the Hospital District in response to a grant request (RETAC) that was submitted on their behalf without their knowledge and are entitled to grant funds. Mower believes we are entitled to 50% of the funds designated for EMS departments in our county.
- Spent 49 hours at the station, not including calls. Sincerely appreciates the support provided by the rest of the department.
- Working to improve Image Trend / clean up issues.
- Discussed stocking issues / expiration of narcotics issues. Also has been ordering necessary drugs and equipment but was beyond his budget authority.
- Mower requested all keys to the file in the office be returned and suggested perhaps splitting up the contents of the filing cabinet. Schmidt determined that the key to the office and cabinet be given to Mike Lacy, and Mower will have a key to the EMS office, but no one else needs to have a key.

Old Business

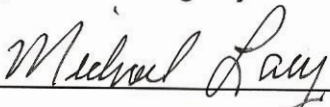
- **Response to Norma Mower Letter** – Response was satisfactory and will be extended to her on behalf of the district.
- **Finalize bank signature authorization** – Alt called each Board Member about necessary steps.
- **Budget Workshop** – Met prior to meeting. Alt will send out more information
- **Tuition agreement with Eddie Ray** – Hasn't been located yet. Blank agreement was found in the cabinet – as long as Eddie is a member in good standing until May 2024, the agreement found would be satisfied. Schmidt believes that this requires 15 responses between May of this year and May of 2024. Brunner suggested this form of agreement be re-written if another tuition agreement is made in the future.
- **North Door Lock Replacement** – Brunner talked to Houston about the warranty and Ernie Garcia who was the project coordinator on the building. Trying to get a response.
- Bound Tree offered the opportunity to do a Net 30 account as opposed to a credit card account and Mower is looking for approval of this decision. The Board agreed with this.
- The Board discussed the deadline for the administrative assistant job applications – it was determined that the deadline was October 20th, 2023. Interviews will commence on October 23rd.

New Business

- Proposal to amend Section 9A of the District Bylaws – To make the bylaws coincide with the changes made to the SOPs. Schmidt brought this motion before the Board: **to amend Section 9A of the District Bylaws to include the statement directors may not currently be, or within their term of office seek to become, members in any capacity of the La Veta Fire Department District as defined within Sections 4 and 5 of the standard operating procedures of the La Veta Fire Protection District.** He stated that he cannot bring the motion to a vote until next meeting but has proposed this motion.
- **Requirement of member to live in district** – Needs to be found in writing, or created if it's not found.
- **Progress on advertising for Administrative Assistant position** – Alt will circulate information on candidates. Determined that applications will continue to be received as candidates are interviewed.

Executive Session – not needed.

* **MSA:** The meeting adjourned at 8:54pm



Mike Lacy, Secretary