



Board of Directors Meeting

June 17, 2019

6:15 PM

3561 N. Stagecoach Road, Longmont, CO 80504

MINUTES

I. OPENING OF MEETING

A. Call to Order

The regular meeting of the Board of Directors of the Mountain View Fire Rescue District was held on Monday, June 17, 2019, at 3561 N. Stagecoach Road, Longmont, CO 80504 and was called to order by President Parker at 6:15 P.M.

B. Roll Call

The following Board members attended the meeting: President Parker, Director Christian, Director McConnell, Director Osborn, and Director Whitlow.

Other persons present were Chief Beebe, Assistant Chief Rademacher, Assistant Chief Webb, Assistant Chief Long, attorney Rick Shearer, Local 3214 President Sean Flagg, FF Ben Carter, Melissa Meehan, Tonya Olson, and Martha Dexter.

C. Pledge of Allegiance

D. Approval of Agenda

Director McConnell moved to approve the Agenda, as written. Director Whitlow seconded the Motion, and the Motion was unanimously approved.

II. PUBLIC/MEMBER PARTICIPATION

Local 3214 President Flagg stated the Local would like the Board to reconsider Resolution 2019-01. The Local believes the Resolution takes away the right to bargain over the procedure for discipline. President Flagg stated the 2015 Resolution which was in effect prior to the adoption of the 2019 Resolution, states that the procedure for discipline may be bargained and the current CBA sets forth the disciplinary procedure that was agreed upon when the current CBA was negotiated. President Flagg clarified that under the 2015 Resolution the right to discipline, as distinguished from the procedure for discipline, is reserved to the District as a Management Right. The 2019 Resolution reserves both the right to determine the procedure for discipline and the right to discipline as Management Rights. The Local's concern is only with including the procedure for discipline in Management Rights.

Board President Parker asked Mr. Shearer, attorney for the District to comment on the issue. Mr. Shearer stated that Mr. Flagg accurately stated the 2019 Resolution reserves the procedure for discipline to the District as part of the Management Right concerning the District Board determining District policy. The 2015 Resolution also reserved determination of District policies as a Management Right, but also stated that the procedure for discipline would be bargained. Mr. Shearer explained that

disciplinary procedures involve important District policy decisions and that the disciplinary procedures used by the District must be consistent with the legal obligations of the District. The policies that are part of the procedure that is used to discipline must be consistent with the level of due process required by law for public employees and the District Board must be able to assure that the District's disciplinary procedure is consistent with the District's due process obligation. If the Board includes the right to negotiate the procedure for discipline as an issue to be bargained it no longer assure the policies of the District that are involved in the disciplinary procedure comply with the level of due process that must be afforded to public employees by law.

Mr. Shearer noted that the District circulated the Board-adopted Member Handbook which sets forth the District's employment policies, including the District's disciplinary procedure, to all District employees and the Local and for comment prior to adoption in 2013. No concerns were expressed about the disciplinary procedure set forth in Article 5 of the Employee Handbook. In 2015 when the current CBA was adopted a nearly identical disciplinary procedure to the one in the 2013 Member Handbook was incorporated into the CBA. Mr. Shearer noted that the disciplinary procedure in the current CBA and in the Member Handbook has been used without concern about the procedure for discipline for about six years. Mr. Shearer believes the District practice of providing the employees with a draft of proposed changes to District policies and procedures and asking for the employees to comment on the draft before the proposed changes are adopted by the Board, achieves the same result as including disciplinary procedure in the CBA and the Board can will have the ability to assure that the District's policy to comply with the level of due process required by law.

Mr. Shearer also noted that one of the issues District management and legal were charged with when the 2019 Resolution was being drafted was clarification of the Management Rights portion of the 2015 Resolution. There are numerous changes to Management Rights in the 2019 Resolution and the clarification that the procedure for discipline is part of the District's right to determine District policies is only one of changes that were made to clarify Management Rights.

Mr. Shearer noted that the 2019 Resolution also has three other major changes from the 2015 Resolution. These changes are policy changes by the District Board that are more favorable to the employees than the policies set forth in the 2015 Resolution. Mr. Shearer stated that the most significant policy changes in the 2019 Resolution are: (1) termination only for cause (a change from the District's current "at will" policy; and (2) incorporation of a contract impasse resolution procedure that provides for binding arbitration instead of resolution of negotiating impasses by the Board.

III. CONSENT AGENDA

A. May 20, 2019 Meeting Minutes

Director Whitlow moved to approve the minutes from the May 20, 2019, regular Board meeting, as presented. Director Christian seconded the Motion, and the Motion was unanimously approved.

IV. PRESENTATIONS

None

V. ACTION ITEMS

A. May 2019, Financials

Finance Director Olson presented the May 2019 Financial Reports for the Board's approval. Ms. Olson highlighted the following:

- The District received \$17 million of the projected \$23 million of property taxes
- The District spent 37% of the General Fund Budget (\$7,017,684)
- The District spent 8% of the Capital Reserve Budget (\$504,580)

Director Whitlow moved to approve the May 2019 Financials. Director McConnell seconded the Motion. A roll call vote was taken and the Motion was unanimously approved.

B. 2018 Auditors Draft Report

Representatives from Haynie and Company provided copies of the 2018 audit to the Board. They discussed the District's basic financial statements. At the close of the year, assets exceeded liabilities by \$27,197,180.

The Capital Reserve Fund was established to designate funds for purchasing large ticket items that may take several years to save. The main items include apparatus purchases, communication equipment, and new fire stations.

The District completed all projects and programs to be funded with the 2018 annual Budget without going into deficit.

It is the opinion of the Auditors, the financial statements referred to present fairly, in all material respects, the respective financial position of the governmental activities of MVFRD as of December 31, 2018.

As discussed in Note 10 to the financial statements, management has implemented GASB Statement No. 75. Because of this change in accounting principle, the net position as of December 31, 2017, has been restated. The restatement was positive. The Auditors opinion is not modified with respect to this matter.

Director McConnell moved to approve the Auditors draft document Director Christian seconded the Motion, and the Motion was unanimously approved.

C. Front Range Auto Aid Agreement

Assistant Chief Rademacher stated that the participating agencies will provide additional resources for emergencies located within each other's response zones. Assistant Chief Rademacher advised the Board Mr. Shearer has reviewed the proposed Agreement.

Director McConnell moved to approve the Front Range Auto Aid Agreement. Director Osborn seconded the Motion, and the Motion was unanimously approved.

D. Kerr-McGee Oil and Gas Lease Amendment

Director Christian moved to approve the Kerr-McGee Oil and Gas Lease Agreement. Director McConnell seconded the Motion, and the Motion was unanimously approved.

E. Application for Water Tap-Left Hand Water District

TABLED

F. Group 14 LEED Contract for the New Maintenance Facility

Assistant Chief Webb explained that the District needs LEED points to fulfill the DOLA grant.

Director Whitlow moved to approve the Group 14 LEED Contract for the New Maintenance Facility. Director Christian seconded the Motion, and the Motion was unanimously approved.

VI. OLD BUSINESS

A. Fire Authority Update

Chief Beebe met with the policymakers last week and highlighted the following:

- One concern is how much money each entity will pay into the Authority
- A draft press release was presented to Lafayette Fire and Rocky Mountain
- MVFR had tentatively decided to purchase SCBA from a different vendor than in the past. There is a concern from LAF and RMF that the new packs would be significantly different from their packs and require employees to be proficient with two systems. MVFR has agreed to withhold placing an order until additional options are researched.

Director McConnell stated that a communication strategy needs to be implemented. This needs to involve all of the communities, no matter how big or small.

There was a discussion about how to get information to the communities, and how it will be beneficial.

B. DROP Employees FPPA

Attorney Shearer presented the Board with a proposed agreement with the four DROP Plan employees. Mr. Shearer was asked to summarize the proposed agreement. Mr. Shearer began by providing some background and what he understood the Board would like to accomplish with the proposed agreement with the DROP Plan employees.

Mr. Shearer began by explaining that the District discovered that “pensionable income” has been miscalculated in the past for all employees who were in the FPPA Pension and Disability Plans. The error resulted in a relatively minor underpayment of both employee and employer contributions. The District entered into an Agreement with the FPPA to pay the FPPA an amount of money, including interest, to make up for the past employee and employer contribution underpayments. The Agreement with the FPPA only relates to District employees who are still in the FPPA Plans, it does not apply to the four District employees who were in the FPPA plans when the contribution underpayments were made, but have entered the DROP Plan and no longer participate in the FPPA Plans. Paying the FPPA for the contribution underpayments would not benefit the DROP Plan employees in the same way the employees in the FPPA Plans were benefited because the amount the DROP Plan employees receive was determined by the FPPA when each employee entered the DROP Plan. Any payment to the DROP Plan employees to compensate them in a manner that is comparable to the benefit that will be received by the employees in the FPPA Plans would have to be in the form of direct payments to the DROP Plan employees or to their personal retirement accounts.

Mr. Shearer stated that Finance Manager Tonya Olson recalculated each of the DROP Plan employee’s “pensionable income” for the three years prior to entering the DROP Plan to determine the amounts each of the DROP Plan employees would have received from the FPPA upon entering the DROP Plan. Ms. Olson did so using the information on the FPPA website. Next, Ms. Olson applied the statutory interest rate of 8% per annum compounded annually to account for the investment rate of return that the employees would have received had they received the payment from the FPPA when they entered the DROP Plan. Interest was calculated through June 30, 2019. The total principal amount and the interest for each employee is the amount proposed to be paid to each of the DROP Plan employees. Mr. Shearer summarized that the calculation represents a true measure of what each employee would have received when he entered the DROP Plan and a reasonable rate of interest.

Director Whitlow moved to Correct Pensionable Income. Director McConnell seconded the Motion, and the Motion was unanimously approved.

VII. BOARD MEMBER ITEMS

NONE

VIII. DIVISION REPORTS

Assistant Chief Webb

- The Groundbreaking ceremony was held on June 12
- The material of the drive area around the new maintenance facility will be concrete, this is a cost increase, but will improve the durability of the driving surface.
- The LEED goal for the maintenance facility will be silver, not gold
- Accreditation – once the strategic plan document and standard of cover documents are completed, we will begin to rewrite the affected sections of the self-assessment manual

Assistant Chief Rademacher

- Operations-
 - Incident summary for April attached
 - Weekly meetings with Sterling over Authority items, fleet, and ops.
 - Regular contact with BVFC, updating guidelines and processes
- Fleet –
 - Working on a final design for aerial
 - New BC vehicle in service, will attempt to have at the BOD meeting
- Vista Property sale –
 - Contacted our agent, waiting for updates, will have at the meeting.
- Communications
 - Working with Weld to set schedule to program radios, MV and also getting merger agencies onto the system used in Weld Dispatch
- Finance
 - Issue PO's
 - Working on 2020 budgets

Assistant Chief Long

- Andrew Noonan graduated from the Front Range Fire Consortium on June 8th. He is currently assigned to the Training Division and will be assigned to shift on June 27th.
- Carlos Rodriguez and Max Cathcart started paramedic school on June 3rd, both completed their second week and are doing well.
- Building Warriors had two presentations as part of the Peer Support group designed for Spouses on June 10th and 12th. Thank you to Beau Clark for organizing the event.
- Yearly Physical agility testing (PAT) is 99% complete all members who have taken the PAT have been successful.
- The Peer Fitness group completed the SDA Fit for First Responders and the roll out to the membership has begun.
- Anytime Fitness in Mead has opened and our members have started using the facility.

Melissa Meehan, HR Manager

- Met with Rocky Mountain Fire several times to coordinate HR related items for the merger
- Posted Accountant position to fill the vacancy left by the Payroll Specialist
- Submitted Cancer and Heart Trust rosters for renewal
- Posted Captain and Lieutenant promotional process which will take place in August
- Coordinating Leaves of Absences/alternative duty/benefits (short & long-term disability, return to work, etc.)
- Administration of Workers Compensation claims and coordination of return to work
- Handling of employee investigations and employee relations issues
- General HR work-responding to employee requests, addressing employee concerns, and administering payroll and benefit changes

- Worked with Chief Beebe and Mr. Shearer on a matter that involved termination of an employee who was injured and is unable to return to work. Also worked on assisting the employee with workers' comp short-term disability and other benefits issues.

Tonya Olson, Finance Manager

- Finance Division is working on new process for tracking credit card payments to appropriate revenue streams. We currently have 6 services set up for online credit payments
 - Ambulance fees
 - Maintenance shop invoices for service
 - Plan reviews/permits
 - Community and business CPR classes
 - Training Division classes with outside participants
 - Classes paid for by district, reimbursed by Employees
- Finance Division has been participating in work group sessions for potential Authority formed with Rocky Mountain Fire and Lafayette Fire
 - Sharing financial information and finding correlations in Budgets
 - Identifying differences and similarities in benefit packages/ payroll practices
- Received the remaining \$2,600 from the 2014 FEMA grant

IX. EXECUTIVE SESSION

Director Christian moved to go into Executive Session at 7:45 p.m., pursuant to C.R.S. Section 24-6-402(4)(b) and (e), to receive advice of legal counsel regarding a personnel matter and update on the Station 8 lawsuit. Director Whitlow seconded the Motion, and the Motion was unanimously approved.

The Board came out of Executive Session at 8:10 p.m.

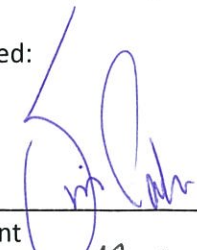
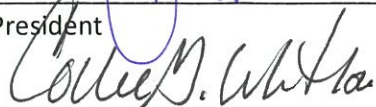
RECONVENE MEETING: June 17 at 8:15 PM. Attorney Shearer certified that all matters discussed in Executive Session involved advice of legal counsel.

X. ADJOURNMENT

There being no further business to come before the Board, Director Whitlow moved to adjourn. Director McConnell seconded the Motion, and the Motion was unanimously approved.

President Parker adjourned the meeting at 9:45 p.m.

Approved:

 President	7-15-19. Date
 Secretary	7-15-2019 Date