Members Present:
Board Chair Jeff Swanty
Fire Chief Mark Miller
Rural Board President Dave Legits
Public Safety Admin. Dir. Renee Wheeler
Rural Board Secretary Greg White

BC Greg Ward
City Manager Bill Cahill
Assistant City Attorney Tree Ablao
Mayor Cecil Gutierrez

Members Absent:
Public Safety Admin. Dir. Renee Wheeler
Division Chief Ned Sparks
BSC Roylene Sterkel

Visitors:
Risk Manager Bettie Greenberg
Mike McKenna
BC Tim Smith
BC Rick Davis

Call to Order:
Chairman Swanty called the Fire & Rescue Authority Board meeting to order on the above date at 1:15 p.m.

Public Comment:
None

Consent Agenda:
1. Consider the minutes from the Loveland Fire Rescue Authority Board for the August 26th, 2015 Regular Board Meeting.

2. Appoint Dave Adams to the Fire Rescue Authority Advisory Commission in a City Resident Position for Another Three Year Term to Expire June 30, 2018.

3. Consider Approving the Recommendation from the Consolidated Volunteer Fire Pension Board to Increase Monthly Benefits for Twenty Year Volunteer Retirees from $700 to $750 to Advance the Recommendation to the City of Loveland and the Loveland Rural Fire Protection District.
Chief Miller mentioned relative to item 2 that Dave Adams has been a past member of the Fire Rescue Authority Advisory Commission and wishes to be appointed. Chief Miller and FRAC Chairman John Smeala did an evaluation of Dave and recommended that he be reappointed.

Rural Secretary Greg White wanted to make sure that the Board understood that the consent agenda also included the recommendation to increase monthly benefits for twenty year volunteer retirees. Mayor Gutierrez reminded the Board that this item will need to go before City Council for their approval as well. City Manager Cahill said this item will be on the October 6th City Council agenda.

City Counselor Fogle moved to approve the Consent Agenda. Rural Board President Legits seconded the motion and it carried.

**Regular Agenda:**

4. **Consider Approval of Colorado Special Districts Property and Liability Pool Quote for Workers Compensation and Property Casualty Insurance Coverage Effective January 1, 2016.**

Risk Manager Greenberg said they put the item out for bid to four carriers. From those, we received quotes from Pinnacol for Workers Comp, Colorado Special District Pool (CSDP) and CIRSA. CIRSA quoted for Workers Comp but they were higher than Pinnacle so we didn’t include them. Colorado Special Districts Pool required that members insure both the Workers Comp and the property liability so to join that pool both groups would have to participate. If you look at the math, that’s the most economical way to go and CSDP was significantly cheaper on the Workers Comp and they were also less expensive on the Property and Liability. We turned over all losses for the last 10-15 years and there’s been very little in the way of vehicle claims and property claims. That’s why that quote was so low because they don’t have some of the exposers that the City has a whole. We met with the Colorado Special District Pool and went through their quote extensively.

Greenberg talked about the difference in how cancer is covered by Pinnacol as opposed to CSDP. Pinnacol prices it differently and it amounts to a significantly higher cost. Therefore, it is the recommendation to go with CSDP at a significant cost savings.

Chief Miller reiterated the cost savings to the City of just over $152,000 and a risk reduction for the Rural District that will allow for a reduction in necessary reserves and the deductible goes for the Rural from $250,000 to $5,000. Another thing that the Special Districts Pool has is that they are very involved with the Colorado State Fire Chiefs. If you belong to this pool, they offer a certain amount of training to Special Districts or Authorities that belong to their group and they underwrite some of that training. This year they’re going to underwrite some leadership training for Colorado State Departments that belong to this Special District. They are going to underwrite about 50% of leadership training that we will be sending some of our personnel to.

Mayor Gutierrez asked about the numbers relative to the quote and the 2016 allocated amounts because they are different. Bettie Greenberg explained that the 2016 allocated numbers were based solely on 2016 budget projections, based on previous claims, etc. and so
the numbers aren’t really unrelated.

Councilor Fogle moved to approve the recommendation to go with the Colorado Special District Pool. Rural Board President seconded the motion and it carried.

5. **Provide Direction on Legal Services.**

Chief Miller reminded the Board that at the last meeting they went into Executive Session and discussed legal services and discussed what would be in the best interest of the Authority. The question at hand is whether the Board wants to go out for an RFP for legal services and if they want to include City legal services or just exclusively outside legal services.

Chairman Swanty said that was an accurate statement and the Board wanted to wait until the Mayor was in attendance since he missed that meeting. He indicated that according to the vote from last week, we would contract for outside legal services. City Manager Cahill said his recollection was a strong desire for independent counsel and there’s two pieces to that. There’s general counsel and there’s special counsel and the city has been providing general counsel services and he thinks the Board has a desire to have independent legal counsel to do that. There were a number of things that were discussed and it seems to me that the resolution that came out of the discussions was to issue an RFP because the direction of the Board was that there are people that can do this, one of them being Ireland Stapleton who is currently our special counsel, but not general counsel. This is a significant move and potentially a shift in expenses depending on how it turns out to go to independent general counsel. Cahill’s view that he expressed to the Board is to issue an RFP for those services to see what is out there and see what their services are.

Chairman Swanty said a follow up to that is that the Board talked about whether we were going to continue to use Ireland Stapleton. Rural Board President Legits said Ireland Stapleton is heavily involved with other Fire Districts around Colorado and is very familiar with Colorado Legislature and the impacts on the fire service, which is a huge benefit.

Mayor Gutierrez apologized for missing the last meeting. He said it seems to him that we need to think about two different aspects of legal counsel. Special Counsel that Ireland Stapleton has the expertise in, but general counsel he’s not so sure that we need the high level expertise of somebody like Ireland Stapleton. What we’re looking at for general counsel is someone who can keep us out of trouble with legalities of what we do on a daily basis. Asst. City Attorney Ablao said they deal with such things as IGA’s, MMU’s, answering questions from staff and making sure meetings are run legally. Mayor Gutierrez said if we put out an RFP for general counsel duties we might be able to find someone that doesn’t require the higher level expertise that we need to complete the maturation process.

Councilor Fogle said the one thing that struck him in the meeting was that Ireland Stapleton works on a flat yearly fee basis and we get a basket full of services. He thinks they have complete services at a heavily discounted price to make up for the fact they are not doing work all the time.

City Manager Cahill said what he heard was a monthly retainer that is a flat fee and the monthly retainer does not provide all services that may be required. If we go out to RFP for general counsel, there’s nothing that prevents Stapleton Ireland from still being special counsel. He thinks it’s a prudent managerial thing to issue an RFP and let everybody respond. Ireland Stapleton is still under contract as special counsel but they could respond to the RFP for general counsel services, but then we would see who else is out there, how they might fit with the Board and what their skill sets and fees are.
Chairman Swanty said he likes the idea of having one attorney, especially when they are experts like Stapleton Ireland because they may be able to provide better guidance when it’s something that goes beyond general counsel. The Fire Authority staff put time and effort into talking to attorneys previously and we did have two of what we felt were the best come to the Board and interview. He doesn’t know how much more expertise there is out there then what we’ve already explored.

Rural Board Secretary White said he believes we need to go out with an RFP because there are other attorney’s throughout northern Colorado that do this work and it comes down to pricing and things like that. Councilor Fogle agrees that we need to do an RFP to see what’s out there. Ireland Stapleton may come out on top of that process but we need to know that we have the best package of goods.

City Manager said our original estimate in the budget for doing the transitional work was $50,000. Our actual expenses for where we are now is closer to $80,000 so we’re well over our estimate. When it comes to budget impact and pricing, a price quoted is not always a price delivered.

City Councilor Fogle moved that we put out an RFP. Rural Board President Legits seconded that motion and it carried.

Chief Miller stated that he has a copy of an RFP that Poudre Fire just completed for the same type of situation. He wanted to be clear on what the Board wanted included in the RFP. The Board said the term “non-exclusive legal services” as stated in the Poudre RFP would include both general legal counsel and special legal counsel. Asst. City Attorney Ablao said she needs clarification because the discussion went from non-exclusive to exclusive. Rural Board Secretary White said he thinks the Board is asking for legal services to represent the Authority. This means that a general counsel would represent the Authority, not city attorneys. Chairman Swanty said the Board is looking for counsel that will have no conflict of interest between the three entities.

Chief Miller said that like the Board, he would like to think that most of our expensive legal issues are behind us once we get most of the maturation done, but we still have some real hurdles coming up with the transition of apparatus and property. He said we will prepare an RFP.

Rural Board President wondered if any of the language in the RFP excludes that attorney from getting historical opinion from the City and the Rural because there are a lot of specifics with both of those related to the fire service.

6. Review Briefing Papers and Correspondence.

Chief Miller talked about the passing of retired State Patrolman William (Bill) Hammons. Bill’s son Brad was a Volunteer with Loveland Fire for about 15 years. Bill’s father was one of the original instigators of the Colorado State Patrol, 80 years ago. Ironically, Bill died on the 80th anniversary of the Colorado State Patrol. His service is tomorrow and the Fire Authority will be sending representation.

Tonight there is a swearing in for new members.

October 6th is the Council meeting in which we bring before the Council a couple of resolutions and other documents regarding maturation. It would be good for any Board members that can attend to be there.
We are in the process of doing an **RFP for the Training Center**. Ken Cooper is working on that document and hopes to get it out for design and engineering of the newly acquired property, the training tower and the use of the other buildings there. In that same process, we are annexing the property which is currently in the county into the city. That process is approximately $11,000 for the annexation. He would like the Board to be involved in picking an architect for that process.

7. **Board Member New Business/Feedback.**

Mayor Gutierrez wanted to thank the Board and LFRA for the flowers they sent to his wife during her recovery.

8. **Any Other Business for Board Consideration.**

Chief Miller said that HR Director Holland wasn’t able to attend today to give an update on the Health Trust or Employee Conversion. He said the information is contained in the City Council packet for October 6th. The Employee Conversion is almost complete once all the signatures are acquired.

No further items were discussed and Chairman Swanty adjourned the regular meeting at 1:45 p.m.

*Minutes submitted by Secretary Sterkel*