Loveland Fire Rescue Authority (LFRA) Board Meeting Agenda
Station 2, 3070 W 29th Street
Community Room
Loveland, Colorado  80537
Wednesday, May 27, 2015
1:00 PM

The Loveland Fire Rescue Authority is committed to providing equal opportunity for citizens and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. The Authority will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319. Wireless access: COLGuest, accesswifi

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AWARDS AND PRESENTATIONS  - ADAM ROJAS

PUBLIC COMMENT

CONSENT AGENDA

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Board acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of today’s meeting should come forward state your name and address for the record before being recognized by the Chair. Please do not interrupt other speakers. Side conversations should be moved outside the meeting room. Please limit your comments to no more than five minutes.

1. Consider the Minutes from the Loveland Fire Rescue Authority Board for the April 22 Special Meeting and the April 29, 2015 Regular Board Meeting.

2. Consider approval of an Intergovernmental Agreement Regarding the Transfer of Minor Equipment and Cooperation with the Yellowtail Volunteer Fire Department.

3. Consider A Resolution Approving The Establishment of an Addition to the Rules And Regulations of the Loveland Fire Rescue Authority Regarding Fire Code Appeals

End of Consent Agenda
REGULAR AGENDA

Anyone who wishes to address the Board on any item on this part of the agenda may do so when the Chair calls for public comment. All public hearings are conducted in accordance with Board By-Laws. When Board is considering approval, the Authority’s By-laws only requires that a majority of the Board quorum be present to vote in favor of the item.

4. Review the Capital Improvements Projects for the City 2016 Capital Improvements Ten Year Plan

5. Review the Scope of Services for the Outside Attorney

6. Review Budget Reduction Strategy if Sales Tax on Food for Home Consumption is Eliminated

7. Review Briefing Papers and Correspondence
   a. Chief’s Report
   b. April Statistics
   c. Letters

8. Board Member New Business/Feedback

9. Any Other Business for Board Consideration

ADJOURN
Consider the Minutes from the April 22, 2015 Special Meeting and the April 29, 2015 Loveland Fire Rescue Authority (LFRA) Regular Board Meeting

EXECUTIVE SUMMARY

The attached documents, prepared by Roylene Sterkel, are a record of the April 22, 2015 special meeting and the April 29, 2015 regular meeting of the LFRA Board. April 22, 2015 was the executive session to consolidate the Board’s comments on the Fire Chief’s performance for the first six months. The April 29, 2015 document details the discussions at the meeting including: the consent agenda (minutes, rules and regulations for appointment of the Fire Rescue Authority Advisory Commission, the supplemental budget appropriation re-appropriating 2014 budget savings, and the first quarter budget report), a discussion related to the LFRA employee conversion, a presentation on the 2014 annual report and the Three-E’s tour, a discussion on the status of the rural district mill levy strategy, an overview of the budget reduction requirements if the sales tax on food for home consumption is eliminated, the Chief’s report and an executive session for the Fire Chief’s six month evaluation.

BACKGROUND

Standard meeting protocol

STAFF RECOMMENDATION

Approve as written

FINANCIAL/ECONOMIC IMPACTS

N/A

ASSOCIATED STRATEGIC GOALS

N/A

ATTACHMENTS

April 22, 2015 Minutes

April 29, 2015 Minutes
Fire & Rescue Authority Special Board Meeting Minutes
Wednesday, April 22, 2015

**Members Present:**

Board Chair Jeff Swanty  
Mayor Cecil Gutierrez  
City Manager Bill Cahill  
Assistant City Attorney Tree Ablao  
BSC Roylene Sterkel

**Members Absent:**

Councilor John Fogle  
Rural Board President Dave Legits  
Rural Board Secretary Greg White  
Division Chief Ned Sparks  
Division Chief Greg Ward  
Public Safety Admin. Dir. Renee Wheeler

**Visitors:**

Julia Holland, HR Director

**Call to Order:**

Chairman Swanty called the Fire & Rescue Authority Special Board meeting to order on the above date at 1:20 p.m.

**Executive Session:**

Chairman Swanty read the following as a motion:

I move that the LFRA Board go into executive session for the purpose of considering personnel matters, specifically the six month performance evaluation of the Fire Chief, as authorized by the LFRA Bylaws and the following sections of the Colorado Revised Statutes and the City of Loveland Charter:

- Personnel matters to include review, evaluation, deliberation, and discussion
regarding annual evaluations of these Council employees as authorized by CRS § 24-6-402(4)(f) and Charter Section 4-4(C)(5); and

● to consider and discuss documents and materials related to these personnel matters that are not subject to public inspection under the Colorado Open Records Act, as authorized by CRS § 24-6-402(4)(g) and Charter Section 4-4(C)(6).

Mayor Gutierrez seconded the motion and it carried.

The Board went into executive session at 1:25 p.m.

The executive session was concluded at 2:33 p.m. on April 22, 2015.

There being no further business, the meeting adjourned at 2:35 p.m.
Fire & Rescue Authority Board Meeting Minutes
Wednesday, April 29, 2015

Members Present:
Board Chair Jeff Swanty
Fire Chief Mark Miller
City Manager Bill Cahill
Assistant City Attorney Tree Ablao
Public Safety Admin. Dir. Renee Wheeler
Councilor John Fogle
Mayor Cecil Gutierrez
Rural Board President Dave Legits
BSC Roylene Sterkel

Members Absent:
Rural Board Secretary Greg White
Chief Ned Sparks

Visitors:
HR Director Julia Holland
Attorney Dino Ross
Attorney Emily Powell
Mike McKenna
FRAC Vice-Chairman Bob Boggio
BC Tim Smith
BC Jason Starck
Engineer Dan Engelhardt

Call to Order:
Chairman Swanty called the Fire & Rescue Authority Board meeting to order on the above date at 1:08 p.m.

Public Comment:
None

Consent Agenda:
1. Consider the minutes from the Loveland Fire Rescue Authority Board for the March 25, 2015 Regular Board Meeting.

2. Consider a Resolution Approving the Establishment of an Addition to the Rules and Regulations of the Loveland Fire Rescue Authority Regarding the Establishment of, and
Appointments to, the Loveland Fire Rescue Authority Advisory Commission.

3. Consider a Resolution to Appropriate a Supplemental Budget Approved February 25, 2015.

4. 2015 First Quarter Budget Report – *Budget Biz*

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

**Regular Agenda:**

5. **Discuss the progress on the LFRA Employee Conversion Strategy:**

   Attorney Ross introduced Emily Powell to the Board members. Attorney’s Ross and Powell passed out a schedule of activities and deadlines for completing each action. Attorney Powell explained what each color on the schedule is related to and said the schedule is meant to identify activities that need to happen in the appropriate time frame. All actions need to be complete by September for presentations to City Council and the LFRA Board. The schedule will be updated as needed.

   Attorney Ross asked the Board if they want to see monthly updates. The Board indicated they would like to have the updates monthly via emails.

   City Manager Cahill said he appreciates the schedule of actions and it shows the complexity of the project. HR Director Holland talked about the pension plan options as it relates to administrative employees and uniform personnel. The administrative personnel contributions would change. She has looked into setting up a trust that would allow all benefits to remain the same for uniform personnel. She needs the Boards approval if they want her to move forward with this option to do an engagement letter to the attorney. The cost would be $4,100 to have the attorney draw up the drafts for trusts. She said the attorney indicated he could complete this task within 8 weeks.

   Rural Board President Legits moved to approve an engagement letter to the attorney to move forward with a trust. Councilor Fogle seconded the motion and it carried.

   Chairman Swanty asked Engineer Engelhardt if he has heard any concerns regarding this aspect of the conversion. Engineer Engelhardt said he has not and that communication has been good between personnel.

6. **Presentation of the 2014 Annual Report and the Three-E’s Tour:**

   Chief Miller shared a Power Point presentation overview of his Three-E’s Tour that he has done for fire personnel.

   PSA Director Wheeler reviewed the 2014 annual report with the Board. She referred to graphs and spreadsheets depicting the significant measures we use, comparative information with other surrounding departments, increases in call volume and mutual/auto aid numbers.

   City Manager Cahill asked why there are 119 mutual/aid responses given to Poudre and only 57 received? BC Starck explained that part of it is the fact the Poudre responds to Alpha/Bravo incidents in their districts and we don’t so if it’s a mutual/aid area for those types of calls, we respond. This is being looked at and may change in the future.

   Chairman Swanty referred to the 94% customer satisfaction and asked City Manager Cahill how that compared to other departments within the city. City Manager Cahill said it’s a very
good percentage, but there are a couple other departments that have a higher percentage such as Water & Power at 98%. Chairman Swanty said he hopes City Council will consider those comparisons when they are looking at possible budget cuts.

7. Discuss Status of the Rural District Mill Levy Strategy:

PSA Director Wheeler said that Rural District Mill Levy strategy is being worked on. The Loveland Rural Fire Protection District Board decided to move forward with a mill levy election in November, 2016. They will be asking voters to approve 2.761 mills. The election will be coordinated with county elections to hopefully gain more voters. Two decisions that still need to be made are if the mill levy increase should be two separate ballot measures (one for operations and one for the debt on capital) or a single mill levy increase for the total, and if the mill levy should have a sunset. She asked Engineer Engelhardt if he would talk about the strategy for the campaign.

Engineer Engelhardt said that Union 3566 will be setting up a political action campaign like they did with the first mill levy election. They will be organizing people to go out and knock on doors with accurate information. This will be conducted much the same as the first election because that proved to be very successful. One of the areas they will target is the I-25/34 corridor which is in Johnstown, but is in our Rural Fire Protection District. That area is growing rapidly. They will also target the Big Thompson Canyon area. Rural Board President Legits asked him if he feels the enthusiasm from fire folks is still there. Engelhardt said he feels like it definitely is. Board President Legits said he thought it helped voters to see off-duty firefighters taking their personal time to meet with them to discuss the issue.

PSA Director Wheeler said she feels the sunset issue will be a big one. Chairman Swanty suggested maybe setting it up to increase slowly until the current sunset is reached. This is an issue that will need to be decided. PSA Director Wheeler thanked Bob Boggio for his help in developing a document to help with the election process.

8. Discuss Budget Reduction Strategy if Sales Tax on Food for Home Consumption is Eliminated:

Chief Miller said we are in the preliminary stages of what could be cut should this tax be eliminated. He has been directed to reduce our 2016 budget by $245,000. This will mean some services being cut.

City Manager Cahill said that Council will address this issue at their May 19th meeting. They will be looking at several different possibilities:

- A three year phase out of the tax
- To eliminate the entire tax at once
- Leave the tax in place
- Refer the issue to voters in an upcoming election
- Some new options not yet discussed

He said asking departments to bring back their possible budget cuts in a matter of a three week period before the meeting is something that normally would take a full year to consider. Council has also asked for feedback from all of the commissions and boards throughout the city. He explained the background of the food tax. Every department (except the airport and the building department) within the city was asked to cut 1% from their respective budget. He
said that all department reductions that are proposed may not be accepted for what they are and others may be asked for instead. Since other cities around us are not in this position of cutting budgets, we may lose some employees to better opportunities elsewhere.

Councilor Fogle talked about how City Council came to look at this tax as a possibility to cut. He feels that cutting the tax all at once has no merit and that if it goes before the voters that’s what will happen.

Chairman Swanty said this is a difficult task and that this Board voted on a 2016 budget and now the City is cutting that budget. He wants Council reminded that 18% of the fire budget comes from the Rural so this will affect them as well. Rural Board President Legits said we won’t have a choice and will have to “buy into” whatever is decided by City Council.

City Manager Cahill said that Council will get miscellaneous proposals and that 25% of the city wide cut will come from the Council Reserve budget. That budget line item is being renamed to Special Projects because it is used mostly for human services activities.

Chief Miller said he feels this process creates morale issues for employees because they are concerned about job security.

Councilor Fogle said if it is decided to cut the tax, he would like to see us do 1% first and then look at it again on the second and third years to see if that’s still the direction that Council wants to take.

Chairman Swanty said we need to make sure that compensation stays in place with appropriate cost of living increases so the City can be the “employer of choice” in the region.

9. Review Briefing Papers and Correspondence:
   a. Chief’s Report – none
   b. March Statistics – in packet
   c. Letters – in packet

10. Executive Session Concerning the 6-month Evaluation of the Fire Chief:

Chairman Swanty read a motion to convene into executive session for the purpose of:

1) discussing personnel matters to include review, evaluation, deliberation, and discussion and provide the city Manager with direction regarding the six month evaluation of the Fire Chief, as authorized by CRS § 24-6-402(4)(f) and Charter Section 4-4(c)(5); and

2) considering and discussing documents and materials related to these personnel matters that are not subject to public inspection under the Colorado Open Records Act, as authorized by CRS § 24-6-402(4)(g) and Charter Section 4-4(c)(6).

City Manager Cahill seconded the motion and it carried.

The Board went into Executive Session at 3:20 p.m.

The Board ended the Executive Session at 4:02 p.m.

No further items were discussed and Chairman Swanty adjourned the regular meeting at 4:05 p.m.

Minutes submitted by Secretary Sterkel
Intergovernmental Agreement Regarding the Transfer of Minor Equipment and Cooperation

EXECUTIVE SUMMARY

State Statute requires that LFRA enter into an intergovernmental agreement with the Yellowtail Volunteer Fire Department to transfer City/LFRA surplus or obsolete equipment to them for use.

BACKGROUND

The following equipment is being donated in its current condition to the Yellowtail Volunteer Fire Department:

6- Fog Nozzles- Variable flows 1 ½”-2 ½”, 1- Smooth Bore Nozzle, 1- Cellar Nozzle, 1- Piercing Nozzle, 1- Hose Clamp, 2- Foam Pro Pak, 2- 2 ½”-1 ½” Gated Wyes, 6- Hydrant Wrenches, 4- Barrel Strainers, 4- Pike Poles, 3- 2 ½” double males, 3- 2 ½” double females, 1- 1 ½” double male, 1- 1 ½” double female, and 12- Hose Straps.

STAFF RECOMMENDATION

Approve the agreement

FINANCIAL/ECONOMIC IMPACTS

N/A

ASSOCIATED STRATEGIC GOALS

Delivery cost effective service.

ATTACHMENTS

Resolution and the Exhibit (List of Equipment)
INTERGOVERNMENTAL AGREEMENT REGARDING THE TRANSFER OF MINOR EQUIPMENT AND COOPERATION

This Intergovernmental Agreement Regarding the Transfer of Minor Equipment and Cooperation (the “Agreement”) is made and entered into by and between the Loveland Fire Rescue Authority (“LFRA”) City of Loveland, Colorado, a municipal corporation, the Yellowtail Volunteer Fire Department (“Yellowtail VFD”), collectively referred to as the "Parties”.

WITNESSETH:

WHEREAS, the Parties are each governmental entities duly organized and existing in accordance with Colorado law; and

WHEREAS, pursuant to C.R.S. Section 29-1-203(1), the Parties are authorized to cooperate with one another to provide any function or service lawfully authorized to each and are therefore each authorized under C.R.S. Section 29-1-203(1) to enter into this Agreement.

NOW, THEREFORE, in consideration of the Parties' mutual promises and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto agree as follows:

1. Term of Agreement: The term of this Agreement shall begin on June 1, 2015 and end on August 1, 2015.

2. Conveyance: The City and LFRA convey, grant, transfer, assign and deliver to Yellowtail VFD the minor equipment as reflected in attached Exhibit A that is surplus or obsolete property, free and clear of any liens and encumbrances on an “AS IS” basis and disclaims all other warranties, express or implied.

3. Cooperation: The Parties further that Yellowtail VFD agrees to provide aid or assistance when requested by LFRA, if it has the resources to do at the time of the request.

4. Indemnification: To the extent permitted by law, and consistent with the requirements of the Colorado Governmental Immunity Act (C.R.S. Section 24-10-101, et seq.), the Parties hereby indemnify and hold harmless the other Party from any loss, liability or damage, including attorneys' fees that any Party may incur arising out of any negligent acts or omissions of the other Parties in performing aid or assistance under Paragraph 3 of this Agreement. No term or condition in this Agreement shall constitute a waiver of any provision of the Colorado Governmental Immunity Act.

5. Liability: The Parties agree that each Party, to the extent permitted by federal and state law, shall be liable for the acts or omissions of its respective personnel in performing any aid or assistance under Paragraph 3 of this Agreement. Nothing herein shall be deemed a waiver of the notice requirements, defenses, immunities and limitations of liability that the parties and their respective officers and employees may have under the Colorado Governmental Immunity Act (C.R.S. Section 24-10-101, et seq.) and under any other law.

Each Party, to the extent permitted by law, waives all claims and causes of action against the
other Parties for compensation, damages, personal injury or death occurring as a consequence, direct or indirect, of this Agreement. Each Party shall be liable for any worker's compensation claims filed by its respective personnel arising from injuries sustained as a result of performance under this Agreement.

6. Compensation: No Party to this Agreement shall be required to pay any compensation to any other Party for any services rendered hereunder.

7. No Third Party Beneficiaries, Relationship of the Parties and Authority: This Agreement is made for the sole and exclusive benefit of the Parties and shall not be construed to be an agreement for the benefit of any third party or parties and no third party shall have a right of action hereunder for any cause whatsoever. The Parties hereto enter into this Agreement as separate and independent governmental entities and each shall maintain that status throughout the term of this Agreement. The persons who sign and execute this Agreement represent that they are duly authorized to execute this Agreement in their individual or representative capacity.

IN WITNESS WHEREOF, the Parties have executed this Agreement on May 27, 2015.

THE CITY OF LOVELAND,
a home rule municipality

ATTEST:

By: ______________________________
    William D. Cahill, City Manager

City Clerk

LOVELAND FIRE RESCUE AUTHORITY

By: Mark Miller, Fire Chief

YELLOWTAIL VOLUNTEER FIRE DEPARTMENT

By: ______________________________
    Ronald Storey, Fire Chief
Bureau of Reclamation
2 Ave B
Fort Smith, Montana 59035
Contact: Clint Wilkerson, Assistant Chief
INTERGOVERNMENTAL AGREEMENT REGARDING THE TRANSFER OF MINOR EQUIPMENT AND COOPERATION

Exhibit A

4/16/15

6- Fog Nozzles- Variable flows 1 ½” - 2 ¾”
1- Smooth Bore Nozzle
1- Cellar Nozzle
1- Piercing Nozzle
1- Hose Clamp
2- Foam Pro Pak
2- 2 ½” - 1 ½” Gated Wyes
6- Hydrant Wrenches
4- Barrel Strainers
4- Pike Poles
3- 2 ½” Double Males
3- 2 ½” Double Females
1- 1 ½” double male
1- 1 ½” double female
12- Hose Straps
TITLE

Consider a Resolution Approving the Establishment of an Addition to the Rules and Regulations of the Loveland Fire Rescue Authority Regarding Fire Code Appeals

EXECUTIVE SUMMARY

The resolution for LFRA Board consideration would add a new Section 8 to the LFRA Rules and Regulations document regarding the process for handling appeals to the fire code official’s determinations and orders relating to the fire code that has been adopted by the City of Loveland and the Loveland Rural Fire Protection District.

BACKGROUND

Based on the LFRA Board recommendation, on April 7, 2015 the City Council amended the City Code to designate the Loveland Fire Rescue Authority Board as the final appeals board for the hearing appeals of the fire code official’s determinations and orders on the adopted fire code. The appeals board is comprised of three LFRA board members: one from the City, one from the Loveland Rural Fire Protection District, and one additional member to serve as the hearing chair. This action approves an addition to the Rules and Regulations of the Fire Authority detailing the rights to appeal, requirements for filing an appeal, the board member required representation, the public hearing requirements, the possible actions that can be taken by the appeals board, the appeals hearing procedures, and the records that must be provided the appeals board for any appeals hearing.

STAFF RECOMMENDATION

Approve the resolution as written.

FINANCIAL/ECONOMIC IMPACTS

There is a negligible financial or economic difference between the current process and the new process.

ASSOCIATED STRATEGIC GOALS

Minimize and mitigate the risks of an emergency occurrence in the community.

ATTACHMENTS

Resolution
RESOLUTION # R-049

A RESOLUTION APPROVING THE ESTABLISHMENT OF AN ADDITION TO THE RULES AND REGULATIONS OF THE LOVELAND FIRE RESCUE AUTHORITY REGARDING FIRE CODE APPEALS

WHEREAS, on August 19, 2011, pursuant to an intergovernmental agreement between the City of Loveland (“City”) and the Loveland Rural Fire Protection District (“District”), the Loveland Fire Rescue Authority (“Fire Authority”) was created as a separate governmental entity with a beginning operational date of January 1, 2012 at 12:01 a.m.; and

WHEREAS, the Fire Authority, through the Fire Chief or his authorized designee, is responsible for enforcing the fire code as adopted by the District and the City; and

WHEREAS, the City’s Fire Rescue Advisory Commission (“Commission”) was designated as the appeal board for appeals of the fire code official’s determinations, with final review by city council; and

WHEREAS, the Commission had heard only one appeal since its inception, based on records available and during that one appeal the Commission members expressed concern about the difficulty of this quasi-judicial role for members of as a citizen advisory board whose primary responsibility was advising City Council on policy issues; and

WHEREAS, the Fire Authority board discussed the issue of interpretation of fire codes and appeals of the fire code official’s determinations and voted at its February 25, 2015 meeting to recommend that the Fire Authority board be designated to hear final appeals and to conduct such appeals by appointing three members of the Board, one District and one City member of the board, together with one other member to act as hearing chair; and

WHEREAS, the City Council at its April 7, 2015 meeting amended the City Code to designate the Loveland Fire Rescue Authority as the final appeals board for hearing appeals of the fire code official’s determinations and orders; and

WHEREAS, on April 12, 2012, the Fire Authority developed and established rules and regulations setting forth the Fire Authority’s policies respecting such exercise of its powers and carrying out of its purpose; and

WHEREAS, the Fire Authority desires to add an additional rule to address the Fire Authority Board Member oath of office; and
WHEREAS, the Board finds that it is in the best interests of the Fire Authority to adopt rules and regulations to carry out its purpose, including rules and regulations regarding appeal policies and procedures as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOVELAND FIRE RESCUE AUTHORITY, STATE OF COLORADO, AS FOLLOWS:

Section 1. That the Rules and Regulations of the Loveland Fire Rescue Authority shall be amended to add an additional section to carry out its purpose.

Section 2. That there shall be designated a section of such rules and regulations regarding board member oath of office that shall read in full as follows:

8.0 Appeals to the Loveland Fire Rescue Authority.

A. If under the fire code adopted by the Loveland Fire Protection District and the City of Loveland a person is denied a permit, has a permit revoked, is issued an order to correct or abate, or issued a stop work order by the code official, such person may appeal the code official’s action to the Loveland Fire Rescue Authority appeals board by filing a written notice of appeal to the code official not later than fifteen days after the permit has been denied or revoked or fifteen days after the issuance of an order to correct or abate or stop work order, which notice shall specifically state the appellant’s grounds for appeal and must include the following:

1. The action which is the subject of the appeal;
2. The date of such action;
3. The name, address, telephone number and relationship of each appellant to the subject of the action or decision being appealed; and
4. A specific statement of the reasons for appeal and any data, documentation or evidence upon which the appellant seeks to rely.

B. The Authority Secretary will schedule the matter for hearing within 30 days of receipt of the notice of appeal unless a later date is agreed to by all parties, and inform the Fire Authority Board Chair, the appellant and the fire code official of the hearing time, date, and location by telephone, electronically or by US mail.

C. The Loveland Fire Rescue Authority appeals board to hear the appeal shall be comprised of three members of the Loveland Fire Rescue Authority board, one from the City, one from the Loveland Fire Protection District and one additional member to serve as hearing chair.

D. Each appeal will be heard at a public hearing. Notice of the public hearing shall be given at least fifteen days in advance by publication of a notice of the public hearing in a newspaper of general circulation in the city. At the appeal hearing, members of the public, the appellant and
the LFRA staff shall be entitled to address the appeals board. The public hearing shall be recorded.

E. The Loveland Fire Authority appeals board may authorize the issuance of a denied permit or rescind the revocation of a permit, order to correct or abate, or a stop work order, and when doing so may designate and impose such conditions as it may reasonably determine to be justified under the circumstances only if the board determines the following:

1. That the denial of the permit, the revocation of the permit, order to correct or abate or the issuance of a stop work order is not justified under the applicable provisions of the fire code; or

2. That the alternative design, materials, or methods of construction proposed by the appellant are equivalent to those prescribed by the applicable fire code provisions concerning quality, strength, effectiveness, fire resistance, durability, safety and all other pertinent factors and adequately protect the health safety or welfare of the occupant, intended occupants, surrounding properties and the public generally; or

3. That the applicable requirements of the fire code would work an undue and unique hardship upon the appellant. An appeal based on undue hardship must also include a statement from the appellant specifying the nature and extent of the hardship;

4. And, that the issuance of the denied permit or the rescission of the revocation of a permit, order to correct or abate, or stop work order will not unreasonably jeopardize the health, safety and welfare of the occupant, intended occupants, surrounding properties and the public generally.

8.1 Appeal Hearing Procedures.

A. At the public hearing, the Appellant bears the burden of proof. All testimony shall be under oath. Tangible evidence and documents shall be marked as exhibits.

B. The hearing presentation shall be made in the following order, subject to the discretion of the hearing chair relating to limitations in time and scope, or allowances accommodating adequate presentation of evidence or opportunity for rebuttal:

1. Explanation of the nature of the appeal by the fire code official and Fire Authority staff;

2. Appellant’s presentation of evidence, testimony and argument in support of the appeal;

3. Presentation of evidence, testimony and argument by the fire code official and Fire Authority staff in opposition to the appeal;

4. Public comment;

5. Rebuttal presentation by the appellant; and
6. Motion, discussion and vote by the appeal.

C. The hearing chair may limit presentation of evidence tending to be repetitious or irrelevant to the appeal. “Evidence” shall mean documentary, electronic or testimonial evidence relevant to the fire code official’s subject matter of the appeal presented to support or refute a particular proposition or conclusion. Evidence shall not include argument as to how information offered as evidence should be viewed or interpreted.

D. The appeal board shall consider an appeal based upon evidence submitted at the public hearing, the record on appeal, the relevant provisions of the Fire Code and criteria contained in Section 8.0 (D)(1)-(4) of these Rules and Regulations, and the grounds for appeal cited in the notice of appeal. Grounds for appeal raised for the first time at the public hearing, and therefore not raised in the notice of appeal, shall not be considered by the appeal board in deciding the appeal.

E. The appeal board chair will issue the appeal board’s final decision in writing no later than fifteen (15) days following the hearing, and shall provide a copy of such decision to all appellants and the fire code official.

F. The decision of the appeal board shall be final, subject only to such judicial review, if any, as may be available under the Colorado Rules of Civil Procedure. The date of the appeal board’s written decision shall be the date of final action for the purpose of any such subsequent judicial review.

8.2 Record on Appeal

The record provided to the appeal board shall include a record of any previous proceedings before the fire code official, including without limitation, all exhibits, writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the fire official when making his or her decision.

Section 4. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this ______ day of April, 2015.

______________________________
Jeffrey M. Swanty, Chairperson

ATTEST:

______________________________
Secretary
Approved as to form:

[Signature]

Teresi Ablan
Assistant City Attorney
TITLE

Review the Capital Improvements Projects for the City 2016 Capital Improvements Ten Year Plan

EXECUTIVE SUMMARY

The capital improvements projects have been submitted to the City of Loveland and are consistent with the Strategic Plan. They have been revised both in terms of inclusion in the funded plan and the timeframe for inclusion. The “funded” projects include: engine replacements, Station 10 on the west end of the response area, and Training Center Improvements.

BACKGROUND

Traditionally the capital improvement plan goes to City Council prior to the operating budget, and generally it is a study session in June. The following table highlights the projects, when they are funded and the revisions that were made.

<table>
<thead>
<tr>
<th>Request Description-Funding Status</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Engine Replacements</strong> (Reserve Engine 4 in '16 and Engine 3 in '17)</td>
<td>$652,300</td>
<td>$684,920</td>
<td></td>
</tr>
<tr>
<td><strong>Station 10</strong> (west station in Rural District along W HWY 34 in the general vicinity of Glade Road) 9,000 sq ft, 3 bay, single company house--with a 50% contribution from the Rural District, which has not been officially negotiated</td>
<td></td>
<td></td>
<td>$3,479,500</td>
</tr>
<tr>
<td><strong>Training Center Improvements</strong> (new tower --actual improvements to be designed this year) Requested construction in 2016, but there was no funding available so we had to move it out to ‘17 &amp; ‘18</td>
<td></td>
<td>$1,391,220</td>
<td>$1,391,220</td>
</tr>
<tr>
<td><strong>Station 11</strong> was requested for 2023 $5.7 million, 12,000 sq ft station in the SE portion of our response area, including new apparatus: engine, tender and brush unit; single company house (Not Funded at this time)</td>
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</tbody>
</table>

There are two sources of revenue for these projects: Fire Capital Expansion Fees and Tabor Excess Revenue

- Fire Capital Expansion Fees are fees the City collects from builders and developers on each construction permit (charged on certificate of occupancy permit—last permit issued for a project) for the impact of growth on the City’s infrastructure (buildings, streets, water lines, sewer lines, power lines, parks, trails, open space etc..). We
have programmed that revenue for 50% of Station 10 project and 50% of the Training Center Improvements project.

- The Tabor excess revenue is the revenue collected in excess of the revenue growth limit established by the Tabor Amendment to the State Constitution passed in the 1990’s by the voters. The City of Loveland citizens have on two or three occasions voted to allow the City to retain that revenue; however, the use is currently limited to use for Fire, Police, Parks and Streets. That money is tracked separately and over the last two years has grown in total to around $14 million. This is considered “one-time” money because the calculation of excess revenue is done annually and fluctuates every year. Some years there are no excess revenues, which was certainly the case during the recession. As one time revenue, it is best matched with one time expenditures, (like apparatus purchases or construction). The Tabor Excess Revenue has been programmed for 100% of the Engine replacements and 50% of the training center improvements.

Preliminary Stages of Consideration

The City is in the preliminary phases of the 2016 capital improvements planning, so none of this information has been approved by City Council. The City is considering a different methodology for calculating the capital expansion fees and that revised methodology is not considered in the projections above. The revised methodology could result in a 42% reduction in the fire capital expansion fees. Depending on the number of permits and value of the construction in the community, the revenue from the capital expansion fees could be reduced significantly. This would impact the construction timing of the projects that are funded with this source. The calculation methodology will be considered by City Council again, potentially in June or July. LFRA will continue to do the best we can to advance our strategic plan within the parameters established by the City.

STAFF RECOMMENDATION

Information Only

FINANCIAL/ECONOMIC IMPACTS

The impact is related to the timing of projects and the need to discuss the City and Rural District contribution to the construction of Station 10.

ASSOCIATED STRATEGIC GOALS

All three strategic goals

ATTACHMENTS

Revised Capital Projects Sheets
**About the Project**

Replacement of existing fire apparatus. This replacement program has two primary goals: apparatus standardization to improve response efficiency and a defined life cycle in front line service and reserve service to extend the overall life cycle while ensuring response reliability, (front line service at 10-12 years and reserve service at 5-8 years).

The replacements are as follows:


By this time 4 out of 5 engines will be the standardized design.

### Funding Sources

<table>
<thead>
<tr>
<th>Revenue</th>
<th>General Fund - Tabor Excess Revenue</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$652,300</td>
<td>$652,300</td>
</tr>
<tr>
<td>2017</td>
<td>$684,920</td>
<td>$684,920</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,337,220</strong></td>
<td><strong>$1,337,220</strong></td>
</tr>
</tbody>
</table>

### Project Cost Estimates by Year

<table>
<thead>
<tr>
<th>Elements</th>
<th>Planning</th>
<th>Capital</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
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</tr>
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</table>

### Estimated Initial Operations Impact

<table>
<thead>
<tr>
<th></th>
<th>Personnel</th>
<th>Supplies</th>
<th>Purchased Services</th>
<th>Total</th>
<th>FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2017</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
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<td></td>
<td></td>
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</tbody>
</table>

*Operations costs would be absorbed and are not considered to be substantially more than the equipment that is being replaced.*
Construction of a New Fire Station 10 and Apparatus For West Coverage

There is need for a station on the west side of the service area to improve response times to meet the 5 minute 59 second standard. It is anticipated that this station would be as far west as Glade Road. The calls dispatched would lessen the impact on Station 3 and Station 2 allowing them to be more responsive to the urban response area.

The station is expected to be 9,000 square feet with $258 per square foot in construction costs inflated to 2018 at 3.5% annually and $815,000 in land purchase and site development costs.

The staffing for this station would include six firefighters (three for the station assignment and three rovers system-wide), three Engineers and three Lieutenants. Since the Engineers and Lieutenants would be promotional positions, twelve Firefighters would be hired, six Engineers would be promoted (three for the station and three to backfill promotions to Lieutenants), and three Lieutenants would be promoted. Operations costs noted below include the costs of equipping firefighters and maintaining the new facility.

**Funding Sources**

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Fire CEF</th>
<th>Rural Contribution</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$1,739,750</td>
<td>$1,739,750</td>
<td>$3,479,500</td>
</tr>
<tr>
<td>Total</td>
<td>$1,739,750</td>
<td>$1,739,750</td>
<td>$3,479,500</td>
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</table>

**Project Cost Estimates by Year**

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<tr>
<th>Elements</th>
<th>Planning</th>
<th>Construction</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$347,950</td>
<td>$3,131,550</td>
<td>$3,479,500</td>
</tr>
<tr>
<td>Total</td>
<td>$347,950</td>
<td>$3,131,550</td>
<td>$3,479,500</td>
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<th>Total</th>
<th>FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>$1,081,700</td>
<td>$183,210</td>
<td>$70,290</td>
<td>$1,335,200</td>
<td>12.0</td>
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<tr>
<td>Total</td>
<td>$1,081,700</td>
<td>$183,210</td>
<td>$70,290</td>
<td>$1,335,200</td>
<td>12.0</td>
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* Rural contribution shown is an estimate subject to future negotiation between the Loveland Fire Rescue Authority partners. It is quoted here at 50%.
Design and improvement funding for 2014 training center property purchase at 1040 South Railroad Avenue. The property is outlined with a red dotted line to the right, with the railroad and Railroad Avenue to the left (1). It is a 4 acre parcel with 3 buildings that total 9,108 square feet (6,7,8) and a railroad spur (9). Many of the remaining numbered structures are temporary and will be eliminated when the current tenants vacate the property. It was purchased for $748,790. The money in this project request is associated with design and minor improvements to be used as a means for developing a multiple year improvement plan to meet our training needs. This may include the relocation of facilities on the older property to move them out of the floodway. The Training Center property development is estimated using $180 per square foot for the entire 9,108 square feet $1,639,440, $428,000 in paving, $50,000 for an environmental impact, $245,000 or 15% for engineering and design, and $100,000 for the museum and ancillary uses of the property.

### Funding Sources

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Fire Capital Expansion Fees</th>
<th>General Fund Excess Tabor Revenue</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>$695,610</td>
<td>$695,610</td>
<td>$1,391,220</td>
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<td><strong>$1,391,220</strong></td>
<td><strong>$2,782,440</strong></td>
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* Operations costs would be absorbed and are not considered to be substantially more than the equipment that is being replaced.
TITLE

Review the Scope of Services for the Outside Attorney

EXECUTIVE SUMMARY

The Board explored at the January 28, 2015 meeting representation from outside legal counsel to avoid any conflicts of interest that may be involved when an attorney from the City Attorney’s Office is representing LFRA. Ireland Stapleton was selected as the Special Counsel. In a recent meeting Chairman Swanty indicated that he believed the relationship established was General Counsel. A new engagement letter will need to be signed if LFRA would like to retain Ireland Stapleton as General Counsel.

BACKGROUND

When the LFRA Board is considering policy direction in the best interest of the greater community (both the City and Rural District), an attorney from the City could be in a position where they would be in a perceived or actual position of City bias. The Board directed staff to research options. Two outside attorneys, with significant expertise with formulating and representing fire authorities and districts, made presentations to the LFRA Board at the December 18, 2014 planning meeting. The Board chose to hire outside legal counsel. It was explained at the time that the scope of those services would need to be identified as either general counsel, where the outside attorney would attend meetings, review contracts and handle all legal matters or as special counsel, where they would be assigned particular projects with the current City Attorney assigned to LFRA (Tree Ablao) continuing to offer the operational legal support.

Dino Ross from Ireland Stapleton submitted two engagement letters, one for general counsel and one for special counsel. The special counsel engagement letter was signed and the Board appropriated $50,000. Three bills have been paid to date ($647.50, $5,602.00, and $5,244.64).

The minutes from the January meeting, the Ireland Stapleton general counsel engagement letter and the Ireland Stapleton special counsel engagement letter have been attached as a means to verify whether or not the special counsel scope of service meets the needs of LFRA.

STAFF RECOMMENDATION

Staff recommends that LFRA remain with the existing special counsel engagement letter.
FINANCIAL/ECONOMIC IMPACTS

The financial impact will be dependent upon the scope of services.

ASSOCIATED STRATEGIC GOALS

Deliver cost effective services.

ATTACHMENTS

Ireland Stapleton engagement letters
Board approved minutes from the January Board meeting
December 23, 2014

Via e-mail: Mark.Miller@cityofloveland.org

Board of Directors
Loveland Fire Rescue Authority
810 E. 10th Street
Loveland, CO 80537

Re: General Counsel Representation by Ireland, Stapleton, Pryor & Pascoe, P.C.

Dear Board members:

This letter sets forth the terms of our firm’s engagement as general counsel for the Loveland Fire Rescue Authority ("Fire Authority").

1. Effective Date of Engagement. The effective date of our engagement is February 1, 2015.

2. Scope of Representation. We understand that as of the effective date the Fire Authority will cease utilizing the legal services of the Loveland City Attorney and the attorney for the Loveland Rural Fire Protection District, and that we will represent the Fire Authority as general counsel. As general counsel, we will provide legal services to the Fire Authority with respect to any matter within our experience, training and capabilities. Our legal services will be provided only on an as-requested basis. Unless you specifically request it, we will not attend regular or special Board meetings or study sessions, and we will not prepare or provide legal advice regarding Board motions, resolutions, contracts, budgets or any other routine activity by the Board, the individual Directors, or any current or future staff. Because our services will be provided only on an "as requested" basis, we assume no on-going obligation to ensure the Fire Authority's administration and operations are in compliance with current or future federal, state or local laws. Nor do we assume any obligation to ensure that all of the Fire Authority’s legal matters are addressed, as we will only have knowledge of, and provide legal services with respect to, those specific matters for which our services are requested.

3. Fees and Billing. Our fees will be based upon time charges using hourly billing rates charged by each attorney or paralegal working on legal matters for the Fire Authority. My discounted billing rate for fire departments is $295.00 per hour. The discounted hourly rate of our fire departments associate attorney, Emily Powell, is $245.00. Many of the other attorneys and paralegals who may assist with the Fire Authority’s legal matters also have discounted fire
department rates. In general, rates for paralegals and other attorneys who may assist on the Fire Authority’s legal matters range from $130.00 - $155.00 (paralegals) to $170.00 - $245.00 (associates) to $270.00 - $400.00 (partners). We may adjust our hourly rates at any time with prior notice to you.

Attorneys and paralegals will bill time in one-tenth (1/10) of an hour increments. For example, a six-minute telephone conference with me at the hourly rate of $295.00 would result in a charge of $29.50; if the call lasted a half hour, the charge would be $147.50. We will not charge for travel time to and from the Fire Authority to attend Board meetings.

Generally, invoices for fees and expenses will be submitted to the Fire Authority monthly and are due upon receipt. We are happy to review any questions about our bills. If invoices remain unpaid after thirty (30) days, we will consider them in default, and we may terminate the relationship and collect outstanding balances and costs of collection (including reasonable attorneys' fees).

4. **Out-of-Pocket Expenses.** The Fire Authority will be billed for computer research, large copying projects, delivery and courier fees, and other out-of-pocket expenses. We will charge mileage at the then-current mileage rate established by the Internal Revenue Service.

5. **Record Retention/Destruction.** After ten (10) years from the termination of our relationship, we have the right but not the obligation to destroy any files created and maintained by us during the term of our engagement.

6. **Dispute Resolution.** The attorney-client relationship is one of mutual trust and confidence. Therefore, we encourage the Fire Authority to feel free at all times to raise questions about any aspect of our representation. If a dispute arises and we are unable to reach a satisfactory resolution of it, the Fire Authority may have the right to request arbitration under applicable Colorado Bar Association procedures. In the event of any dispute that relates to our entitlement to any payment from the Fire Authority, all undisputed amounts shall be paid immediately by the Fire Authority and this payment shall not constitute any admission by the Fire Authority concerning disputed amounts.

7. **Termination.** Our firm and the Fire Authority each have the right to terminate the relationship at any time by written notice. In such event, the Fire Authority will immediately pay all legal fees and expenses incurred prior to the termination, and we will provide reasonable assistance in effecting a transfer of files and responsibilities to new counsel.

Please review this engagement letter carefully, and if you have any questions concerning its terms, do not hesitate to call. If these arrangements are acceptable to you, please acknowledge your acceptance by signing a copy of this letter below and returning the signed copy to me.
Sincerely,

IRELAND, STAPLETON, PRYOR & PASCOE, P.C.

Dino A. Ross

THE ABOVE AGREEMENT IS
ACCEPTED AND AGREED TO:

LOVELAND FIRE RESCUE AUTHORITY

By: __________________________
    President
ADDENDUM
PUBLIC SERVICES CONTRACT

C.R.S. §8-17.5-101, et seq., prohibits the Loveland Fire Rescue Authority from entering into services contracts with any person or entity employing illegal aliens. The law requires all services contracts to contain certain provisions intended to ensure those providing services to the Fire Authority do not employ illegal aliens. In accordance with this law, this Addendum supplements our Firm’s agreement with the Fire Authority by incorporating the following terms and conditions:

a. The Firm will not knowingly employ or contract with an illegal alien in providing services to the Fire Authority; nor will we enter into a contract with a subcontractor who fails to certify that it will not knowingly employ or contract with an illegal alien to perform work in connection with the service we provide to the Fire Authority. Pursuant to C.R.S. § 8-17.5-102, the Firm certifies it does not knowingly employ or contract with an illegal alien who will perform work in connection with the service we provide the Fire Authority, and the Firm will participate in the E-Verify Program or the State Department of Labor and Employment Program ("Department Program") in order to confirm the employment eligibility of all employees newly hired by the Firm for the purpose of providing its services to the Fire Authority. Under no circumstances will we use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants during the course of our Firm’s providing services to the Fire Authority.

b. If, while providing services to the Fire Authority, our Firm acquires actual knowledge that a subcontractor performing work in connection with such services knowingly employs or contracts with an illegal alien, the Firm will (i) notify the subcontractor and the Fire Authority within three business days that the Firm has actual knowledge the subcontractor is employing or contracting with an illegal alien; and (ii) terminate the subcontractor’s contract if within three business days of receiving the notice required in (i), above, the subcontractor does not stop employing or contracting with the illegal alien; except, the Firm will not terminate the subcontractor’s contract if during the three business days the subcontractor provides information establishing the subcontractor has not knowingly employed or contracted with an illegal alien.

c. The Firm will comply with any reasonable request by the Colorado Dept. of Labor & Employment made during an investigation pursuant to C.R.S. § 8-17.5-102(5).

d. The Firm agrees that, if it violates one of the foregoing provisions, the Fire Authority may terminate our services, and may seek actual and consequential damages. The Firm acknowledges the Fire Authority also will notify the Secretary of State, which may take further action against the Firm.

2072188.1
PRIVACY POLICY NOTICE TO CLIENTS OF
IRELAND, STAPLETON, PRYOR & PASCOE, P.C.

Attorneys, like other professionals who advise on personal and financial matters, are now required by a new federal law to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this new law. Therefore, we have always protected your right to privacy.

In the course of providing our clients with income tax, estate tax, and gift tax advice, we may receive significant personal and financial information from our clients. If you are a client of Ireland, Stapleton, Pryor & Pascoe, P.C., you should know all information that we receive from you is held in confidence, and is not released to people outside the firm, except as agreed to by you, or as required under an applicable law.

We retain records relating to professional services we provide so we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain physical, electronic and procedural safeguards that comply with our professional standards.
December 23, 2014

Via e-mail: Mark.Miller@cityofloveland.org

Board of Directors
Loveland Fire Rescue Authority
810 E. 10th Street
Loveland, CO 80537

Re: Special Counsel Representation by Ireland, Stapleton, Pryor & Pascoe, P.C.

Dear Board members:

This letter sets forth the terms of our firm’s engagement as special counsel for the Loveland Fire Rescue Authority (“Fire Authority”).

1. Effective Date of Engagement. The effective date of our engagement is February 1, 2015.

2. Scope of Representation. We understand that the Fire Authority will continue to utilize the legal services of the Loveland City Attorney and the attorney for the Loveland Rural Fire Protection District, and that we will represent the Fire Authority only as special counsel. As special counsel, our legal services will be provided only on an as-requested basis as to specific legal matters. Because our services will be provided only on an "as requested" basis, we assume no ongoing obligation to ensure the Fire Authority's administration and operations are in compliance with current or future federal, state or local laws. Nor do we assume any obligation to ensure that all of the Fire Authority’s legal matters are addressed, as we will only have knowledge of, and provide legal services with respect to, those specific matters for which our services are requested.

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Generally, invoices for fees and expenses will be submitted to the Fire Authority monthly and are due upon receipt. We are happy to review any questions about our bills. If invoices remain unpaid after thirty (30) days, we will consider them in default, and we may terminate the relationship and collect outstanding balances and costs of collection (including reasonable attorneys' fees).

**4. Out-of-Pocket Expenses.** The Fire Authority will be billed for computer research, large copying projects, delivery and courier fees, and other out-of-pocket expenses. We will charge mileage at the then-current mileage rate established by the Internal Revenue Service.

**5. Record Retention/Destruction.** After ten (10) years from the termination of our relationship, we have the right but not the obligation to destroy any files created and maintained by us during the term of our engagement.

**6. Dispute Resolution.** The attorney-client relationship is one of mutual trust and confidence. Therefore, we encourage the Fire Authority to feel free at all times to raise questions about any aspect of our representation. If a dispute arises and we are unable to reach a satisfactory resolution of it, the Fire Authority may have the right to request arbitration under applicable Colorado Bar Association procedures. In the event of any dispute that relates to our entitlement to any payment from the Fire Authority, all undisputed amounts shall be paid immediately by the Fire Authority and this payment shall not constitute any admission by the Fire Authority concerning disputed amounts.

**7. Termination.** Our firm and the Fire Authority each have the right to terminate the relationship at any time by written notice. In such event, the Fire Authority will immediately pay all legal fees and expenses incurred prior to the termination, and we will provide reasonable assistance in effecting a transfer of files and responsibilities to new counsel.

Please review this engagement letter carefully, and if you have any questions concerning its terms, do not hesitate to call. If these arrangements are acceptable to you, please acknowledge your acceptance by signing a copy of this letter below and returning the signed copy to me.
Sincerely,

IRELAND, STAPLETON, PRYOR & PASCOE, P.C.

Dino A. Ross

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ACCEPTED AND AGREED TO:

LOVELAND FIRE RESCUE AUTHORITY

By: __________________________

Title: __________________________
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a. The Firm will not knowingly employ or contract with an illegal alien in providing services to the Fire Authority; nor will we enter into a contract with a subcontractor who fails to certify that it will not knowingly employ or contract with an illegal alien to perform work in connection with the service we provide to the Fire Authority. Pursuant to C.R.S. § 8-17.5-102, the Firm certifies it does not knowingly employ or contract with an illegal alien who will perform work in connection with the service we provide the Fire Authority, and the Firm will participate in the E-Verify Program or the State Department of Labor and Employment Program ("Department Program") in order to confirm the employment eligibility of all employees newly hired by the Firm for the purpose of providing its services to the Fire Authority. Under no circumstances will we use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants during the course of our Firm’s providing services to the Fire Authority.

b. If, while providing services to the Fire Authority, our Firm acquires actual knowledge that a subcontractor performing work in connection with such services knowingly employs or contracts with an illegal alien, the Firm will (i) notify the subcontractor and the Fire Authority within three business days that the Firm has actual knowledge the subcontractor is employing or contracting with an illegal alien; and (ii) terminate the subcontractor’s contract if within three business days of receiving the notice required in (i), above, the subcontractor does not stop employing or contracting with the illegal alien; except, the Firm will not terminate the subcontractor’s contract if during the three business days the subcontractor provides information establishing the subcontractor has not knowingly employed or contracted with an illegal alien.

c. The Firm will comply with any reasonable request by the Colorado Dept. of Labor & Employment made during an investigation pursuant to C.R.S. § 8-17.5-102(5).

d. The Firm agrees that, if it violates one of the foregoing provisions, the Fire Authority may terminate our services, and may seek actual and consequential damages. The Firm acknowledges the Fire Authority also will notify the Secretary of State, which may take further action against the Firm.
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We retain records relating to professional services we provide so we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain physical, electronic and procedural safeguards that comply with our professional standards.
Members Present:

Board Chair Jeff Swanty  Rural Board Secretary Greg White  
Fire Chief Mark Miller  Chief Ned Sparks  
City Manager Bill Cahill  Councilor John Fogle  
Rural Board President Dave Legits  Assistant City Attorney Tree Ablao  
Public Safety Admin. Dir. Renee Wheeler  BSC Roylene Sterkel

Members Absent:

Mayor Cecil Gutierrez

Visitors:

Battalion Chief Michael Cerovski  
Mike McKenna

Call to Order:

Chairman Swanty called the Fire & Rescue Authority Board meeting to order on the above date at 1:10 p.m.

Awards and Presentations:

None

Public Comment:

None

Consent Agenda:

1. Consider the minutes from the Loveland Fire Rescue Authority Board for the December 18, 2014 Regular Board Meeting and the notes from the Planning Meeting on the same day.
City Manager Cahill moved to approve the Consent Agenda. Rural Board President Legits seconded the motion and it carried.

**Regular Agenda: (Items were moved around in hopes the Mayor would be able to attend)**

3. **Consider Actions to Amend the Fire Authority Intergovernmental Agreement Between the City of Loveland and the Loveland Rural Fire Protection District Board Allowing the LFRA Board to Approve Mutual and Auto Aid Agreements Exclusively.**

   Assistant City Attorney Ablao explained that this would amend the Fire Authority IGA to allow the Fire Authority Board to approve mutual and auto aid agreements without having to go to the other governing partners (City Council and Rural Board) for their approval.

   City Manager Cahill asked if there have been issues with any of the past M.A. or A.A. Agreements. Rural Board Secretary White said the only one that he recalled was the Johnstown/Loveland Mutual Aid Agreement and that didn’t have anything to do with fire operational procedures. Cahill said he thinks this amendment is a valid “mainstreaming” requisite and he moved to approve moving forward with the IGA Amendment for presentation to City Council and the Rural Board. Rural Board President Legits seconded the motion and it carried.

4. **Consider a Resolution Approving an Intergovernmental Mutual Aid Response Agreement Between the Loveland Fire Authority and the Poudre Fire Authority.**

   Assistant City Attorney Ablao said this Resolution is merely a title change from Loveland Fire Rescue Department to Loveland Fire Rescue Authority.

   City Manager Cahill moved to approve the Resolution. Rural Board President Legits seconded the motion and it carried.

5. **Consider Options for Fire Code Appeals and Consider a Motion for a Recommendation to City Council.**

   Fire Chief Miller said that currently the Fire Rescue Advisory Commission is charged with serving as the appeals board for any fire code appeals. Two options were initially discussed. Option 1 was to designate the LFRA Board as the final appeal board and option 2 was to designate the Fire Chief as the final appeal. Chief Miller said that he and Chairman Swanty had discussed a third option of having the Fire Chief and 2 elected officials from the LFRA Board (1 rural-1 city) be the final appeal. Chief Sparks said that he only remembers having one appeal in all the years he has been here. That appeal did go before FRAC and it was obvious that they were not very comfortable with the process.

   City Manager Cahill said he thinks there is good reason to remove FRAC from that responsibility because they are not trained and equipped for code interpretations. He
said that City Council could have the same issues as could this board. Rural Board President Legits said he feels that the Community Safety Division does a good job as a negotiator in fire code issues.

Chairman Swanty suggested that the board consider having the Fire Chief pick two volunteers from this board, one from rural and one from city, and the three of them act as the appeals body.

City Manager Cahill moved to recommend to City Council to have FRAC removed from the appeals process and have the appeals board consist of the Fire Chief and two member of this board, one being from the city and the other from the rural. Rural Board President Legits seconded the motion and it carried.

6. **Consider Actions to Change the Fire Rescue Advisory Commission (FRAC) from a City Council Advisory Commission to a LFRA Board Advisory Commission.**

PSA Director Wheeler talked about the need to align the citizen advisory board with the governing board responsible for making policy decisions. Therefore, FRAC should be an advisory board to the Loveland Fire Rescue Authority Board instead of City Council. City Manager Cahill affirmed with Assistant City Attorney Ablao that this would be a change in the LFRA By Laws, not the IGA. The FRAC members would need to be reappointed under the Authority Board.

Chief Miller asked City Manager Cahill if he felt there were any concerns from council members regarding this issue and Cahill said he had not heard any thus far. PSA Wheeler highlighted that the proposal establishes FRAC as an ad hoc commission where meetings would be associated with projects as opposed to having monthly meetings when there may not be any issues that need to be addressed. Chairman Swanty agreed with that concept.

Chief Miller said that in FRAC’s 2015 planning meeting, they indicated that they would like more education relative to operations. Chief Ward said that he feels it’s important for boards and commissions like FRAC to be focused on specific projects. Chairman Swanty wondered if it makes sense for FRAC to be involved with the budget process. City Manager Cahill said he feels it’s not critical, but they do need to look at the budget and be briefed on it. Chief Miller said he feels it is beneficial for FRAC to look at the budget because they are citizens of the community and may bring up concerns or questions that are relevant. PSA Director Wheeler agreed with that concept.

City Manager Cahill said he supports the recommendation and the change could go before City Council on February 17th.

Rural Board President Legits moved to approve the recommendation. City Manager Cahill seconded the motion and it carried.

7. **Discuss Outside Legal Counsel for LFRA.**

Chief Miller said that over the past 30 days he and PSA Director Wheeler along with
Assist. City Attorney Ablao have spent a considerable amount of time doing research regarding options and costs involved with getting outside legal counsel for the board. The board agenda contained sample engagement letters from Dino Ross with Ireland Stapleton and Bob Cole with Collins, Cockrel, and Cole, both of which have significant expertise with formulating and representing fire authorities. With the board moving forward with a maturation plan, this issue needs to get resolved. The two biggest concerns through that process will be legal matters associated with employee benefits, including pensions. Asst. City Attorney Ablao said that Poudre Fire Authority has an IGA with the Fort Collins City Council and has contracted with city staff for some of their legal matters. Councilor Fogle asked why they did that and Ablao said depending on the subject matter, it was less expensive.

City Manager Cahill said it appears to be the consensus of the board to look for outside council in some cases if there is a conflict of interest for the city attorney. Chief Miller said he has talked quite a bit to Dino Ross, who is the least expensive proposal, and has been impressed with his expertise. It’s clear that through the maturation process the biggest concerns will be how to make sure that employees are taken care of legally and the most time consuming issue will be pension because of the outside entities involved.

City Manager Cahill said there are many things that need to be in place prior to making the change from City to Loveland Fire Rescue Authority. There are policies that need to be done and questions as to who will develop those policies. PSA Director Wheeler said that she and others are working with HR and have formed a committee to address these types of concerns. Randy Haskett with HR is part of that committee. Councilor Fogle said that employees need to be informed as to what’s happening along the way and will need some guidance. He suggested drafting a letter to all employees about the transition and giving them an open invitation to attend a board meeting if they had concerns or questions. Chairman Swanty thought that would be a good idea as well.

Chairman Swanty said the decision needs to get made as to whether everyone will get changed over at the same time or if we will do the Fire Chief first and then others. His feeling is to migrate the Chief first and all other later. City Manager Cahill said it’s going to take the same amount of effort (paperwork, policies, etc.) to do one person or everyone – things still need to be in place. There are things like healthcare that need to be on a group rate for better costs.

Councilor Fogle asked Chief Miller who he would recommend for outside legal counsel. Chief Miller said he would recommend Dino Ross because he has worked with him through the State Fire Chiefs Association and feels he understands the fire service very well. Chairman Swanty asked how we go about using an outside legal person if the board chooses to go with a special counsel rather than a general counsel. Councilor Fogle suggested that if any two board members wanted them at a meeting then they should be there. The board discussed costs involved with having counsel come to us as opposed to getting questions answered via phone or emails.
Rural Board Secretary White said that staff should be able to call the attorney and not have him visit in most situations.

Chairman Swanty asked if everyone was comfortable going with Dino Ross as an outside counsel and everyone agreed that they were.

Councilor Fogle recommended that the board go with Dino Ross as outside special counsel. Rural Board President Legits seconded the motion and it carried.

PSA Director Wheeler said there would need to be a not to exceed dollar amount set up in the budget. She said that processes are in place with committees forming policies and directions as needed.

Chairman Swanty asked if we should have Mr. Ross attend the next board meeting.

Rural Board Secretary White said that dialogue is essential and we need to have questions or concerns ahead of time to talk about. Chief Miller said we can have staff put together questions and get them to Mr. Ross ahead of time so he can attend the meeting with answers and timelines.

Councilor Fogle would like to see Rural Board Secretary White and Asst. City Attorney Ablao work on a “two-person rule” for notifying council on issues and that would also work well on other subjects.

Chief Miller said he would work with PSA Director Wheeler on budgeting issues and putting together a Service Contract for Mr. Ross with Exhibit A being his engagement letter and costs.

2. Fire Chief 2015 Goals.

Chief Miller included in the agenda packet his 2015 goals relative to his evaluation. He indicated that after talking with City Manager Cahill and Chairman Swanty, he feels like the format may not be the most effective way to set his goals up. City Manager Cahill asked that he format similar to the current City format. The board likes to see 5-6 goals at the most with some sub-sets if needed. Chief Miller said he would like to add some wildland information and will revise the list for the next board meeting.

Chairman Swanty asked if city directors have an opportunity for input prior to their evaluations. City Manager Cahill explained that self-evaluation forms go out to each director then to council for their input and to HR then back to the employee for their comments. Councilor Fogle explained how the city council does their evaluations.

Chairman Swanty asked how the merit pool works in comparison to evaluations. City Manager Cahill said each department is given a pool of money to use for raises based on employee evaluations. The percentage can range from no raise to whatever has been decided on for top. It is at the discretion of directors as to how that money gets divided up amongst their employees based on their evaluations.

The board agreed that Chief Miller will revise his goals format and bring it back to the February board meeting.
8. **Consider a Resolution to Approve a 2015 Revised LFRA Fee Schedule.**

PSA Director Wheeler explained that the first fee schedule was adopted in September, 2014 to be effective January 1, 2015. The effective date for the revised fees would be March 1, 2015. The building and fire protection systems permit fees will include the cost of the inspection. Fees charged in the Rural District for building and fire protection systems will be based on valuation of the project rather than square footage. This will make the fees more equitable and consistent with the city fees and other jurisdictions. Changes include:

- Liquefied Propane Gas Tank Exchange Stations added for $100/ea.
- Spraying & Dipping Operations consolidated for $100
- Open Burning Permits charge eliminated

If approved by this board, the new schedule will go to City Council and the Rural Board for their approval.

Councilor Fogle moved to approve the new fee schedule. Rural Board President Legits seconded the motion and it carried.

9. **Chiefs Briefing.**

- Chief Miller said that the accreditation process is moving forward well.
- Our ISO evaluation has been completed. It looks like we may be able to drop our rating from a 4 to at least a 3, possibly a 2. In the Rural District, it should drop as well.
- He will be speaking at the Thompson Valley Rotary Club meeting on Thursday.
- He will be out of the office next week for the Alpine Ski event in Vail. He will be working the night shift in the command post.

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

- Rural Board President Legits commented on the 18% of calls in the rural. PSA Director Wheeler handed out a summary of the last 4 years of calls.
- Councilor Fogle asked how the integration with Big Thompson Volunteer Fire Department is going. Chief Miller said it is an on-going process. Certifications are being worked on for the Canyon folks. Chief Ward said he is working with PSA Director Wheeler to have the Big Thompson Canyon Department added to the 2016 budget as a station budget within the Operations Division.
- Councilor Fogle said we should plan a meeting at the Drake Station and also go see the new station on Storm Mountain.
- Chief Miller said interviews were conducted yesterday for Part Time Firefighters and two offers were given pending background and medical checks.

With no further business Chairman Swanty adjourned the meeting at 3:05 pm.

*Minutes submitted by Secretary Sterkel*
EXECUTIVE SUMMARY

The City Manager requested that the Fire Chief to submit a $245,000 budget reduction proposal to incorporate in his team’s $6.3 million budget reduction proposal for City Council discussion on May 19, 2015. The City Council narrowly voted not to support the current three year phased elimination of sales tax on food for home consumption. A citizen petition is expected to eventually meet all the legal requirements, and that petition will need to be returned to the City Clerk with the required number valid signatures from registered voters in Loveland to be placed on the November ballot.

Staff will review the LFRA submittal with the LFRA Board in the context of how it will be incorporated in the 2016 budget development process.

BACKGROUND

The City Council has been considering the possibility of eliminating the 3% sales tax on food for home consumption. A variety of options that have been discussed. This action is estimated to reduce sales tax revenue in the City’s General Fund (the fund that makes the contribution to LFRA) by $6.3 million. City Council approved an ordinance on first reading that would reduce food tax 1% a year over three years. During the second reading of the ordinance, a concern was raised about the lack of information on the service impact of the revenue reduction. Council decisions include: whether a reduction is appropriate, the appropriate percentage reduction, whether the reduction should be staggered over time or all at once, the effective date for the reduction, and whether the action should be an ordinance or a ballot measure. The City Council on April 14, 2015 directed the City Manager to bring a proposal for budget revisions to the meeting on May 19, 2015, and indicated they wanted feedback from all the City’s citizen advisory commissions. The Fire Rescue Authority Advisory Commission considered the LFRA proposal at their meeting on May 13, 2015 and the following statement was issued:

*We have concern over any cuts that affect public safety, but appreciate the balanced approach that impacts the LFRA. We also have concerns regarding Firefighter safety due to the reductions in personal protective equipment and critical life safety equipment. In addition, the long term retention of our workforce and its morale will be adversely impacted due to cuts in training and peer counselling. These reductions take a measured approach in the Community Safety Division that will impact inspections, development review and planning will directly impact public education. Overall, these cuts will impact the level of service to our citizens and the safety of our firefighters.*

The City Council vote on the issue did not support the reduction in food sales tax at the May 19, 2015 City Council meeting. The final version of the LFRA reduction proposal is attached. Many of these reductions were generated by cost saving measures and would have been included in 2016 budget recommendation to make funding available for Board approved recurring new expenditures. You will remember that the memorandum for the supplemental budget
appropriation to re-appropriate the 2014 budget savings (February 25, 2015 meeting) included $76,400 of recurring expenditures that staff indicated would need to be absorbed within the budget (i.e., outside legal counsel, chief’s vehicle maintenance and amortization, old hire pension contribution, opticom maintenance, and random drug testing).

It is important for the LFRA board members to understand that LFRA staff are constantly looking for cost saving measures to enable us to address the needs of the organization. Strictly due to the timing of the budget cycles, many of those savings are just now being incorporated into projections within the ten year financial plan. The following is a listing of some of those measures:

- Propane cylinder exchange station at the training center instead of all stations going out of the way to a private exchange station
- Coffee service replaced by Sam’s purchase of coffee, creamer, and sugar
- Training additional Fire Investigation Technicians on each shift instead of calling in a Community Safety Division investigator on overtime
- Techgen uniforms to be used as duty and wildland gear and dual compliant (duty and wildland) boots
- Centralization of equipment replacement
- Outsourced the calibration of kestrels (saved overtime) and then reduced calibration from annually to every three years
- Consolidating the bunker gear replacement and going out for a sealed bid that is renewable annually for three years
- Use of pool cars in the Community Safety Division reducing the number of take home vehicles and eliminating the need for replacing a pickup
- Standardization of apparatus and response equipment
- Sponsoring classes locally and opening them up to outside departments (travel for instructor rather than travel for all of the employees we are sending and cost recovery with registration fee for people outside our department)
- Eliminating printing of reports, making those available on-line only
- Strategy for refurbishing apparatus

We take great pride in spending in fiscally responsible manner and on developing solutions to challenges within resources that have already been appropriated (even if those straddle budget years to ensure the savings has materialized as expected). The most current and substantial project example is station alerting. This is a project that we are still in the process of refining to implement in an affordable manner. There are other challenges that will need to be addressed and the proposals for doing so will be incorporated into the budget development process.

The budget process graphic was included as the last page of the first quarter Budget Biz for 2015, and it has been attached here for your convenience. There will be ample opportunity to evaluate the budget in terms on alignment with the Strategic Plan, program goals, service delivery, priority based budgeting model scoring, comparison of actual revenue and expenditures to the budget, and the historical comparison of actual revenues and expenditures.
STAFF RECOMMENDATION

Information Only

FINANCIAL/ECONOMIC IMPACTS

Potential expenditure budgetary loss of $245,000

ASSOCIATED STRATEGIC GOALS

Deliver cost effective services.

ATTACHMENTS

LFRA Budget Reduction Proposal for the Food Tax Elimination

Budget Process Graphic
<table>
<thead>
<tr>
<th>Department Name</th>
<th>Program Name/ or Line item</th>
<th>FTE (if applicable)</th>
<th>Personnel Cost</th>
<th>Other Costs</th>
<th>Total Cost</th>
<th>Service reduction description</th>
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<tbody>
<tr>
<td>Fire Rescue Authority</td>
<td>604-22-227-1601-41095</td>
<td>4.200</td>
<td>4,200</td>
<td>Eliminate car allowance</td>
<td></td>
<td></td>
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<tr>
<td>Awards and Recognition</td>
<td>604-22-227-1601-43895</td>
<td>2,000</td>
<td>2,000</td>
<td>Reduce funds for employee recognition event</td>
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<td></td>
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<tr>
<td>Postage throughout the department</td>
<td></td>
<td>1,000</td>
<td>1,000</td>
<td>Reduce postage expenses</td>
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<tr>
<td>Printing</td>
<td></td>
<td>1,000</td>
<td>1,000</td>
<td>Reduce printing expenses</td>
<td></td>
<td></td>
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<tr>
<td>Subscriptions</td>
<td></td>
<td>1,000</td>
<td>1,000</td>
<td>Eliminate professional subscriptions</td>
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<tr>
<td>Telephone; 604-22-226-1641-43645</td>
<td></td>
<td>5,000</td>
<td>5,000</td>
<td>Reduce number of outside phone lines in fire stations</td>
<td></td>
<td></td>
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<tr>
<td>Communications; 604-22-226-1641-43718</td>
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<td>12,000</td>
<td>12,000</td>
<td>Communications: reduce replacement of radio components.</td>
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<tr>
<td>Breathing Apparatus; 604-22-226-1644-42097</td>
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<td>10,000</td>
<td>10,000</td>
<td>Self Contained Breathing Apparatus - reduce purchase of replacement equipment</td>
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<tr>
<td>Wildland Tools; 604-252-225-1604-42033</td>
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<td>4,000</td>
<td>4,000</td>
<td>Wildland Tools - reduce purchase of replacement equipment.</td>
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<td>Protective Gear; 604-22-224-0000-42025</td>
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<td>10,000</td>
<td>10,000</td>
<td>Bunker Gear/Uniforms - multipurpose gear in lieu of new gear.</td>
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<td>Tuition assistance; 604-22-224-0000-43274</td>
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<td>4,000</td>
<td>4,000</td>
<td>Reduce tuition assistance by 40% for outside schooling.</td>
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<td>Overtime; 604-22-224-1639-41021 FRSUPS</td>
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<td>10,000</td>
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<td>Reduce overtime for Peer Support counseling.</td>
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<td>Overtime; 604-22-224-0000-41021</td>
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<td>20,000</td>
<td>20,000</td>
<td>Reduce over time for training, outside schooling, and wildland assignments.</td>
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<td>Overtime; 604-22-224-1651-41021</td>
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<td>10,000</td>
<td>10,000</td>
<td>Reduce overtime in Community Safety division for inspections and plan reviews.</td>
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<tr>
<td>Eliminate Full time employee (not filled)--salary, benefits, and equipment</td>
<td>-1.0</td>
<td>70,927</td>
<td>8,800</td>
<td>79,727</td>
<td>Administrative Analyst: Eliminate statistical reporting, data analysis and clerical support for accreditation.</td>
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<tr>
<td>CSD position realignment</td>
<td>-0.5</td>
<td>71,382</td>
<td>71,382</td>
<td>Eliminate a position associated with public education and child safety programs. Add back a part time inspector to assist with building activity.</td>
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<tr>
<td>Subtotal LFRA</td>
<td>-1.5</td>
<td>182,309</td>
<td>63,000</td>
<td>245,309</td>
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2015 Proposed LFRA Budget Process

Financial Plan Update/Policy Direction Budget Development/Priority Based Budgeting May/June

LFRA Staff Recommendation June

LFRA Board Subcommittee Consideration of Staff Recommendation July 8, 2015

Fire Authority Board Public Hearing, Adoption of Budget and Fees August 26, 2015 or September 30, 2015

Rural District Board Approves Budget and Fees October 7, 2015

City of Loveland Approval of Budget and Fees October 15, 2015

Fire Authority Board Appropriation of Budget October 28, 2015
TITLE
Review Briefing Papers and Correspondence

EXECUTIVE SUMMARY
The Chief’s report includes a variety of general updates.

- April Overview
- Grants
- LFRA Maturation
- Sales Tax on Food for Home Consumption
- Inside First Leadership
- Part – Time Emergency Management Position
- Rural District Mill Levy Election
- Year End Report
- Operations Division Highlights
- Community Safety Division Highlights
- Emergency Management Highlights

BACKGROUND
This section of the agenda is intended to provide general information to keep board members apprised of various project status and department updates.

In an effort to streamline the monthly report writing and ensure that all governing boards are receiving the same information at the same time, in January staff began a procedure of distributing the monthly report electronically by the first week of the following month. The report for the previous month is retained in the LFRA Board packet for the official public record and to offer a placeholder on the LFRA Board meeting agenda to field any questions the Board may have on information included in the report. Therefore, this agenda includes the April monthly report that was electronically distributed to all governing board members (LFRA, City and Rural District). The May report will be distributed electronically by the first week in June.

STAFF RECOMMENDATION
N/A

FINANCIAL/ECONOMIC IMPACTS
N/A

ASSOCIATED STRATEGIC GOALS
N/A

ATTACHMENTS
- Fire Chief’s Monthly Report
- Letters & Articles
- April Statistics
Fire-Rescue Administrative Division

Chief Mark Miller and Public Safety Administrative Director Renee Wheeler

April 2015 overview –

We were looking at an early start to the wildfire season last month, but April has proven to be much wetter – thus giving us a break – at least for a while. The season snowpack looks like we are close to the 30 year median, according to recent data from the Water and Power department regarding snowpack in the Bear Lake area. I just finished signing all LFRA members *Red Cards* (wildland qualifications verification) this week, which means we are ready, and as prepared as we can be for what we hope is an *uneventful* wildfire season!

*Highlights* of the April report include; grants received; LFRA maturation update; sales tax of food budget reduction proposals; “Inside First” Leadership training; part-time emergency management position; development of a strategy for a Rural Mill Levy election process; Year-End report.

Grants received –

The City of Loveland Office of Emergency Management, under the leadership of Captain Pat Mialy, was successful in the City receiving 3 grant awards! Through the Hazard Mitigation Program Grant, we will receive a total of $674,366 for an emergency generator for the Chilson Rec & Senior Center; a grant called “CDBG-DR”, awarded us $167,500 for the purpose of developing a long-term mitigation strategy and a Mitigation Master Plan; and, an award of $20,000 was given by the North East All-Hazards Region from the State Homeland Security Grant for EOC technology upgrades and for exercises and planning. Read more specifics about the grants in OEM report (following the CSD report).

**LFRA Maturation -**

In our on-going process to bring the LFRA to full maturation, we are now meeting twice a month with the LFRA workgroup consisting of representatives from legal (internal and external) HR, City Manager, LFRA Board Chairman, and LFRA management and LFRA Captains, and Rural District. The main objective is conversion of all fire department employees to be under the Authority, Of course, this is a complex matter involving many details. The goal is to have the employee conversation process complete by October 2015.

I will be communicating with the department after each working group meeting, with a summary on the progress to the entire department. Additionally, three Captains (one from each shift) have been added the project work group. They will be responsible for bringing questions from the workforce to the workgroup. A question and answer web page will be developed so all members of the department receive transparent, consistent, accurate information.

**Sales Tax on Food for Home Consumption –**

As most everyone knows, the City is considering eliminating the sales tax on food for home consumption. Along with other City departments, LFRA has been asked to reduce our budget accordingly, and have been
going through the painful process of making program and line item budget reductions to comply with the directive. Although we believe our main mission (protecting life and property) will not be adversely affected, we will no doubt reduce important programs and operational line item accounts to meet the overall objective. Specifics of LFRA reductions will be revealed in mid-May, as appropriate.

**Inside-First Leadership –**

April 16th and 17th, LFRA Command Staff and Executive Staff took part in a two day workshop based on an “Inside First” leadership framework. This framework was developed by the Vail Leadership Institute and focuses on knowing thyself, specifically your core values, strengths, calling, legacy and ultimately understanding your purpose. In essence, Inside First leadership effectiveness is built on character and personal principals, rather than solely skill. It was an insightful and valuable two days and additional LFRA Officers will be participating in the near future as we continue on the path of *Enduring Greatness*.

**Part-time Emergency Management position –**

LFRA hired former City of Loveland/Loveland Fire Rescue employee, Louise Giuliano, to do some temporary, part-time work in Emergency Management, focusing specifically on researching, organizing, and writing a variety of emergency plans and procedures. This position is funded in part through an emergency management grant. Additionally, the position will assist in the development, design, conduct, and evaluation of emergency and disaster exercises. Lou worked for the City/Fire Department from 1993 – 2000 in Fire Prevention (CSD) as a Fire Inspector II. Lou left in 2000 to work in the corporate world and did extensive travel as well. She is extremely well qualified, with diverse experience, and will be an excellent asset to LFRA.

**Rural Fire District Mil Levy election –**

Staff is continuing work on a strategic process for the possibility of holding a Mil Levy election in 2016 to increase the funding stream into the Rural Fire Protection District. Renee Wheeler has updated the Rural District’s Ten Year Financial Plan to identify the estimated mil levy increase required to fulfill their commitment to the Strategic Plan. It was presented to the Rural District Board this month and we will now begin the planning process for moving forward.

**Year-End Report –**

The 2014 Year-End report, as well as the 1st Quarter Budget Biz report are complete. Both can be accessed via our web site. Special thanks to Renee Wheeler for her tireless commitment in providing a comprehensive annual report. Excellent work!
April 2015

Significant Events / Training
- Completed an Engineer Practical Skill Academy for new Engineers Jeremy Bell and Nate Will.
- Badge Pinning Ceremony conducted for recently hired and promoted personnel.
- Held a Blue Card Certification Class for members of LFRA. Congratulations to Chief Miller, Engineer DeDecker, Engineer Summer and Engineer Engelhardt on achieving this certification!
- Loveland Police SWAT conducted training for LFRA companies on small unit tactics to provide crews with an understanding of how to operate under the protection of law enforcement during an active assailant incident,
- Several members of LFRA assisted with the instruction and testing for a Colorado State Fire Officer I course hosted by the Platte Valley Fire District. Engineers Matt DeDecker and Chris Sandoli graduated from the course and are now eligible to take the written certification exam.
- Chief Miller, DC Ward and Captain Carmosino attended the annual Larimer County All Hazards Summit.
- A revision of the auto-aid agreement with Windsor-Severance Fire Rescue is in process.

Training Center Utilization
- Front Range Fire Authority
- Aims Community College Fire Academy
- Front Range Fire Consortium Academy
- Loveland Police Department
- Colorado State Patrol

Significant Incidents
- Companies responded to a residential structure fire on North Taft Avenue, Engine 2 arrived first on scene and was faced with heavy fire on a 2nd floor deck on the front of the house. The Engine 2 and Rescue 2 Companies knocked down the fire within 1:15 of arrival, ensuring that the fire did not extend to the interior of the structure.
- While extinguishing a small cooking fire in an RV at the Boyd Lake State Park, the crew of Engine 5 located a 15 year old that could not escape the vehicle on her own. The crew quickly rescued her from the RV with the crew of Engine 2 providing medical care until TVEMS arrived on scene. The victim was evaluated by TVEMS and determined to not be injured.

Apparatus Updates
- SVI continues to work on the refurbishment of Ladder 6, they are making great progress toward the September completion date.
- Two new pickup trucks are on order, one is a replacement for a SUV that is at the end of its lifecycle and the other truck is for the added Lieutenant position in the Training Battalion. The pickup trucks will be assigned to a shift Battalion Chief and the Training Battalion Chief.
- The Rural District owned Chevrolet Colorado pickup truck was reassigned to Station 8 for use by the Canyon Battalion’s officers. The reassignment was made possible by moving to a pool car concept for the Community Safety, Emergency Management and Operations staff vehicles. The only assigned staff vehicles are the Chief Officer’s response vehicles.
Update/overview of division, significant programs and projects (Ned):

- The City of Loveland permitting center continues to be discussed with a draft operational plan that was reviewed with the City of Loveland Executive Leadership. The Concept design has been approved, and architect is proceeding with fine tuning and more detailed design of particulars within the Fire portion of the building.

- The Building Department and Fire Authority continue to collaborate on plan review to ensure reviews are receiving quick turnaround and minimum delays for development. Ingrid has been working extensively with Dennis Renley from Building to review and plans and meet deadlines – excellent work Ingrid and Dennis!!

- New City of Loveland CBO, John Schumacher, has started and meeting between Fire and Building is being planned to develop strong working relationships.

- Met with Lincoln hotel architect and owner to explain the corrections noted on plans. Building and fire walked the architect through the requirements for the resubmittal. The Fire Sprinkler system is making significant progress and is on schedule for completion.

- Chief Miller, Carie, Ingrid and I continue to attend monthly, full-day DRT workshops with StratOp’s.

- Fire Investigations continue to be handled by FIT’s as primary investigation staff and assistance provided by Engineer Drage when needed to review suspicious causes.

- Redistribution of workload is in process in an effort to slow down the burn out of staff, reduce OT, and staffing changes between CSD and Training. These reassignments are being assessed to identify and implement target dates to make significant changes.

**DFM Dann**: assigned as the FIT liaison from CSD to work with the Captain’s & FIT’s. Responsible for utilizing the FIT’s with new construction inspections and assist with the Fire Safety visit program.

Participate with training crews on the application of Fire Code at the crew level.

- The FIT’s have an expanded response area to assist with inspections from Madison to Boyd Lake Dr. and will be more available for CSD use.
- Review the current use of FIT’s. Evaluate and develop duties and training in conjunction with the Captains.
- Liquor license inspections – FIT’s.
- Utilize Engine crews with simple tasks; knox-box, complete premise information for new buildings in ETI.
- Work with FITs and Captains when necessary with the Fire Safety visit program; Captains and FIT’s will develop the annual list and coordinate with preplans development.
- Work with Ty and Dan to develop a training plan for FIT’s in the fall of 2015.
- Other duties as assigned

**DFM Pringle**: Pub Ed., PIO & responsible for LFRA website.

- Develop a public education community risk needs assessment in conjunction with accreditation. What is needed to create a team using line Firefighters and Retirees to assist with Pub Ed?
- Create a policy for how and who places information on the website.
- Work with Emergency Management as needed for website updates.
- Update the website and work with Carie to place requirements for builders and fees.
- Research how to implement Red Zone data onto the website.
- Continue to work with R2J schools on annual inspections.
- Program manager for Youth Fire-setter intervention.
- Develop training for crews needed for BEC event standby – evaluate sign up process to make improvements.
- Scott to develop a training for the duty crews for BEC standby.
- Bonnie to take over placing in Telestaff and when is the best time to make the transition – early May? This may need to be assigned to the BC’s.
- Secured a donation commitment from Kiddie for 48 smoke alarms
- Other duties as assigned

**Engineer Drage** – Primary Fire Investigator, assigned to Accreditation half time including use and development of the ETI and Omega software, Haz-Mat program manager.
- Accreditation and associated software to meet compliance.
- Haz-mat program and complex inspections, will utilize the FIT’s for “simple” inspections. Ty will oversee haz-mat above and below grade tank installations.
- Primary Fire Investigator – oversee all investigation reports and coordinates with FIT’s on fire investigations.
- Ty is exploring alternative certifications for FIT’s with the State of Colorado.
- Work with Captain Lyons to place SARA Title II and haz-mat annual notifications into CAD or ETI for use on incidents.
- Other duties as assigned

**ISO, Accreditation, Haz Mat (Ty):**
- Accreditation - Self Assessment performance indicators are in the creation process and under review.
- On line with live Omega/FireView Advanced Reporting Module (4/23) and training provided to users.
- Created new briefing books for BCs to view data in Omega Dashboard
- ETI Mobile testing utilizing Surface units to increase efficiency for records management of inspections and premise information.
- Review and working on the hazmat permit program (including Tier II reporting) placing pre-plans on CAD.

**Significant Building Plan Reviews, Special Events and Inspection (Carie and Ingrid):**
- **Affinity.** 200+ apt. units for 55 and older. Complications based on their design and design approach, multiple meetings with the design team and Bldg. Dept (Dennis Renley from Building was instrumental in this success). We likely have resolution and have given two choices for them to be able to proceed without significant redesign.
- **Bass Pro:** finally got info from architects on proposed generator and transformer at enclosure next to building...we (with power dept) were able to advise them so they could proceed with their resubmittal docs. They are changing roof design (just structural approach) and are expected to resubmit soon.
- **Colorado dairy services building (Johnstown):** have approved the second submittal because it is already built (they submitted to us late, and docs. Were full of mistakes)...we have corrections to be made that we will inspect in field, and won’t sign off until they are complete. Still waiting on MAQs for their mixing room chemicals.
- **Arcadia:** stucco was orig. going to be encapsulated by new brick, but the stucco was not supportive. So it will be removed by abatement team (it is hazardous - that is why the building is tented).
- **Lofts on 3rd and Cleveland:** building and fire walked it with Barry, contractors and potential new owner an entire Friday afternoon. The new owner, who has bought the heartland café building, wanted to know where the building stood in terms of finalized reviews/ inspections, outstanding code issues, etc. (the lofts have been stopped in construction until new drawings are submitted for changes they made in field).
• Fire training building ramp permit has been approved by fire, waiting approval from bldg.

Inspections, Training & Public Education (Scott):
- 1 new general business fire safety inspection
- 1 new hazmat fire safety inspection
- 1 business follow-up (compliance) visit
- 3 hazmat permit renewals
- 6 car seat inspection/installations
- 6 burn permits
- 1 pyrotechnics permit at BEC
- 1 Knox box update
- 1 Safety Lessons Activity Book presentation
- Several LFRA website and Facebook updates
- Hosted Safe Kids meeting at FS6
- Grilling safety ad development with R-H
- Attended CoL supervisors training at Council Chambers
- Attended NoCo Fire Marshals meeting/training at Front Range Fire (Johnstown)
- Safety booth at the City of Loveland Health and Safety Fair
- BEC event standby scheduling (and re-scheduled of dropped shifts)
- CPS program quarterly reporting to State
- Renewed JFS-I certification
Office of Emergency Management – April 2015 Activities Report

Significant events in April:
The City was successful in receiving 3 grant awards! Through the Hazard Mitigation Program Grant, we will receive an award of $486,866 to purchase an emergency generator for the Chilson Rec & Senior Center. The generator will be installed outside of the Chilson and will be robust enough to run the entire building’s needs during a power outage.

The grant called “CDBG-DR”, awarded us $167,500 for the purpose of developing a long-term mitigation strategy and a Mitigation Master Plan. The vision with this project is to form a planning group with representatives of most city departments to create a long-term mitigation strategy for the City. Once the strategy is approved, a master plan will capture the implementation process.

Finally, an award of $20,000 was given by the North East All-Hazards Region from the State Homeland Security Grant for EOC technology upgrades and for exercises and planning. Most of this grant will be used to purchase a digital matrix switcher or for additional PCs. A smaller portion of the grant will fund planning and exercises for preparedness.

Lou started working for OEM and is very busy with two major projects, the city’s continuity of operations plan and building a GIS map layer for use in the EOC and we hope also in the field. This map will contain the locations and details of all of the known hazardous materials in our response district, property values, and population densities. This map should serve as a good tool for emergency impact forecasting and consequence management.

Flood Recovery
  • On-going city recovery planning meetings

Operations and Maintenance
  • Met with Tom H for JIC development and planning
  • ARES cabling project in EOC completed

Planning and Documentation
  • Worked with Lou G on COOP document, facilitated 1 COOP interview as training for her
  • Lou is working with Jeremy Bell to develop GIS map layer for hazards
  • Attended US Pro Cycle planning meeting
  • Facilitated communications meeting between Loveland, Larimer Co, Larimer Co ES, and Interagency Dispatch
  • Attended Larimer County Emergency Manager’s meeting
  • Business continuity meeting with John in IT
Emergency Preparedness Relationships
- Attended NEAHR meeting
- Met with Rick F for TSD exercise planning
- Participated in Larimer Co.’s reunification planning meeting
- Attended LCEM meeting

Grants
- Emergency generator
- Mitigation Master plan
- SHSG for EOC technology and planning
- Met with Keven A and Devin for generator grant planning
- Attended state’s CDBG-DR grant awardee meeting with Chris Carlson

Training and Public Outreach
- Provided Emergency Preparedness and Severe Weather Safety training to HFH Restore

Training Received
- Attended Pipeline operator’s field safety course
- Completed 1 CoL University class: Harassment and Discrimination in the Workplace

Exercises
- Participated in Larimer Co EOC exercise
- Observed Adams 12 schools reunification exercise

Other
- Conducted EM accreditation evaluation for Williamson Co. TN as a member of EMAP
- Attended the city picnic planning meeting
### CALL INFORMATION

<table>
<thead>
<tr>
<th>INCIDENT TYPE</th>
<th>CITY</th>
<th>RURAL</th>
<th>MO. TOTAL</th>
<th>YTD</th>
<th>% Prev. Yr.</th>
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### MUTUAL/AUTO AID STATISTICS YTD

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<td>8.5</td>
<td>41</td>
<td>14</td>
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<tr>
<td>Berthoud</td>
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<td>4</td>
<td>3</td>
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<td>Johnstown</td>
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<td>YTD TOTALS</td>
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### LOSS/SAVE INFORMATION

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<td>Month Total</td>
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### Specialized Disciplines Training

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<td>Water</td>
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| YTD TOTALS | 323 | 172 | 657.8 | 337.75 |
DEVELOPMENT REVIEW STATISTICS

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<th>Hours</th>
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<tr>
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CSD Development Review YTD

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<td>555</td>
<td>189</td>
<td>68</td>
<td>91</td>
<td>555</td>
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Fire Protection Permits Average days in review - 3.8 days
Percent within goal time - 100% in April

INSPECTION STATISTICS

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<th>Inspection Statistics</th>
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<th>Hours</th>
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<td>6</td>
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<td>Business Inspections</td>
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<td>Previous Month</td>
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<td>15.25</td>
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<td>Previous Year</td>
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<td>YTD Total</td>
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<td>New Bldg./Fire Protection</td>
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*Engine Company Safety Visits are not included in YTD Totals

CSD OTHER ACTIVITIES

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<th>CSD Other Activities</th>
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<th>Prev. Mo.</th>
<th>Prev. Yr.</th>
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Highlights/Projects

*Affinity Project Assistance
*Assisted City Building w/Conceptual Reviews & Planning Projects
*FCLWD Quarterly Meeting
*Attended FLSEC Conference in Estes Park
*Safety Booth at the COL Health & Safety Fair
*Bike Safety Rodeo at Ponderosa Elementary
*Activity Book Presentation

YTD Total does not include Eng. Co. Safety Visits