Members Present:
Chairman Jeff Swanty, Director of the Loveland Rural Fire Protection District ("Rural District")
Director Dave Legits, Rural District President
Director Steve Adams, Loveland City Manager
Vice Chairman John Fogle, City of Loveland Council Member

Members Absent:
Director Richard Ball, City of Loveland Council Member

Staff Present:
Mark Miller, Fire Chief
Greg Ward, Division Chief
Kristen Cummings, Business Services Coordinator
Cheryl Cabaruvias, Administrative Analyst
Ned Sparks, Division Chief
Michael Cerovski, Division Chief
Devon Saxbury, Fire Engineer
Dustin Waldorf, Fire Lieutenant
Emery Otto, Firefighter
Craig Willard, Fire Lieutenant
Emily Powell, Legal Counsel to the Authority

Visitors:
Kammy Tinney, District Manager, Rural District
Alicia Calderon, Loveland Deputy City Attorney
Julia Holland, Loveland Human Resources Director

Call to Order:
Chairman Swanty called the Loveland Fire Rescue Authority ("LFRA") Board meeting to order on the above date at 1:32 p.m.

Approval or Amendment of Agenda:
It was the consensus of the Board to add "Consider Appointing Division Chief Sparks as Interim Fire Chief" to the agenda under Other Business.

**Awards and Presentation:**

Chairman Swanty recognized that Division Chief Ned Sparks would be the Interim Fire Chief when Chief Miller retires on July 1, 2021. He shared Chief Sparks' accomplishments and awards received during his career with LFRA. Vice Chairman Fogle also recognized Chief Sparks’ work for getting fire sprinklers in the Lovelander Hotel, which saved at least 50 lives when the sprinklers worked the way they were intended during a structure fire.

**Swearing In:**

None

**Public Comment:**

None

**Consent Agenda:**

1. Consider a Motion to Approve the Minutes from the Loveland Fire Rescue Authority March 31, 2021 Regular Board Meeting

2. Consider a Motion to Approve the Minutes from the Loveland Fire Rescue Authority April 8, 2021 Special Board Meeting

Motion made by Director Legits to approve the consent agenda. Seconded by Director Adams; motion carried unanimously.

**Regular Agenda:**

3. Consider a Motion to Approve Resolution R-128, Authorizing Lease Purchase Agreement for Purchase of Self-Contained Breathing Apparatus (“SCBA”) and Accompanying Equipment

Chief Miller stated that SCBA has a manufacturing service life of seven years, and that LFRA’s SCBA is beyond its service life at ten to eleven years. He stated that is very expensive to replace all of the SCBA, so a committee was formed to find the best equipment and options. After one year, the committee recommended that LFRA move away from Scott SCBA and start using MSA SCBA. The total replacement cost would be over $1 million. The best funding option would be to finance the equipment using a lease-purchase transaction. A $1.9 million lease would cost LFRA $186,000 per year for 7 years. There would also be a credit for LFRA’s old equipment. Director Adams stated he was in favor of this approach, and it was the same approach the City police department is using for leasing body cameras. He said that it also makes sure LFRA will always have the latest technology and professional service.
Motion made by Director Legits to adopt Resolution R-128. Seconded by Director Adams; motion carried unanimously.

4. Presentation Regarding Fire Station 3 Facility Evaluation Update

Julia Holland and Deputy City Attorney Calderon reported on the findings from the Station 3 health and safety evaluation. It was stated that the City last did internal assessments on Station 3 in 2014 and 2009. Due to reductions in City budget, some of the planned capital improvements for Station 3 had to be put on hold. And, because the last two tax initiatives that would have funded these improvements have failed, the deferred capital still needs to be addressed.

Julia stated that following discussion of the health and safety concerns at Station 3 in November, the City’s Risk Department used third party contractors to investigate. Concerns included functional challenges based on design or operational complications, facility and maintenance related to the age of the building and delayed maintenance, and health and safety related to air quality and asbestos.

The operational or structural concerns that were found to need immediate attention were sanitary sewer back-up and roof leaks. Leaks are being immediately addressed, but a roof replacement is needed further out in the capital budget.

There were identified asbestos issues in the hose room, and mitigation work was completed in early January. HVAC renovation has also been identified as a requirement. These projects have been delayed because of the unknown status of building a new Station 3. In the next 30 days there will be an HVAC inspection.

A third party contractor inspected and sampled the air quality in four locations at Station 3. All samples were below the established regulatory criteria for diesel particulate matter, CO2, CO, O2 and Volatile Organic Compounds.

On April 20, 2021, a structural inspection was completed, looking at cracks in the building and structural integrity. The kitchen has a newly identified pipe leak, and a request for bids for that repair work will go out this week. The HVAC contractor is doing a walk-through today, and will test the functionality of the mechanical exhaust fan. If it is beneficial, firefighters will be trained on its use.

Chief Miller stated that certain issues identified in the evaluation as only being "preferences" actually have health and safety implications. For example, the shared shower is more than a gender concern, because it means that it takes 45 to 60 minutes for a company to take its showers following an incident. This increases cancer risk and also puts them out of service to the community for that long.

Chief Miller also raised concerns that as the kitchen pipes are fixed, asbestos could be found in the kitchen tiles, and that the cabinets are coming away from the walls. He stated that crews will be moved out of the station for two to four weeks as the kitchen is being repaired. Chief Miller found the original paperwork concerning the construction of Station 3 that showed it cost
$280,000 to build in 1979 with a functional life of 42 years. The station is currently almost 42 years old.

Division Chief Cerovski stated that there is an ISO impact to the Loveland community from closing down Station 3 for those weeks, as there were 1,200 calls for service in that area in 2020.

Division Chief Ward stated that the organization has done a lot of work on cancer prevention by providing a second set of bunker gear to each firefighter and requiring gross decontamination on scene, but that the most important thing to keep firefighters healthy is to get them into a shower and clean clothes as quickly as possible, which is not an option at Station 3.

Director Adams stated that he appreciated the collaboration between LFRA and the City on this subject, and that the Facilities Department is working on a long-term plan for Station 3, finding the best option and location, and funding, for a new Station 3, and that the concerns are being taken seriously. Vice Chairman Fogle stated that the last sales tax initiative didn't pass, and that feedback from the public is that they did not like the bundling of fire improvement projects with other projects. He stated that it might be worthwhile to pursue a small tax increase for the fire department only. Chairman Swanty asked Chief Miller to make this a priority.

Lt. Craig Willard stated that there are more needs besides facilities for LFRA, including staffing issues and the training area, which a sales tax initiative could also fund. He stated the Local would help support this issue if it was on the ballot.

5. Consider a Motion to Approve Hiring of an Executive Search Firm to Assist in New Fire Chief Search Process

Chief Miller stated that the Search Committee reviewed the bids for an Executive Search firm and recommend selecting Prothman. If selected, the Search Committee will work on a hiring timeline with them for approval by the Board at the May meeting.

Motion made by Vice Chairman Fogle to approve hiring Prothman as the Executive Search firm to assist in the new Fire Chief search process. Seconded by Director Legits; motion carried unanimously.

6. Chief’s Report

Chief Miller stated that an internal committee, the Pay Structure Analysis Team (“PSAT”), completed their review of the current pay-for-performance system and have identified alternative pay structure options. Their recommendation is a Step Plan system, like other fire departments, the Loveland Police Department, and the Thompson School District use. They have also outlined options for “acting pay”. A formal presentation and proposal will be given to the Board at a later date. There would also need to be a salary adjustment to assist with the transition to a Step Plan pay structure, which would cost $220,000 to $250,000 and will be rolled into a decision package for the 2022 budget.

Chief Miller stated that comprehensive financial policies for LFRA were developed two years ago by staff, the City and the Rural District. They were not adopted at that time. However, Chief
Miller stated he would like to implement the procurement section of the policy because the City’s procurement policy, which was previously adopted by LFRA, was designed for a much larger organization than LFRA. A proposed stand-alone procurement policy will be brought to the Board in the next couple months.

Staffing once Station 10 opens is outlined in the Strategic Plan: 3 Battalion Chiefs, and 6 firefighters to staff a Quick Response Vehicle. The new staff would need to be hired in September or August of 2022. The cost is to be determined.

LFRA's proposed impact fee increases were approved by the City on March 9, and Johnstown approved at the first reading on April 19. Johnstown has a second reading on May 3. Larimer County presented the increase on April 27.

Station 10 plans have been submitted to the Johnstown Building Department and the $7.5 million financing is in place.

On April 16, 2021 there was a large, eight-hour trench collapse incident that involved four fire agencies, and 70 firefighters. LFRA has received several CORA requests related to the incident.

Next week is the Rural District Board meeting, where they are discussing an MOU between the Rural District and Front Range Fire Rescue Fire Protection District (“FRFR”). The MOU would give the Rural District jurisdiction over everything north of Highway 402 to the County Line, and FRFR would have jurisdiction over everything to the South. FRFR wants the MOU to be reevaluated after three years, but the Rural District wants it reevaluated after ten, and this matter remains subject to negotiation.

7. Other Business for Board Consideration

Consider Appointing Division Chief Sparks as Interim Fire Chief: Motion made by Director Legits to appoint Division Chief Ned Sparks to the role of Interim Fire Chief beginning July 1, 2021. Seconded by Vice Chairman Fogle; motion carried unanimously.

8. Executive Session Pursuant to C.R.S. 24-6-402(4)(b) to Receive Advice of Legal Counsel Regarding a Complaint Filed against LFRA by Cindy Campbell

Motion made by Vice Chairman Fogle to go into executive session pursuant to C.R.S. § 24-6-402(4)(b) to receive legal advice regarding a complaint filed against LFRA by Cindy Campbell. Seconded by Director Legits; motion carried unanimously. Attorney Powell certified for the record that the executive session constitutes privileged attorney-client communications and would not be recorded. Executive session began at 3:10 p.m.

Upon motion duly made and seconded, the Board came out of executive session at 3:56 pm.

9. Consider Appointment of a Board Committee to Communicate and Work with Legal Counsel Regarding a Complaint Filed against LFRA by Cindy Campbell

Motion made by Vice Chairman Fogle to appoint a Board committee made up of Director Ball, Chief Miller and Chief Sparks, to work with legal counsel regarding the complaint filed against LFRA by Cindy Campbell. Seconded by Director Adams; motion carried unanimously.
10. Ratification of All Actions Taken by Legal Counsel in Connection with the Complaint Filed against LFRA by Cindy Campbell

Motion made by Vice Chairman Fogle to ratify all actions taken by legal counsel in connection with the complaint filed against LFRA by Cindy Campbell. Seconded by Director Adams; motion carried unanimously.

11. Possible Action on Any Additional Matters Discussed in Executive Session

None.

With no further business to come before the Board, Chairman Swanty adjourned the meeting at 4:05 p.m.

The foregoing minutes, having been approved by the LFRA Board of Directors, constitute the official minutes of the meeting held on the date stated above.

Jeffrey M. Swanty, Chairman

Kristen Cummings, Secretary

I hereby attest that the information communicated during the executive session, which was not recorded, constituted privileged attorney-client communications.

Emily J. Powell, Esq.

I hereby attest that the executive session, which was not recorded, was confined to the topics authorized for discussion in Executive Session pursuant to C.R.S. § 24-6-402(4)(b).

Jeffrey M. Swanty, Chairman