

## RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
LOVELAND RURAL FIRE PROTECTION DISTRICT  
HELD  
May 5, 2021

A regular meeting of the Board of Directors of the Loveland Rural Fire Protection District (referred to hereafter as "Board") was convened on Wednesday, the 5<sup>th</sup> day of May 2021, at 3:00 P.M.

### ATTENDANCE

#### Directors in Attendance Were:

David Legits, President  
Jeff Swanty, Vice President  
Tom Chesney, Treasurer  
Leroy Anderson, Director  
Paul Bukowski, Director

#### Also in Attendance Were:

Chief Mark Miller, Division Chief Ned Sparks and Cheryl Cabaruvias; Loveland Fire Rescue Authority  
Kammy Tinney; Pinnacle Consulting Group, Inc.  
Molly Janzen; Pinnacle Consulting Group, Inc. (via videoconference)  
Linda Glesne; Collins Cockrel & Cole, P.C.

Chairman Legits called the meeting to order at 3:05 P.M.

Chairman Legits declared that a quorum of the Board was present, with five of five members in attendance.

ADMINISTRATIVE MATTERS Agenda: The Board reviewed the proposed agenda for the regular meeting. Following review and discussion, the agenda was approved, as presented.

Minutes: The Board reviewed the minutes of the April 7, 2021 regular meeting. Following review and discussion, upon motion duly made by Director Anderson, seconded by Director Bukowski and, upon vote, unanimously carried, the Board approved the minutes of the April 7, 2021 regular meeting, as presented.

District Management Report: Ms. Tinney reviewed with the Board the written District Management report detailing April activity. Ms. Tinney reported that she followed up on Director Bukowski's inquiry regarding District By-Laws

previously adopted by the Board and confirmed that the Board has not previously adopted By-Laws.

Public Comments: There were no public comments.

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FINANCIAL  
MATTERS

Ratify Approval of Claims: The Board reviewed the expenditures for the period March 25, 2021 through April 28, 2021, totaling \$1,111,764.98. Ms. Janzen noted that \$816,253.64 of the total claims includes payoff of the lease with the City of Loveland. Following review and discussion, upon motion duly made by Director Chesney, seconded by Director Swanty and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period March 25, 2021 through April 28, 2021, totaling \$1,111,764.98.

Unaudited Financial Statements, Budget versus Actual Report, and Cash Position Statement: Ms. Janzen reviewed with the Board the unaudited Financial Statements and Budget versus Actual report for the period ended March 31, 2021, and the Cash Position Statement as of April 28, 2021. Following review and discussion, upon motion duly made by Director Bukowski, seconded by Director Anderson and, upon vote, unanimously carried, the Board accepted the unaudited Financial Statements and Budget versus Actual report for the period ended March 31, 2021, and the Cash Position Statement as of April 28, 2021.

Status of 2020 Audit: Ms. Janzen reported that the initial draft audit is pending completion. The initial draft will be provided to Chief Miller, Ms. Glesne and Ms. Tinney for review, and a final draft will be provided for Board review at the June meeting if possible, but no later than the June 30, 2021 deadline.

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DEPARTMENT/  
PERSONNEL  
MATTERS

Chief's Report: Use of Donated Funds. Chief Miller discussed with the Board potential uses of donated funds received, including the purchase of personal protective equipment for the five incoming Big Thompson Canyon volunteer firefighters at a cost of approximately \$8,000, and the purchase of a new generator for Station No. 9 at a cost of approximately \$7,000. Chief Miller noted that neither item was included in the Loveland Fire Rescue Authority 2021 Budget and could be purchased either with the donated funds or the District's general fund. Director Swanty recommended use of the District's general

fund with the additional oil and gas tax revenue to make the purchases. Following discussion, upon motion duly made by Director Swanty, seconded by Director Chesney and, upon vote, with Director Legits abstaining and Directors Anderson and Bukowski voting "Aye" the Board approved the purchases with the use of funds from the District's general fund.

**Impact Fee Presentation.** Chief Miller reported that the Impact Fee presentation to the Trustees of the Town of Johnstown occurred on April 19<sup>th</sup>, with a second reading included in the consent agenda on May 3<sup>rd</sup>. The Impact Fees were approved. Larimer County will consider the Impact Fees at its next regular meeting. If approved, the updated Impact Fees are expected to go into effect July 1, 2021.

**Fire Chief Hiring Process/Interim Fire Chief.** Chief Miller reported that Chief Sparks has been appointed as the interim Fire Chief, effective July 1, 2021. The Board congratulated Division Chief Sparks on the appointment and thanked him for taking on the additional responsibility.

Chief Miller reported that stakeholder meetings with the executive search firm are currently being scheduled for May 19<sup>th</sup> and May 20<sup>th</sup>. There will be seven to eight meetings held, with LRFPD Board members included. Chief would prefer no more than two Board members attend at one time. Director Anderson and Director Bukowski expressed interest in attending the meetings. Chief Miller reported that stakeholder feedback is built into the position profile as part the search campaign.

**Trench Collapse Incident Response.** Chief Miller reported regarding the department's response to a trench collapse at a construction job site in Johnstown. LFRA assisted in the recovery effort for approximately seven hours. An investigation is ongoing, and multiple CORA requests regarding the incident have been received. Director Swanty inquired about LFRA's role in site inspections. Chief Miller stated that it is the responsibility of the construction company and its employees to adhere to established safety guidelines. Chief Sparks stated that fire departments do not have authority in the fire code to enforce safety requirements on job sites.

**Draft 2022 Budget.** Chief Miller reported that the 2022 budget will be drafted in June, and Board discussion will be held at the regular July meeting.

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OTHER  
BUSINESS

There was no Other Business to come before the Board.

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LEGAL  
MATTERS

Pursuant to § 24-6-402(4)(b) and (e) of the Colorado Revised Statutes, Director Swanty moved that this regular public meeting of the Board of the Loveland Rural Fire Protection District adjourn and, upon an affirmative vote of at least two-thirds of the quorum present, that the Board reconvene in Executive Session for the purpose of receiving legal advice on specific legal questions and determining positions relative to matters that may be the subject of negotiations; developing strategy for negotiations; and instructing negotiators, regarding the proposed Memorandum of Understanding with Front Range Fire Rescue Fire Protection District regarding service area to properties located north and south of Highway 402, pursuant to § 24-6-402(4)(b) and (e) of the Colorado Revised Statutes. Director Bukowski seconded the motion. The vote carried unanimously. Ms. Tinney, Chief Miller, and Division Chief Sparks were invited to attend the Executive Session.

Ms. Glesne certified for the record that, pursuant to § 24-6-402(4)(b) of the Colorado Revised Statutes, all the executive session discussion will constitute an attorney-client privileged communication and will not be recorded.

The Board went into Executive Session at 4:00 P.M. The Board did not engage in substantial discussion of any matter not enumerated in § 24-6-402(4)(b) and (e), C.R.S. The Board did not adopt any proposed policy, position, resolution, rule, regulation, or formal action. The Executive Session was adjourned at 5:38 p.m. on a motion by Director Anderson, seconded by Director Bukowski and passed by the affirmative vote of all members.

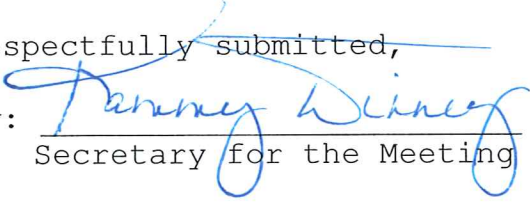
The Board reconvened in regular session at 5:38 P.M.

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ADJOURNMENT

There being no further business to come before the Board, upon motion duly made and seconded, the meeting was adjourned at 5:41 P.M.

Respectfully submitted,

By:   
Secretary for the Meeting