

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE BLACK FOREST FIRE/RESCUE PROTECTION DISTRICT

The Board of Directors of the Black Forest Fire/Rescue Protection District held a regular board meeting on November 18, 2020, via Zoom technology, such meeting duly posted for public notice.

A quorum present, the meeting was called to order at 7:00 p.m. by Chair Nearhoof.

Directors present: R. Nearhoof/N. Dowden/J. Hinton/D. Hoffpauir/J. Abendschan

Directors absent: None

Also present: Chief Langmaid/DC Rebitski/D. Arkowski/fire department personnel/OCN reporter  
Natalie Barszcz/Community Members

**Roll Call:** All Directors were present.

**Minutes** A motion was made and seconded to approve the board meeting minutes for the October 21, 2020 regular board meeting; upon a vote, the motion was carried unanimously.

**Financial Reports** Treasurer Hinton reported there is \$1.325 million on hand and the reserve accounts are funded. All transactions for the month were in order with only one large expenditure of \$12,000 plus for the MDC equipment. The District is 6.5% under budget for the year. **A motion was made and seconded to approve the financial report; the motion carried unanimously.**

**Chief's Report** Given by Chief Langmaid. A written report was prepared by Chief Langmaid and sent to all directors. A copy is attached to the minutes.

#### Administrative:

- Finance – The accountant is reformatting the financial reports, resulting in some disparities in reports. This will be corrected.
- Budget – the 2021 budget hearing is on the agenda for later in the meeting.
- Personnel – Four to five pending openings are under review.

#### Logistics:

- Facilities – minor repairs are scheduled.
- Communications - the MDCs have been programmed and are awaiting installation.
- Fleet – the primary engine is returning this week following maintenance; other vehicles will undergo warranty work.

#### Operations:

- Calls are at a normal level with 106 responses in October and an increase in covid calls.
- Training continues at a rigorous pace, with the north end districts participating. Captain Kraus is pursuing a very high standard of training, and there has been media coverage of events occurring. A training academy is being developed for BFFR and partner agencies.

#### Planning

- Attempts are underway for meetings between City FD, City Council and BFFR to facilitate the exclusion process that has been in limbo since 2018. The City was planning to exclude 660 parcels from BFFR, but that number has been reduced to 392. In a separate action, a citizen who lives in the area in question is preparing to file a petition with the Board to exclude 22 parcels. An exclusion resolution addressing exclusions in general has been prepared by Attorney Glesne for the board's review.
- Chief Langmaid addressed an article in *Our Community News* that had some inaccuracies concerning BFFR actions, and requested corrections. It was clarified that the Flying Horse North development has not built a club house, although there is a proposal for such a facility. There is not a state law that requires 30,000 gallon water cisterns be installed in a development, but the county's land development code does address structural firefighting water. Because the County has not agreed to any type of impact fee, BFFR and Flying Horse North have not established a fee structure. The Chief stressed that Classic Homes is an economic leader in this region and a good partner with the fire district.

**Old Business** The 2021 budget hearing commenced, noting that the budget will be approved in its final form at the December 9, 2020 board meeting. Chief Langmaid led the discussion, using screen sharing in the Zoom format. A few line items have been changed since the budget discussion at the

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October meeting, specifically an increase for general liability and worker's compensation insurance coverage; the GO bond will be paid in full in 2021; employee wages and benefits have dropped to 47.6% of the general budget in 2021; communications outlay has increased by \$30,000 for mission-critical radios; fuel purchases have been adjusted; electricity for station 1 has decreased because power for the repeater tower is accounted for separately; PPE has increased because the purchase of SCBAs will be added to the budget due to quality used units becoming available; lease/purchase agreement funds have been set aside for the potential purchase of new apparatus.

BFFR participated in wildland deployment in 2020, assisting firefighting outside the District. This resulted in additional funds being accrued by the District, but took a toll on personnel and the equipment. This activity may not be guaranteed in the future. After a few questions to clarify details in the budget, the budget hearing concluded.

**New Business** An exclusion petition is pending for property located in the southern tier of the Fire District. The Black Forest Board is working with their attorney to prepare an exclusion resolution that will govern this process, and the board members received a copy of the draft resolution today. As this document requires significant study before it may be adopted, **A motion was made and seconded to table this item to the December 9, 2020 board meeting; upon a vote, the motion was carried.**

**Reports on Workshops and Meetings** None.

**Correspondence** The investment fund for the Black Forest Volunteer Fire Fighter's Fund, which is administered by the Fire and Police Pension Association, made a disbursement of \$10,000 to the general fund of the Black Forest Fire/Rescue Protection District to reimburse legal expenses incurred in a recent volunteer fire fighter legal matter.

Shield 616 event was successful and provided extra equipment for firefighters. The efforts of this national organization, which is based in Black Forest, are very much appreciated.

Chair Nearhoof met with resident Richard Painter concerning the location of the fire department repeater tower near Mr. Painter's property. It was agreed that fire department personnel would not enter Mr. Painter's property without permission.

**Public and Local 4502 Comments** Mr. Joel Helzer addressed the board concerning work he has been doing to coordinate exclusion of 22 properties from the southern tier of the District, noting that these properties are being doubly taxed for fire protection – from BFFR and also from the City. Mr. Helzer cited Statute 32-1-501 as the guiding legal authority for submitting a petition for this action, and asked how the petition should be submitted. Chief Langmaid suggested the petition be submitted to the Secretary of the District, who will set the agenda for a hearing on the matter, noting the board members will be the hearing officers. Treasurer Hinton suggested the submittal of the petition be delayed until the Board has developed an exclusion resolution that will guide the process. Mr. Helzer noted that Statute 32-1-501 allows the Board to pass a resolution directly, given that the properties asking for exclusion are already covered for fire protection by the City of Colorado Springs, and does not require the District to have a policy in place. Mr. Helzer reiterated that he is requesting direction on how to deliver the petition to ensure accordance with Statute 32-1-501, and was assured that it could be delivered to the fire station for Ms. Arkowski. Due to covid restrictions and problems with the US Postal Service, a certified mail delivery may be delayed or insecure. It was agreed that Mr. Helzer will personally deliver the petition to the fire station.

Resident Colleen Murphy asked if the resolution the Board is considering would address the 392 exclusions the City is currently addressing. The answer is no, because the resolution in question is a policy matter that would apply to exclusions in general. Ms. Murphy also asked what is the status of the 392 pending exclusions, with Chief Langmaid responding that he has heard nothing from the City Attorney but will be notified when they are submitted to the Court.

Resident Linda Smith praised the Chief and the Board of Directors for their competent administration of the District during these trying times.

**Future Meetings** Chair Nearhoof stated that the matter of exclusion of property from the District is relatively uncharted territory for board members and the Chief, and will require careful consideration with Attorney Glesne for final resolution. The next regular meeting will be December 9, 2020, at 7:00 p.m., and will probably be a Zoom meeting.

**Adjournment** There being no further business, **and upon motion duly made, seconded, and**

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**unanimously carried,** the board adjourned at 8:06 p.m.

Respectfully submitted,

Donna Arkowski, Secretary