

**CLEAR CREEK FIRE AUTHORITY  
MINUTES JANUARY 12, 2011**

The Clear Creek Fire Authority met in regular session on January 12, 2011 at Station 1 in Dumont. The meeting was called to order at 1830. The following were in attendance:

**BOARD OF DIRECTORS**

Gene Day	Idaho Springs Representative
Lee Behrens	Georgetown Representative
Joan Drury	ESD Representative
Wendy Koch	Empire Representative
Sean Arkley	Silver Plume Representative
Craig Abrahamson	Georgetown Representative
Tim Vogel	ESD Representative

**Absent**

John Curtis	Idaho Springs Representative
Kelly Babeon	Fire Chief

**Others in Attendance**

Bob Cole	CCFA Attorney
Mark Abrahamson	Deputy Chief
Brian Oppenheimer	Lieutenant
Joleen Swanson	
Phil Buckland	

**GENE DAY MADE A MOTION TO APPROVE THE AGENDA AS AMENDED** – The motion was seconded and carried unanimously.

Bob Cole was introduced and he gave a background of his firm's association with the Fire Authority.

Per Tim Vogel's request, Bob addressed the Board's concerns about the Chief's accident on December 21<sup>st</sup> and the current situation. Bob stated that the Fire Authority's worker's comp carrier (Pinnacol Assurance) will urge you to get the Chief back to work at some level as quickly as possible. He stated that they believe that the more you can have an injured employee engaged, the quicker they recover and the sooner they can be released from worker's comp. Bob stated that he has talked to Pinnacol and they are encouraging us to let Kelly have his computer and monitor his emails.

Bob informed the Board of the ADA (American Disabilities Act) issues that can come into play with an injured worker with an injury that impairs a major life function. He stated that you can't discriminate against a person entitled to protection under the ADA based on their disability, as long as they can perform the essential job functions of their position with or without accommodations.

The Board agreed to have Bob Cole interact with Kelly and his doctors on matters of limited duty, active duty, etc. Bob agreed to communicate with Kelly and his doctors to outline what they would like to accomplish and what that means in terms of his ability to perform work. He stated that he would keep Tim Vogel updated.

Tim Vogel stated that his biggest concern is that Kelly doesn't do something that jeopardizes his position with either the worker's comp or any individual claims he may have against the driver and their insurance company.

Bob explained the different insurance issues and his involvement. He stated that our insurance company, VFIS, is proceeding in a way that the driver of the other vehicle is at fault and any damage done to the Fire Authority's vehicle or property is the other driver's insurance company's responsibility. Bob stated that while he represents the Authority, VFIS has subrogation claims back against that insurer and will make sure your truck is fixed and equipment replaced. He stated that VFIS would then go after Allstate as the insurer of the other driver.

Bob explained that the Fire Authority has a responsibility to Kelly because he was injured on duty and Pinnacol will be providing worker's comp coverage and handling those benefits. Bob stated that Pinnacol might attempt to subrogate back against the insurer.

Bob explained that Kelly may have individual claims against the driver and their insurance company but Bob doesn't represent any of the parties involved in that discussion.

Bob agreed to check into VFIS supplemental insurance for making up the difference of Kelly's salary after worker's comp pays their percentage.

The Board agreed it was important to have Bob Cole attend CCFA's next couple of meetings and then attend on a quarterly basis.

**2011 MEMBER CONTRIBUTIONS** – Bob Cole explained the attached letter drafted for 2011 Member Contributions. Bob stated that as he understands it the Board wanted to consider an agreement whereby all of the member contributions for 2011 would be reduced at 50% of their level (with the exception of the County which would continue to fund at its current level). He stated that this modification would only be for 2011.

Tim Vogel stated that his main concern is that if we do this once then it will be expected next year.

The Board asked Joleen Swanson to arrange for the Fire Authority to be placed on each of the municipalities' agendas for a 10-15 minute presentation of an amendment to the 2011 municipal contributions to the Fire Authority. Joleen agreed to notify Tim Vogel of the dates and times for each.

**CRAIG ABRAHAMSON MADE A MOTION THAT WE RECOMMEND TO THE MEMBER ORGANIZATIONS OF THE CLEAR CREEK FIRE AUTHORITY ADOPTION OF THE LETTER AGREEMENT REGARDING 2011 MUNICIPAL CONTRIBUTIONS TO THE CLEAR CREEK FIRE AUTHORITY** – The motion was seconded and carried unanimously.

**CRAIG ABRAHAMSON MADE A MOTION TO APPROVE THE MINUTES OF DECEMBER 8, 2010** – The motion was seconded and carried with one abstention

**CRAIG ABRAHAMSON MADE A MOTION TO APPROVE THE BILLS AND CHECK DETAIL OF JANUARY 12, 2011** – The motion was seconded and carried unanimously.

**CRAIG ABRAHAMSON MADE A MOTION TO ACCEPT THE FINANCIAL REPORT FOR DECEMBER 31, 2010** – The motion was seconded and carried unanimously.

**CCFA BOARD DUTIES AND RESPONSIBILITIES** – Tim Vogel stated that he and Kelly were going to work on this but due to their injuries they have been unable to do so. The Board agreed to have this as an agenda item for the next meeting. Tim agreed email the documents he previously sent for the Board's review.

**RESIDENCY PROGRAM** – Mark Abrahamson explained the attached CCFA Resident Firefighter policy draft. Bob Cole agreed to review the policy and provide his input. The Board agreed to review the draft, provide Mark and Kelly with any comments and approve the revised policy at the next meeting.

The Board agreed to have Bob Cole review our Drug-Free Work Place Policy and discuss it at the next meeting.

**LEE BEHRENS MADE A MOTION TO APPROVE THE EXISTING SLATE OF OFFICERS INTO OFFICE FOR THE YEAR 2011** – The motion was seconded and carried unanimously.

**CHAIRMAN – TIM VOGEL  
VICE CHAIRMAN – GENE DAY  
TREASURER – WENDY KOCH  
SECRETARY – LEE BEHRENS**

**CRAIG ABRAHAMSON MADE A MOTION TO ADOPT RESOLUTION 2011-01, A RESOLUTION DESIGNATING THE POSTING LOCATION OF NOTICE OF MEETINGS** – The motion was seconded and carried unanimously.

Joleen Swanson agreed to have the agenda posted in the local Post Offices and look into putting notice of meetings in the local paper under Calendar Events.

**EVALUATION OF THE FIRE CHIEF** – Tim Vogel stated that he would email the evaluation sheet to the Board for them to fill out for our next meeting. The Board agreed to have an executive session at the next meeting to compile the results and put together the evaluation. Tim stated that once the Chief is back on his feet we can have a meeting with him to discuss the evaluation. Bob Cole reminded the Board that to have an executive session for a personnel matter you have to notify the person who is the subject of the discussion and they have the ability to require the discussion to be in public. Tim agreed to discuss this with the Chief.

Tim Vogel informed the Board that Kelly was released from Craig Hospital and is at home. He stated that Kelly seems to be doing very well and would welcome visitors.

**DEPUTY CHIEF'S REPORT** – Mark Abrahamson informed the Board that he was very impressed with the ambulance personnel and firefighters that responded to the Chief's accident. He stated their ability to look past the Chief's injuries in order to take care of the situation, stay focused, and do their job was truly a testament to what Kelly has built up over the years.

Mark informed the Board that we had 1228 calls in 2010, which is a few hundred above the previous year. He stated that we spent a lot of time on the highway and on medical calls in the municipalities. Mark stated that we reevaluated how dispatch was categorizing/dispatching calls and with their help made some important changes.

Mark stated that our Station 7 resident, Natasha Helmick, removed the last of our things from the old Station 7 today. Mark agreed to let the St. Mary's Metro District know that we have completely vacated the premises.

Mark stated the Officers have discussed being very aggressive on calls on the highway and making a big presence while we are out there in order to protect ourselves. He stated that safety is always our first priority.

Joan Drury stated that there was conversation today at the Commissioner's meeting about the visibility of Mark's truck and how Kelly's truck is kind of nondescript. Craig Abrahamson suggested looking into the NFPA standards and formally adopting them for our apparatus.

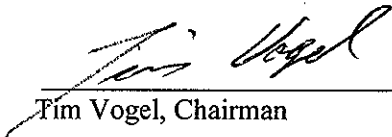
Craig Abrahamson asked for discussion and clarification of spending authority in the absence of the Chief.

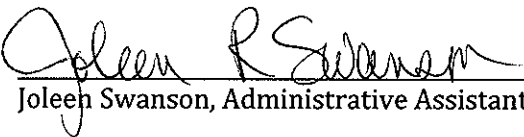
**GENE DAY MADE A MOTION TO EXTEND TO THE DEPUTY CHIEF THE SPENDING AUTHORITY OF THE CHIEF UNTIL THE CHIEF IS RETURNED TO FULL DUTY** – The motion was seconded and carried unanimously.

Mark Abrahamson reassured the Board that he would be calling them before he makes any big purchases.

**CRAIG ABRAHAMSON MADE A MOTION TO ADJOURN** – The motion was seconded and carried unanimously.

**MEETING ADJOURNED TO FEBRUARY 9, 2011**

  
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Tim Vogel, Chairman

  
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Joleen Swanson, Administrative Assistant