

Elk Creek Fire Protection District Board of Directors

Regular Meeting Agenda

Thursday, October 24, 18:00hr

In person and Via Zoom

(located on ECFPD website)

- I.Call to order
- II.Pledge of Allegiance
- III.Moment of Silence for Fallen Responders
- IV.Roll call of Board members
- V.Additions or Deletions to, and Approval of the Agenda
- VI.Public Comment Period
- VII.Review and Signed Approval of September, 2024 Regular Meeting Minutes
- VIII.Financial Matters
- IX.Chief Ware Report
- X.Old Business
- XI.New Business
 - 1.Review of proposed 2025 Budget
 - 2.Executive Session - Unification Disclosure
 - 3. Director Report
- XII.Adjournment

RECORD OF MINUTES
Elk Creek Fire Protection District
Regular Board Meeting
September 26, 2024, In person and via Zoom

Call to Order at 6:03 PM

The regular monthly meeting of the Board of Directors of Elk Creek Fire Protection District (ECFPD) was called to order by President Greg Pixley at 6:03 p.m. on Thursday, September 26, 2024. The meeting was held in both physical attendance and via Zoom virtual meeting pursuant to statutory notice.

Presentation of Colors by our new Honor Guard for ECFPD

Pledge of Allegiance

A Moment of Silence for Fallen Responders

Awards

There was a presentation of an award to a citizen for Civilian courage and Life safety award (a First for ECFPD) and the Phoenix Lifesaving Award to Ryan Smith.

Roll Call of Board Members

In physical attendance were President Greg Pixley, Treasurer Sharon Woods, Vice President Dominique Devaney, Secretary Melissa Baker and Director Chuck Newby.

Agenda

The agenda was reviewed by all Board members in attendance. No additions or deletions were made to the agenda. Agenda accepted as presented.

Public Comment Period

A citizen expressed concern over the vote on Resolution No 2024-09 and shared a Statement of Opposition to "Elk Creek FPD Resolution NO 2024-09 Resolution and Order of Exclusion".

Additional citizens expressed support for the districts working together, a need for unification, appreciation for the courage of Chiefs Shirlaw, Rogers and Ware for requesting the modification to the IGA between the districts and support for the Resolution before the board tonight for unification. There was excitement for the position it puts the community in for applying for grants as a larger fire district.

One Citizen from White Deer Valley HOA did not support the unification and felt the Resolution was not supported by the Special District act. The White Deer Valley HOA had petitioned to be included in West Metro fire District rather than part of the new unified district.

There was concern over the Resolution for unification citing the Triton report, which included language that the District would need more income. Citizens expressed a preference for the board to focus on how to recruit more volunteers.

Citizens who provided public comments include Neil Whitehead III, Jon Peligren, Al Leo, Phillip Koch, Katie Rothman, Kathleen Nunan, Mark Behner, Steve Gulliman, Amy Burnette, Jody Wagner, and Andy Fulham.

Minutes of the August Board Meeting

A Motion was made to accept the minutes as written by Vice President Dominique Devaney. The motion was seconded by Treasurer Sharon Woods. The motion passes unanimously.

Financial Matters

Treasurer Sharon Woods clarified that the numbers were run for the financial reports on September 4th. The reports in the Board packet were run a couple of weeks later so the numbers vary due to the timeline.

A motion to approve the District's August expenses was made by Treasurer Sharon Woods and seconded by Vice President Dominique Devaney. The motion was approved unanimously.

Information on the monthly financial activities of the district is contained within the Treasurer's Report and is on file with the District.

Chiefs Report

Chief Ware shared a table that is included in the Board packet that gives an update on call volume, average response time, incident summary, training, and prevention. Information on the full report is contained within the Chiefs Report and is on file with the district.

The Chief shared the preliminary budget is underway. Preliminary numbers from Jeffco & Park counties show a flat budget for 2025. A report on mutual aid was also provided. We are continuing the trend of receiving more mutual aid from neighboring Districts than we provide.

The Chief's report also included a report from Wildland. Chipping program continues. 1,115 cubic yards have been chipped to date, higher than last year's numbers and we are only three-quarters of the way through the year.

Old Business

None.

New Business

Pre-Consolidation Intergovernmental Agreement

Motion made by Vice President Dominique Devaney and seconded by Treasurer Sharon Woods. There was discussion on the motion.

Public Hearing date will be November 21

Director Chuck Newby presented a Statement of Opposition - see Appendix A

The question was called by Vice President Dominique Devaney.

Vice President Dominique Devaney made a motion to approve Resolution No. 2024-09 and Order of Exclusion. Treasurer Sharon Woods seconded the motion. There was a clarification that approval moves this resolution to public hearing.

Yays – Dom, Sharon, Melissa
Na -Chuck

The motion was approved.

There being no further business to come before the Board at this time the meeting a motion was made by Vice President Dominique Devaney and seconded by Treasurer Sharon Woods to adjourn at 7:36 p.m. Motion passed unanimously.

Respectfully submitted,

Greg Pixley – President

Melissa Baker – Secretary

Appendix A
ELK CREEK FIRE PROTECTION DISTRICT
STATEMENT OPPOSING APPROVAL OF
AMENDMENT TO PRE-CONSOLIDATION INTERGOVERNMENTAL AGREEMENT AND
RESOLUTION OF EXCLUSION

September 26, 2024

For the following reasons, I oppose adoption of this Amendment to the Pre-consolidation IGA (the Amended IGA) along with its required Resolution of Exclusion of the Property Owners of Elk Creek FPD (the Resolution) (the District), given that the effect of this scheme will be to:

1. **Subvert the Majority Will of District Voters:** Under provisions of Colorado Revised Statutes Title 32 Part 6 Consolidation, the District submitted the consolidation question to the voters and, on November 7, 2023, 3,057/51% of voters turned down consolidation itself while 3,113/52% of voters turned down an accompanying mill levy increase to 16 mills.¹

District voters have spoken: They do not want consolidation ("unification") of the three fire districts yet this scheme unlawfully attempts to use the Title 32 statute to subvert the will of the voters!
2. **Deny District Residents Due Process of Law:** The present consolidation scheme was developed behind-the-scenes, out of view of District residents, and without their proper inputs thereby unlawfully denying District residents their due process rights.
3. **Violate the Fiduciary Duty of the District Board of Directors:** Under the provisions of Title 32, the Elk Creek FPD Board of Directors has a fiduciary duty to use the assets of the District to protect the health, safety, and welfare of its residents. However, under this consolidation scheme, these assets will be misspent in the vain attempt to provide an adequate level-of-service to the 240 sq-mi North Fork FPD whose level-of-service is inadequate and the 52 sq-mi Inter-Canyon FPD whose level-of-service is inadequate.²
4. **District Residents Not Properly Served by Exclusion/Inclusion:** Provisions of the Title 32 statute allow exclusion/inclusion of property only "...if the property to be excluded will be provided with the same service by another fire protection district...". However, it is not possible for either North Fork FPD or a joined together Conifer FPD to provide the "same service" to the residents of the Elk Creek FPD and, in fact, the level-of-service provided will be significantly diminished. Therefore, the proposed exclusion/inclusion is impermissible under Title 32.
5. **Raise Property Taxes of District Residents:** The Resolution inaccurately alleges that the North Fork FPD mill levy is currently 12.000 mills and that the Elk Creek FPD mill

¹ For the November 7, 2023 ballot election voter totals, please see Exhibits A and B.

² For context regarding the geographic extent and the resulting level-of-service challenges that the three fire districts face, please see Exhibit C.

levy is currently 12.500 mills thereby claiming that "no election is required pursuant to Title 32". However, the actual mill levy rate certified by Jefferson and Douglas Counties for North Fork FPD is 12.9860 mills while the actual mill levy rate certified by Jefferson and Park Counties for Elk Creek FPD is 12.5510 mills. Therefore, an election must be held regarding the proposed inclusion of current Elk Creek FPD residents into the North Fork FPD since, by statute, mill levy rates cannot be adjusted for the present improper purpose.³

Chuck Newby
Director, Elk Creek FPD



³ For the actual certified mill levies of the Elk Creek and North Fork FPDs, please see Exhibits D and E.

EXHIBIT A

Elk Creek FPD Ballot Election Voter Totals for Jefferson County

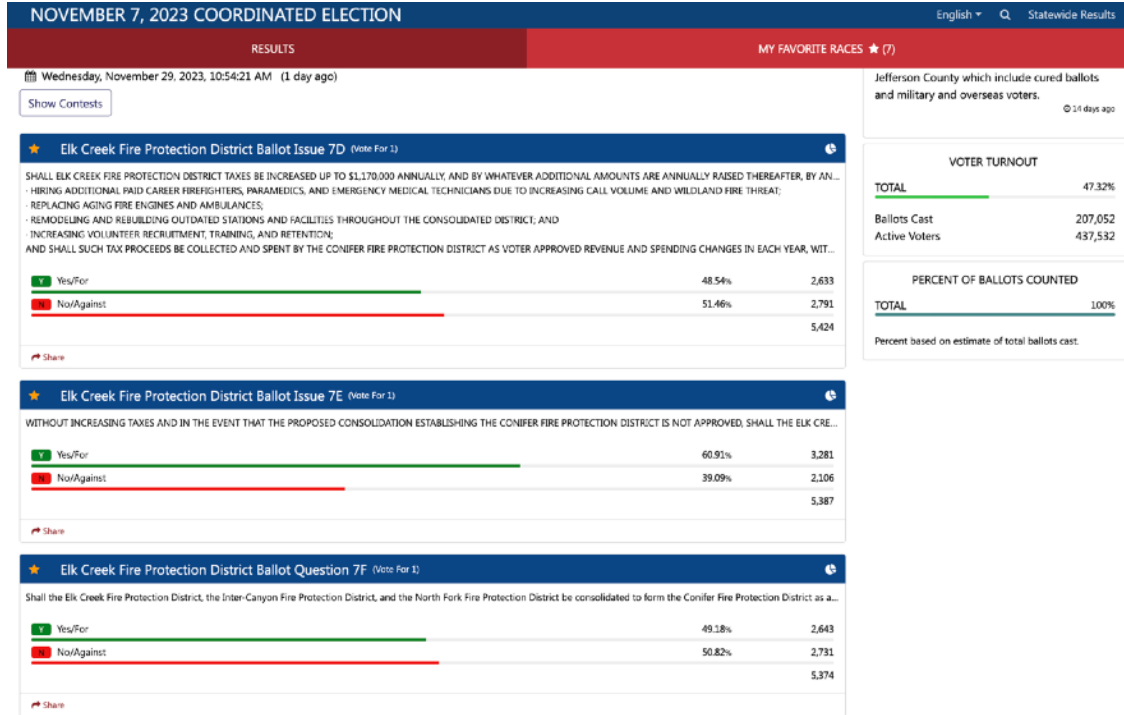


EXHIBIT B

Elk Creek FPD Ballot Election Voter Totals for Park County

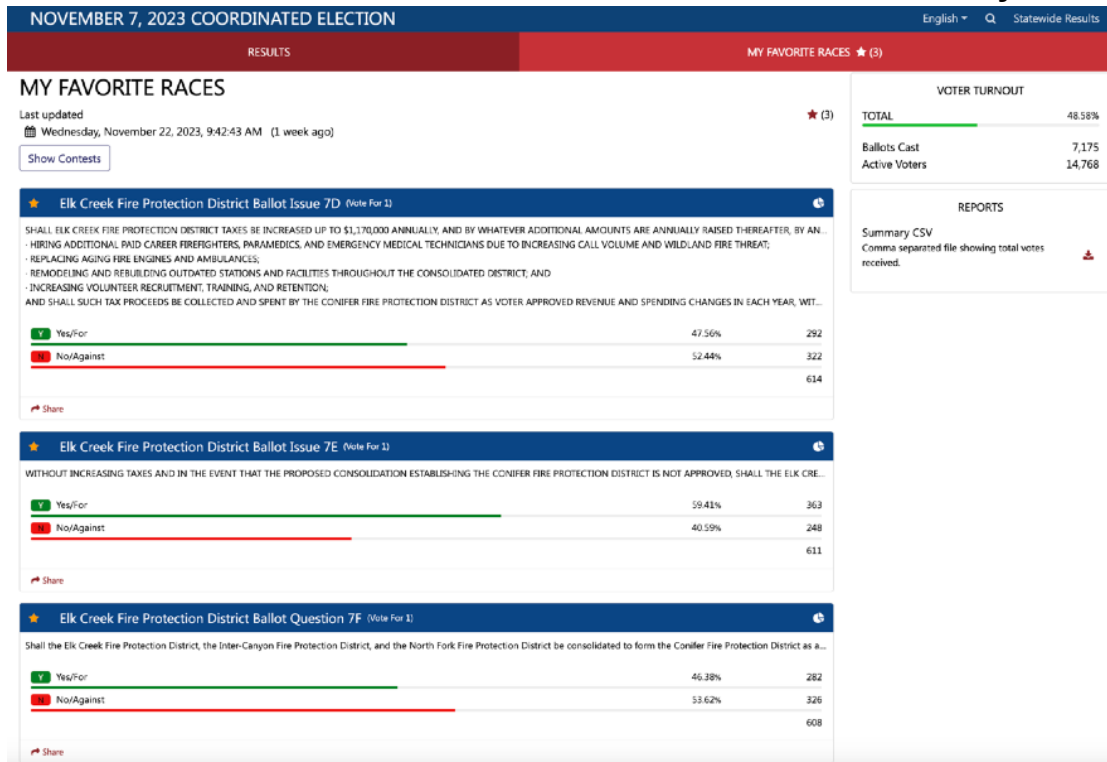


EXHIBIT C

Map of Current vs Consolidated Geographic Extent of Elk Creek, Inter-Canyon, and North Fork FPDs

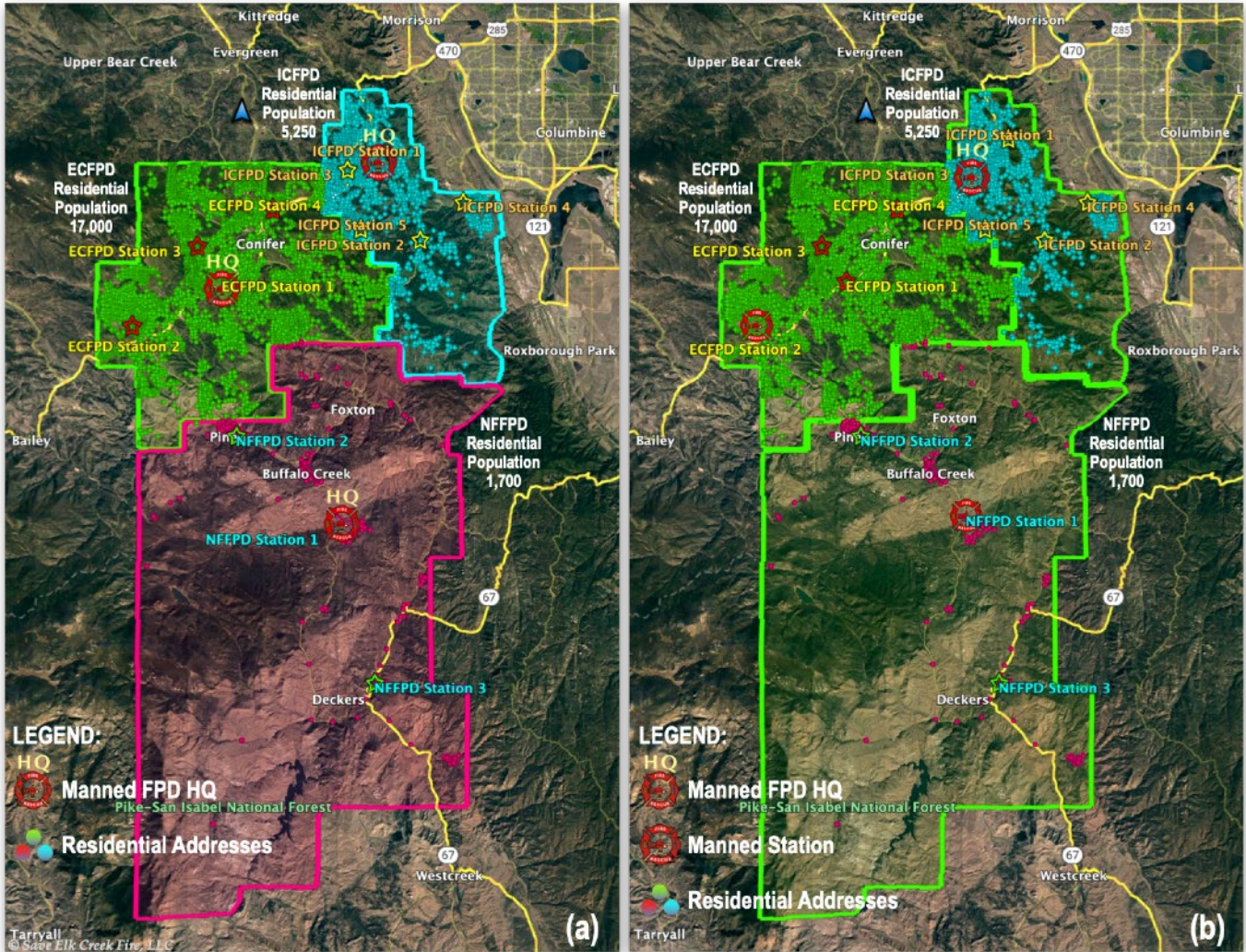


EXHIBIT D
North Fork FPD Mill Levy



NORTH FORK FIRE PROTECTION DISTRICT

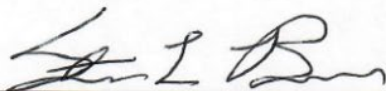
PO Box 183
Buffalo Creek, CO 80425-0183
Phone: 303-838-2270
Fax: 303-838-0412

LETTER OF BUDGET TRANSMITTAL

To: Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203

Attached is the 2024 budget for North Fork Fire Protection District in Jefferson County and Douglas County submitted pursuant to Section 29-1-113, CRS. This budget was adopted on December 6, 2023. If there are any questions on the budget, please contact Treasurer Lisa Benevento at 303-838-2270 or at PO Box 183, Buffalo Creek, Colorado, 80425. The mill levy certified to the County Commissioners is 12.896 mills for all general operating purposes including pension funding (not included G.O. bonds and interest or contractual obligations approved at elections or levies for capital expenditures pursuant to CRS 29-2-301 or any other exempt revenue). Based on an assessed valuation of \$25,003,872 in Jefferson County and Douglas County, the property tax revenue is \$322,450. Although we are authorized to assess 12.896 mills plus Refunds and Revenue from Omitted Property, we have elected to forgo assessment for Refunds and Revenue from Omitted Property. This causes our total mill levy to remain at 12.896 mills.

I hereby certify that the enclosed are true and accurate copies of the budget, budget resolutions and certifications of tax levies to the Jefferson County and Douglas County Boards of County Commissioners.

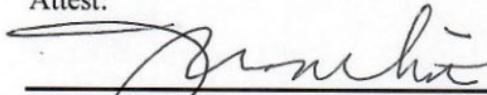


Steven Brown, President

12/27/2023

Date

Attest:



Elinor White, Secretary

12-27-2023

Date

EXHIBIT E
Elk Creek FPD Mill Levy

ELK CREEK FIRE PROTECTION DISTRICT
RESOLUTION TO SET MILL LEVIES
Resolution # 2023 12-2

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2023 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE ELK CREEK FIRE PROTECTION DISTRICT, COLORADO, FOR THE 2024 BUDGET YEAR.

WHEREAS, the Board of Directors of the Elk Creek Fire Protection District has adopted the annual budget in accordance with the Local Government Budget Law, on December 14th, 2023, and;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes is \$4,527,014 and;

WHEREAS, the 2023 valuation for assessment for the Elk Creek Fire Protection District as certified by the Jefferson County and Park County Assessors is \$362,161,144.

NOW, THEREFORE, BE IT RESOLVED by The Board of Directors of the Elk Creek Fire Protection District, Jefferson and Park Counties, Colorado:

Section 1. That for the purpose of meeting all general operating expenses of the Elk Creek Fire Protection District during the 2024 budget year, there is hereby levied a tax of 12.551 mills (12.5 General Operating mills and 0.051 Refunds and Abatement mills) upon each dollar of the total valuation for assessment of all taxable property within the District for the year 2023.

Section 2. That the President is hereby authorized and directed to immediately certify to the County Commissioners of Jefferson County and Park County, Colorado, the mill levy for the Elk Creek Fire Protection District as herein above determined and set.

ADOPTED, THIS 14th day of DECEMBER, 2023


Greg Pixley, Board President

CERTIFICATION

The undersigned secretary of the Elk Creek Fire Protection District certifies that the foregoing resolution is a true complete and correct copy of a Resolution of the Board of Directors of the Elk Creek Fire Protection District duly and regularly entered by the Board at its regularly scheduled meeting held on December 14th, 2023.


Melissa Baker, Secretary

ELK CREEK FIRE PROTECTION DISTRICT

Account Reconciliation

As of Sep 30, 2024

101050 - Paypal

Bank Statement Date: September 30, 2024

Filter Criteria includes: Report is printe

| | |
|------------------------------|---------------------------------|
| Beginning GL Balance | 4,244.51 |
| Add: Cash Receipts | |
| Less: Cash Disbursements | |
| Add (Less) Other | <u>(2,091.37)</u> |
| Ending GL Balance | <u><u>2,153.14</u></u> |
| Ending Bank Balance | 2,153.14 |
| Add back deposits in transit | <u> </u> |
| Total deposits in transit | |
| (Less) outstanding checks | <u> </u> |
| Total outstanding checks | |
| Add (Less) Other | <u> </u> |
| Total other | |
| Unreconciled difference | <u> 0.00</u> |
| Ending GL Balance | <u><u>2,153.14</u></u> |

ELK CREEK FIRE PROTECTION DISTRICT
Check Register
For the Period From Sep 1, 2024 to Sep 30, 2024

Filter Criteria includes: Report order is by Check Number.

| Check # | Date | Payee | Amount |
|----------------|-------------|---|-------------------|
| 09092024 | 9/9/24 | 5280 Exteriors | 12,000.00 |
| 17060 | 9/5/24 | Abila | 2,000.00 |
| 17061 | 9/5/24 | Advance Auto Parts | 812.19 |
| 17063 | 9/5/24 | Airgas USA, LLC | 215.41 |
| 17064 | 9/5/24 | Amazon Business | 902.95 |
| 17065 | 9/5/24 | Bound Tree Medical, LLC | 1,049.10 |
| 17066 | 9/5/24 | Centura Health/SAH Acctg | 61.89 |
| 17067 | 9/5/24 | Century Link | 769.98 |
| 17068 | 9/5/24 | Colo Division of Fire Prevention & Cont | 30.00 |
| 17069 | 9/5/24 | D and D Auto Electric, Inc. | 156.00 |
| 17071 | 9/5/24 | E-470 Public Highway Authority | 28.30 |
| 17074 | 9/5/24 | Life-Assist Inc | 772.56 |
| 17075 | 9/5/24 | Mountain View Waste | 343.12 |
| 17076 | 9/5/24 | O'Reilly Automotive, Inc. | 60.95 |
| 17077 | 9/5/24 | Rhinehart Oil | 2,062.29 |
| 17078 | 9/5/24 | Staples Business Advantage | 176.09 |
| 17080 | 9/26/24 | Abila | 3,187.50 |
| 17081 | 9/26/24 | All Copy Products INC | 223.93 |
| 17083 | 9/26/24 | Bound Tree Medical, LLC | 1,816.31 |
| 17084 | 9/26/24 | Colo Division of Fire Prevention & Cont | 30.00 |
| 17085 | 9/26/24 | Heritage-Crystal Clean LLC | 1,301.12 |
| 17088 | 9/26/24 | Galls LLC | 12.65 |
| 17094 | 9/26/24 | Inland Truck Parts & Service | 28.31 |
| 17095 | 9/26/24 | Interstate Batteries | 849.75 |
| 17099 | 9/26/24 | Lyons Gaddis | 1,829.00 |
| 17101 | 9/26/24 | Martin-Ray Laundry Systems Inc | 585.00 |
| 17111 | 9/26/24 | Rhinehart Oil | 3,706.74 |
| 17112 | 9/26/24 | Rebecca and Christopher Rosenborough | 600.75 |
| 17114 | 9/26/24 | Search Septic Sewer Service | 1,095.57 |
| 17116 | 9/26/24 | Staples Business Advantage | 79.70 |
| 17118 | 9/26/24 | Systems Design | 839.45 |
| 17124 | 9/26/24 | XCEL Energy | 242.74 |
| | | Personnel Reimbursement | 125,025.05 |
| Total | | | 162,894.40 |

ELK CREEK FIRE PROTECTION DISTRICT
Account Register
 For the Period From Sep 1, 2024 to Sep 30, 2024
 101020 - UMB - Operating

Filter Criteria includes: Report order is

| Date | Trans No | Type | Trans Desc | Deposit Amt | Withdrawal Amt |
|-------------|-----------------|-------------|--------------------------------|--------------------|-----------------------|
| 9/1/24 | 0901001 | Other | Delta Dental September 2024 | | 1,642.96 |
| 9/1/24 | 0901004 | Other | MetLife | | 1,933.11 |
| 9/9/24 | 09092024 | Withdrawal | 5280 Exteriors | | 12,000.00 |
| 9/15/24 | 0901002 | Other | United Health Care September 2 | | 41,201.62 |
| 9/30/24 | 0901003 | Other | CORE | | 543.67 |
| 9/30/24 | 0901003 | Other | CORE | | 273.65 |
| 9/30/24 | 0901003 | Other | CORE | | 100.49 |
| 9/30/24 | 0901003 | Other | CORE | | 132.63 |
| 9/30/24 | 0901003 | Other | CORE | | 979.71 |
| 9/30/24 | 0901013 | Other | September 2024 Payroll | | 296,320.37 |
| 9/30/24 | 0901013 | Other | September 2024 Payroll | | 106,045.28 |
| 9/30/24 | 0901013 | Other | September 2024 Payroll | | 50,419.06 |
| 9/30/24 | 0901013 | Other | September 2024 Payroll | | 21,718.21 |
| 9/30/24 | 0901013 | Other | September 2024 Payroll | | 681.30 |
| 9/30/24 | 0930008 | Other | UMB svc chg | | 47.47 |
| 9/30/24 | 0930009 | Other | Waste Connection | | 241.17 |
| 9/30/24 | 0930010 | Other | CO Gas September 2024 | | 66.30 |
| 9/30/24 | 0930010 | Other | CO Gas September 2024 | | 73.10 |
| 9/30/24 | 0930010 | Other | Aflac September 2024 | | 1,018.62 |
| 9/30/24 | 0930011 | Other | Payment to UMB CC September 20 | | 20,598.66 |
| 9/30/24 | 0930012 | Other | Soaring Technology | | 2,918.00 |
| | | | Personnel Reimbursement | | 104,479.86 |
| | | | Total | | 663,435.24 |



Fire Department Monthly Status Report

October 24, 2024

MESSAGE FROM THE CHIEF

While September is usually the month that starts to slow down with wildland fires, this year has been out of the ordinary. With numerous fires burning across the west as well as several hurricanes impacting the east, Elk Creek has had firefighters out on fire assignments as well as assisting with hurricane recovery.

Elk Creek also has 2 members completing the Denver Health Paramedic Program which will lead to 2 more Advanced Life Support providers on the paid staff. Congratulations to Firefighter MaCaulay who is currently working through his provider clearance at Elk Creek.

Jacob N. Ware
Fire Chief

OPERATIONS (September)

- Volunteer firefighters had 192.5 hours of staffing at Station 1.
- Elk Creek Averaged 3 members per call.
- 10% of the calls overlapped (9 Calls)
- Average Response Time 11:14

| September - Emergency Incidents | 2022 | 2023 | 2024 |
|--|-------------|-------------|-------------|
| 1. Fire | 1 | 2 | 3 |
| 2. Emergency Medical Services (EMS) & Rescue | 61 | 73 | 63 |
| 3. Hazardous Condition (No Fire) | 3 | 2 | 6 |
| 3. Service Call | 10 | 10 | 15 |
| 4. Good Intent Call | 18 | 16 | 19 |
| 5. False Alarm and False Call | 21 | 9 | 6 |
| 6. Special Incident | 1 | 0 | 3 |
| | 115 | 112 | 112 |
| | | | |

September - Mutual Aid Received by Elk Creek

| INCIDENT NUMBER | INCIDENT DATE | AGENCY FDID - AGENCY NAME |
|------------------------|----------------------|--|
| 2024-976 | 9/11/2024 | 05978 - North Fork Fire Protection District |
| 2024-1015 | 9/21/2024 | 09345 - Platte Canyon Fire Protection District |
| 2024-1027 | 9/22/2024 | 09345 - Platte Canyon Fire Protection District |
| 2024-1028 | 9/23/2024 | 09345 - Platte Canyon Fire Protection District |

September - Mutual Aid Elk Creek Provided to Other Agencies

| INCIDENT NUMBER | INCIDENT DATE | AGENCY FDID - AGENCY NAME |
|------------------------|----------------------|--|
| 2024-1013 | 09/20/2024 | 05933 - Evergreen Fire Rescue |
| 2024-1043 | 09/27/2024 | 09345 - Platte Canyon Fire Protection District |
| 2024-1046 | 09/28/2024 | 09345 - Platte Canyon Fire Protection District |
| 2024-955 | 09/06/2024 | 05978 - North Fork Fire Protection District |
| 2024-958 | 09/07/2024 | 05951 - Inter Canyon Fire Protection District |
| 2024-986 | 09/13/2024 | 05951 - Inter Canyon Fire Protection District |

| September Ambulance Transports | 2022 | 2023 | 2024 |
|---------------------------------------|-------------|-------------|-------------|
| | 28 | 39 | 32 |

TRAINING

- Firefighters recorded 89 hours of training for the month.

FIRE PREVENTION

- 9 inspections
- 15 Letters, county referrals, and insurance requests
- Serving on the International WUI and Fire Code Development Committee in Long Beach to help develop the 2027 versions of the codes.

FACILITES:

- Station 2 had a significant roof leak that led to the insulation being replaced.
- Pump testing on engines and tenders was completed with one needing minor repairs.