

**LA VETA FIRE PROTECTION DISTRICT**

**La Veta Fire Station  
100 Birch St  
La Veta, Colorado  
MINUTES**

**December 14, 2023 @ 5:30pm**

**Present:** Directors Schmidt, Alt, and Lacy, Brunner and Valdez were in attendance.  
**Staff:** EMS Director Dave Mower and Fire Chief Ron Jameson joined via zoom.  
**Administrative Assistant** Tressan Passarelli was in attendance.  
**Guests:** Jim Littlefield was in attendance. Eric Guadagnoli, Justin Jameson, Christina Guadagnoli, Jim Berg, and Sue Alt joined via ZOOM

**Call to Order – Pledge - Roll Call**

**Budget Hearing was conducted for the 2024 Budget. There were no comments made by the public during the Budget Hearing.**

**Zoom Meeting with Ann Terry. Speaker phone with Bart Miller.**

**Questions:** Does the Chairman have the ability to set aside the vote of any member? Miller: I don't believe there is any legal authority for the Chairman to not count the votes of any Board Member that is duly elected and in office. Terry: There is no legal authority that allows a Board Chair to have any power over a vote that any other board member submits. In fact, they can't discount a vote and they can't declare any board member has a conflict of interest. The conflict of interest must be declared by the board member and done through the proper procedures.

**Question:** Who is an employee and who isn't? Terry: somebody is designated as an employee, and they are receiving a W2. Miller: IRS requires you to give volunteers a W2 form. The terms of the 20% rule. If the volunteer receives some form of compensation, they are not an employee if they receive less than 20% of the average salary that would be paid to a full-time employee of that same job. Schmidt: The board will have to decide how to treat that and if we want to go through the process of finding all that information.

**Question:** Conflict of interest. If any of the members do not declare a conflict of interest through the process with the state, then essentially there is none. Is that correct? Terry: That is not completely correct. It is a statutory set of facts. The conflict of interest is tied to financial. It's on page 10 of your SDA Board Member Manual. Schmidt: If you have a conflict of interest and you file these forms with the state and if you do and you vote anyway, what's the board's ability to come in on that and say that's a conflict of interest? Terry: If the board member says, "no I don't or I didn't recognize that". You have a fiduciary as well as an ethical obligation to say, "don't you have a conflict of interest". If the person says "no I don't" there is nothing you can do. You can report them to the District Attorney where they can file a Class 2 Misdemeanor. The responsibility lies with the board member. There isn't an enforceability for the board to enforce it. If the board member claims they do not, then the remedy is the violation through the Secretary of States Office. Miller: The Conflict-of-Interest Laws are not enforced by the Board of Directors. If someone is not declaring a conflict of interest, that is something you can report to the local District Attorney,

Colorado Attorney General's office and the Secretary of State Office. A board member that does have a conflict of interest, they should be filing with the Secretary of State along with an explanation of the conflict. Have declared that gives them safe harbor. The board member cannot be prosecuted if they have filed with the Secretary of State. Alt: Does a conflict of interest always revolve around financials? Terry: It is financial, economic benefit, interest in a contract which could also be in their official capacity, so essentially, yes it does. There is a section in Title 24 that talks about conduct regarding ethical principles which is a little bit different. Title 18 and 24 is a list of categories and they have to do with financial, economic gain or benefits. Alt: When do we file that? Terry: You can file it anytime when you are going to discuss things like a budget meeting with salary and stipends or call runs. Or you can do it when you get the agenda. You file it all online. You can file after the meeting, but you don't vote or participate in the discussion. The best practice is to do it as soon as you realize you have a conflict of interest. Schmidt: If the person files that form for conflict of interest on stipends, is it good for the duration of their term? Miller: I would like to work with each of the board members to see which is the best way of handling that. It could be that we do it on an annual basis or something of that nature.

Question: Open Meeting Laws. Brunner: Last meeting, we interviewed potential employees for the district before our regular meeting. We did not have that notice posted in advance. We did not post it in the district. There was no agenda information. No online meeting access. No minutes were kept, and no transcript, but here was a quorum. Does that violate the open meetings law? Terry: Yes, it does. Miller: Yes, you should have posted to the public that the board was going to be meeting and interviewing potential employees. Anytime you have that many members in one place talking about district business, that is a public meeting at that point. Schmidt: There is no time that we are going to be together that should not be posted. Is that what I am hearing you say? Miller: Yes, as a general rule. Schmidt: from now on we will just post everything.

Question: In the Colorado Open Meeting Law. Brunner: Is it copasetic for the board to draft a document and then ask all the other members for suggestions, changes, or input via group electronic mail? Once the directors respond via electronic mail, can that person update, change the document and send it back out before the next meeting? Can we do business under emails? Terry: No, not without posting it as a meeting. Schmidt: We draft stuff for all the members to look over to see what they think about it. It is just a working document, but we are not voting on anything. Terry: It does not matter. You put all the other board members in bcc. It is fine to have a working document, but the minute you hit reply to all, then it becomes a meeting. Brunner: for that working document to be final, it would have to go before the board and a public meeting, correct? So, we can work on the document, but to have it finalized and sent out it would have to be approved in a public meeting? Terry: If you are editing a document and passing it back and forth to more than 3 or 4 of you, then you are creating a meeting. You do not want it to appear that you are trying to circumvent the open meeting. Brunner: If I were to say it is the best practice to not conduct business via email, would that sound about, right? Miller: Yes. Terry: I agree also. Brunner: If we are commenting on documents or trying to set policy. There is a stipulation that we can do agendas and meeting times. If we take a document and you ask for our input to manipulate that document, that is district work. Terry: You are 100% right. Brunner: It is about open meeting law which states the public has to have access when we gather in a quorum to conduct business. Alt: Let us say the document author has the document in shape sufficiently to distribute. We distribute the bcc method for comments. Then the author takes those comments and massages them into the document. But eventually, we must all come together at some point and agree on those changes to that document before it is sent out. Sounds like we are doing it properly.

Question: Ballot Question for 2024. Schmidt: Can your firm send us a timeline of dates that we have to meet and decisions that need to be made to effectuate that for the General Election for 2024? Miller: Yes, I will get that done tomorrow.

Question: Brunner: Is there anything we need to look out for next year? Terry: We met to talk about getting the state out of the property tax business and leaving it to the locals. There will be a lot of discussion occurring the Tax Commission and we are scheduled to meet December 20, 2023, from 12pm to 5pm. We meet every two weeks until March. There are 5 or 6 bills that will be introduced for Land Use. The path will be affordable housing, tap fees, looking at how to build infrastructure for no money. For fire districts, they have been highly active to say if you can put another dwelling in the back yard, we still need to be able to access that. We still must be able to get water there, ladders, rescue there. That has been a prevailing argument. There is the Wildland Fire Commission that will be putting forward bills. SDA is running a bill that will add volunteer firefighters, police, and part-time firefighters to the Cardiac and Cancer Trust. We are asking for it to be paid for by the state just as it is for the full-time firefighters. It is the Cardiac Trust that says that every firefighter would be covered under an accident policy. So, rather than go through workmen's comp, you can opt to this accident policy. Go to your own doctor. You would get paid very quickly and it is reimbursed by the state. Same exists for the cancer side. However, the payment is different. There is also Mental Health and Behavioral Trust for police, firefighters and first responders. That is all one big package. If you are a first responder, firefighter, or paramedic and you get cancer, you would have that coverage and you would not have to go through workmen's comp. It has been working for the last 6 to 7 years. Now we want to add volunteers, first responders and part-time firefighters.

### Approval of Agenda

### Minutes

- Schmidt: Jim pointed out that the language for the Bylaws' stated the wording was for "sections 4 and 5" it should state "section 4 of Article 5".
- Brunner: Correction on H under new business. It has STA and it should be SDA
- Motion to approve the Minutes as amended made by Brunner. Second by Alt. All in favor. Motion Carried.

### Public Forum

- Littlefield: Gave Passarelli \$25 for an Emergency Sign to be turned over to the Auxiliary.

### Guests, Correspondence, and Presenters

- Schmidt: The Chief asked about raising sales tax to generate revenue for the district. I put that question to Miller. He said No, you cannot do it.

### Treasurer's Report

- Schmidt: Anything to add beyond what we talked about in the budget? Alt went through the expenses and income for the month. No further questions.

Fire Chief Report (Report added to last page of the minutes)

- Schmidt: I have not heard anything on the Firehouse Grant
- Schmidt: I tried to contact USDA in Alamosa. I was given the name of the person who we need to talk to for the small district grant and fire grants. I left a couple of messages.
- No Questions

**EMS Director's Report:** (Report added to last page of minutes)

- Mower: Need guidance on attestations for Melissa Ray. She is on leave of absence. He is not sure if he could contact her. He can prepare the forms. Valdez: You need to move forward to get the forms signed from M. Ray. Schmidt: Go ahead and see what you can get completed.

**Administrator's Report:**

- Schmidt: Lumen contacted him for the information from the district so they can donate the office equipment to us for the Administrative Assistant's desk.

**Old Business**

- A. Discuss Ballot Question: Alt: We made a good first step getting the schedule from Miller. Once we finish the Budget for 2024, that will give us the information on seeking the mill levy increase. Schmidt: Everybody needs to think about what way would be the best to move forward.
- B. Update on billing companies. Brunner: We have filled out the new provider information. We need an updated Mutual Aide Agreement with Spanish Peaks. I would like to have a new one done with new people. The current one has outdated members. I spoke with Shelly at SDW they will have to work together with QMC for the billing that is in process. SDW needs to have an open relationship with QMC for the change from one to the other. Valdez: Mower is working on the billing side; Has Mower been involved in working with you and Shelly? Brunner: He has the sheets which we gave him last week. We are not quite ready for that yet. He will be pulled in because he will be the one who will have the conversation. His name is showing on it now. Alt: We need to have a meeting with the principals that are going to be involved with SDW. I don't know how QMC works, but I am determined to figure out how SDW works. I want to be able to predict the cash flow. We are all going to have to get together to figure out what reports we will get, what it is going to look like and when can we expect claims to start flowing in. I still got the impression that we are going to have to hold on to a bunch of claims/submittals to let QMC do as much as they can before they find out we are switching gears. Valdez: I just want to make sure if we are holding Mower accountable for EMS billing and all that, that he must be involved in that component. He cannot be left out. Brunner: if you look at him here, he is down as the person who will work with the billing agency on a regular basis.

- Schmidt: Should we send the Mutual Aid Agreement around for everyone to look at and then bring it up at the next meeting to vote on and sign? Brunner: Yep, that would be great. Valdez: Is that mutual aide agreement for care if we don't have anyone available or is it for the billing part since you brought that up with the billing. Brunner: No, not for the billing part. Just for emergency services. We just want to update the signers on it.

## New Business

- C. What constitutes a Meeting: Schmidt: we went through that with the lawyer. Nothing further.

- D. EMS Member Resignation: Brunner: I know that Alt and Lacy met with McClelland and I also spoke with him. McClelland has a couple of questions. Alt: We had a sit down with McClelland as to why he left. Plain and simple, he was accused of something he didn't do. The EMS Director evidently did not believe him, because as we heard Mower say he had to educate him. The impression that McClelland got was that he wasn't trusted. If he wasn't trusted, how can he trust his superior. Trust is a two-way street. If he can't be trusted, how can he trust the EMS Director? Brunner: I dug in a little deeper. If he was the person who did this, how did CDOT identify him? Did they have his license plate number? Mower: I will have to defer to Jameson. This came to me second hand. Jameson: They did not have the license plate number. The description of the vehicle matched his. It was a grey GMC pickup that went through the road closure with red lights on. He was a member of our department that has it. I was sitting there when Mower spoke to him. There was no accusation of guilt or accusing him. Mower informed him that if he was in Alamosa that day that we must really watch that we don't step out of line. The rules from the state patrol are this. That was the only thing that was said. We took his word that he was out of town and no further action was taken. Mower: As Jameson indicated, I did not make any accusation. I told him of the accusation that was brought to us. I felt as a chief officer of the department it's my responsibility to make sure that he is clear, or anyone else that has been given that authority to have that permit, that they understand what the rules are. All I did was explain to him what the requirements are and what the state patrol indicated to me. If he perceived that I didn't trust him or that I didn't believe him, that's all on him. I made no accusation that he did this. I asked him if he did this, and he denied it. That's the best I could do because I was not there. Alt: Mower, would you do anything different if this happens again? Mower: It depends on the circumstances. It depends on whether there is evidence of any wrongdoing. If there is evidence that is one thing. In this case, the only evidence they had was a verbal report. They did not have photographs, license plate numbers, we had a verbal that this happened, and he was the guy. Given that circumstances, I can't take any and I didn't take any performance action on him at all. All I did was explain what the rules are and what the state patrol told me. After that whatever decision he made was his own. If he felt like he couldn't trust me, I'm sorry. He could have come to talk to me, which is exactly what I asked him to do. He refused because he was busy. That's fine, I had no issue with that. I'm not accusing him of anything. I had the conversation that I had with him. Jameson was right there. He told you what he heard. If I was out of line, I can't see how. And yes, if given the exact same circumstances, I would handle it the same way. If I had evidence that something happened, photographs, license plate numbers, more than one person claiming, all of that and had that information, then I could take action. Since I didn't have any of that, there was no action to be taken except to have a discussion.
- Motion to accept the resignation with regret but invite him to reconsider made by Brunner. Secoded by Alt. All in favor. Motion Carried.

- A. Remove "Interim Designee" from EMS Director Title; Motion to remove the Interim Designee from EMS Director Title made by Valdez. Secoded by Schmidt. 2 in favor, 3 not in favor. Motion Denied. Lacy: Based on our discussion with Miller, I don't know that he was

- put in that position correctly to start with. I don't think it was done properly however, I don't think it was a malicious intent. I just think it was a mistake. I don't believe going forward that he would be the best person for this department. It has nothing to do with his skills. Schmidt: You don't feel he would be best for this department, but it has nothing to do with his skills, what do you mean? Lacy: As a leader of this department group of people, I don't think he would be the best person. Interim is something else, until we can work on a different plan. I don't think this specific leader is good for this specific group of people. Schmidt: The Interim Designation has nothing to do with a person's performance or not. Any employee is an employee at will. You can get rid of them for no reason at any time. If you want to put it that way, they are all interim. I see no point in leaving that on his title. He is still doing an outstanding job. Valdez: We are very fortunate to have Mower with his qualifications to work for what he works for on our budget and commend him for putting up with all the dislike from this board.
- B. Appoint new RETAC Rep. Schmidt:** Currently our rep is Eddie Ray. Typically, the rep is the EMS Director. Mower has a proposal for rep and alternate. Alt: What are the requirements for the RETAC Rep. What is he expected to do? What frequency? What does he bring to the table? Mower: I didn't pull their website to be able to present all that information. Generally, the EMS Director attends the meeting every other month. There are 5 counties involved in the RETAC. It's a Regional Trauma Advisory Council. They have to do with trauma specifically and other medical things. It's a trauma advisory council made by the State of Colorado based on Trauma Legislation that passed many years ago. It has to do with the operation of EMS services within the 5-county region and protocols. They grant money to different organizations. Their charge is to support the local EMS providers. Enable them to perform within the state on a standard set of medical protocols. As far as requirements of being a member of the RETAC. I don't know if there are specific guidelines. It seems to me that you would have to be medical and understand what is going on. There is a primary rep and alternative designee. Alt: Mower in a practical sense what do we get out of it besides some grant money? Mower: We get money, protocols, and a lot of information that we help tailor to our needs. Valdez: we have used the RETAC for many years. Schmidt: It's very valuable networking. Valdez: It is appropriate that we appoint new reps. Mower: I would like to recommend myself for primary and Malea Schmidt as alternate. Motion to make Appoint Dave Mower and Malea Schmidt as our new RETAC Representatives made by Brunner. Seconded by Lacy. All in favor. 4 in favor, 1 abstain (Schmidt) Motion Carried.
- Mower:** Board needs to draft a letter to the County Commissioners regarding the RETAC Appointees, have them sign it and forward it to the RETAC. Motion to amend the Appointment to add the letter made by Brunner. Seconded by Lacy. 4 in favor, 1 abstain (Schmidt). Motion Carried
- C. Schedule of Board Meeting Notices for 2024.** Motion to accept the Schedule of Board Meetings for 2024. Motion to accept the Schedule of Board Meetings for 2024 made by Brunner. Alt: Except for the January 4<sup>th</sup> meeting. Maybe we should talk about the next item. D. 2024 Budget Planning schedule update; Alt: Due to Proposition HH the legislature came out with new dates for the 2024 Budget year. January 3<sup>rd</sup> is when the Assessor needs to have the final evaluations out to the local governments. This is why I think we need to have a board meeting after this so we can do the calculations and figure out what our 2024 projected budget should be for tax purposes. Motion to adopt the 2024 Schedule of Board Meetings and their location made by Brunner. Seconded by Alt. All in favor. Motion Carried.

Mike Lacy, Secretary

*Michael Schmidt - Chairman*

\* MSA: The meeting adjourned at 8:14pm

**Executive Session – not needed**

- E. Wind & Hall Deductible buyback. Alt: This is an option. I will get further information.
  - F. Billing for Fire Department Services. Brunner: We have a billing company for fire. Historically we have gotten thousands of dollars for billing for the fire department up on the highways for extraction, traffic, cleaning fuel spills. Any time the fire department is on an accident, and they are there for a certain period of time we can bill. So, what it would entail is the fire department is getting Passarelli the information, she would fill out the form and send it to the billing agency. We must bill quickly. Alt: Sue Pezze has been doing it. We will have to get her over here to go over it. Jameson: At the State Fire Chiefs Association said that most of them by the time you go through the effort it costs more to do the collection than what you gain. Alt: I think it is an opportunity. Valdez: You said that Sue Pezze is doing some of these extra things. As a board member we need to know who is doing all these things. They shouldn't be because we have Passarelli now. She should be doing all the extras.
  - G. Identifying Auditors for 2024: Alt: I put this on the agenda to get ideas for Auditors. I sent Passarelli 2 names she is going to call. If Anyone has any ideas on Auditors, please let us know. Brunner: I wonder if we talk to Johnathan Fox, President at Fowler State Bank, he is always up to date on all of this.
  - H: Banking Resolution: Adding & Removing Names: Alt: I would submit that Passarelli should be one of those people when we transfer the check writing to her. We are adding Passarelli to get her name on the Signature Card at First National Bank in Trinidad.
  - Motion to pass Resolution 2023-12-01 Adding Members to Bank Signature Cards. Whereas the Board of Directors of the La Veta Fire Protection District (LVFPD), Huerrano County, Colorado, authorizes the following to be added to the signature cards for all LVFPD accounts at the First National Bank in Trinidad:
    - Mickey L. Schmidt, Board President
    - Vonnie Maier-Valdez, Board Vice President
    - Michael D. Lacy, Board Secretary
    - James T. Alt, Board Treasurer
    - Mark D. Brunner, Board Director
    - Tressan R. Passarelli, Administrative Assistant
    - Stacey Byrd, Accountant
    - Bernadette Cappellucci, Accountant
- Adopted and approved this 14<sup>th</sup> day of December 2023, by the Board of Directors of the La Veta Fire Protection District, Huerrano County, Colorado, made by Alt. Second by Brunner. All in Favor by roll call vote. Motion Carried.

# Chiefs Report 12-14-2023

## Training for the month

Trained all of the department at La Veta School.

I have only one volunteer working on getting his 36 hours requirements.

## Truck and equipment

The new Type 6 Engine will be numbered E-52. Tool boxes are setting on the engine.

## Grant

Received boots and shelters on grant so far.

## Department meeting.

Working on joint trainings.

## County information

E-911 board.

## Stations

Station one needs repairs on sink faucet and door lock-handle.

Breathing air compressor and tanks tested

## Time and Miles

Hours 60

Miles 238



## Fire Department Activity

November Fire Calls

11-7-23 Gas plant odor from repair on pipe line.

Ron Jameson

11-8-23 924 Arrowhead Dr. CO Alarm. Tested and nothing found.

Dave Mower, Lukas Dearmin

11-16-23 109 E. Francisco St. La Veta Village Smoke from a low voltage wire.  
Mason Davis, Ron Jameson, Dave Mower, Lukas Dearmin, Eric Gaudagnoli

11-23-23 MM 287 Hwy 160. Hwy accident

Lukas Dearmin, Brian Jameson, Ron Jameson

11-24-23 1036 Hwy 12. Burn with out permit.

Eric Guadagnoli, Brian Jameson, Lukas Dearmin, Treaver Holliday

# La Veta Fire Protection District

## Monthly Report EMS

### November 2023

- **Training:** I held a Staff meeting and Training on November 28<sup>th</sup>. It was well attended. The meeting consisted of Team discussions regarding best meeting/training dates for the new year. It was decided by the group that starting in January 9, 2024, training will be held on the Tuesday prior to the Board Meetings going forward since, generally, everyone would be available that week of the month due to the Board meeting. Also covered were changes to the way we complete Patient Care Reports to avoid having PCR's show up on the hold report from the billing company by including the crew attestation in the report when it is written. I have put together a training plan for the entire year 2024. I will be utilizing trainers from outside of the district and will publish the training schedule once I get solid dates by all of the trainers.
- **Ambulance Licensure:** Ambulance inspections were completed by the Huertano/Las Animas County Health Department on all 3 ambulances. All units passed inspection with zero defects noted by the Inspector. Some expired equipment was found post inspection and replaced but it did not cause any issues with the inspections. Brian Jameson completed the vehicle inspections for the licensure package and all Fire extinguishers were serviced also.
- **Maintenance:** It was discovered that we are again having issues with the high beam headlights on Rescue 2. Brian and discussed this issue and have concluded that the best way to resolve this issue is to replace the Headlamps with LED lamps instead of incandescent bulbs. They are more costly but they will not burn out and actually provide better, brighter lighting. I will investigate cost and arrange installation in the new year.
- **Applications:** No Member applications were received in November.
- **RETAC Grant:** The RETAC Grant was submitted as discussed last month and was approved by the RETAC Board as submitted in cooperation with Spanish Peaks EMS. All approved items can now be purchased, and the Receipts can then be submitted for re-imbursment in January 2024.
- **EMS Calls:** There were 16 calls for service in November. 12 Patients were transported and 4 Patients refused transport or did not require transport. (See list attached).
- **EMS Billing:** All outstanding billing August 1 through October 31, 2024 was submitted to Quick Med Claims and has been billed. As of this date we have only received approx. \$290.00 in payment to this point. It is expected that will increase over the month of December into January. All billing for November has also been submitted and billed along with part of December's billing. I was finally able to determine with QMC what information was missing on PCR's preventing some of them from being billed. It is a simple fix that has

already been implemented to prevent this from happening in the future. It will likely take a couple of months to get everything re-billed and resolved but the resolution is in progress. We had \$46,000.00 in outstanding billing. We will not receive all of that back, but I intend to recover as much of it as possible. I am expecting that we may receive roughly half of that amount or less.

- **Participation:** We have had tremendous participation from our team this month. I have had to be out of district for health reasons but there has not been any calls unanswered by LVFPD and no Mutual Aid has been required from Spanish Peaks in the month of November.