

Grand Junction Rural Fire Protection District

Minutes of the Regular Board Meeting

January 25, 2005

I. CALL TO ORDER

The meeting was held in the Mesa Mall Community Room, 2424 US Hwy. 6 & 50 and was called to order by Vice-president Vicki Felmlee at 6:40 p.m.

II. ROLL CALL – Board Members

Vicki Felmlee, Vice President; Bob McCormick, Treasurer; Deborah Davis, Tery Dixon all present. President Steve Grant not in attendance.

Others Present: Public, Rhonda Phillips, Scribe.

III. APPROVAL OF AGENDA

Vicki Felmlee asked to move agenda item number 8A up and name it number 6. Deborah Davis requested to move item number 10B up and name it item 6B. Tery Dixon made a motion to approve the agenda as changed. Bob McCormick seconded the motion. Roll Call. All Ayes. Motion carried.

IV. PUBLIC COMMENTS

There were no comments from the public.

V. APPROVAL OF MINUTES

a. January 11, 2005: Bob McCormick made a motion to approve the January 11, 2005 minutes. Tery Dixon seconded the motion. Roll Call. All Ayes. Motion carried.

b. December 28, 2004: Copies were not available at this meeting to approve these minutes. Deborah Davis requested that these minutes are tabled for now and approved at the next meeting on February 22, 2005.

VI. a. Negotiation Issues with e.NVIZION: Vicki Felmlee read the following statement: I move that this board adjourn into an executive session for the purpose of conferring with our attorney to receive legal advice on specific legal questions pursuant to C.R.S. 24-6-402(b) and pursuant to C.R.S. 24-6-402(e) concerning the pending litigation on open records request; and concerning the desirability of filing either state or federal claims against e.NVIZION and its affiliates, officers, agents and owners and against district board members. I have pending a motion to adjourn into executive session. Is there a second? Deborah Davis seconded the motion. Let the record show that there was no opposition and it was unanimous. Hearing

a second, I will open the matter to discussion. I will note that it takes a 2/3 vote to move into executive session, that we may not discuss any matters except those permitted under Sections 24-6-402(b) and (e); that we may not adopt any proposed policy, resolution, rule or regulation nor may we take any “formal action” in the executive session; and since these matters concern attorney-client privileged communication, no record will be kept of the executive session but a statement will be made by our attorney after the meeting that all matters discussed constituted attorney-client privileged material and a signed statement from the chair of the executive session that the discussion of the unrecorded portion of the session was confined to the topics for which the executive session is authorized to be held. Is there any further discussion? Hearing no further discussion I will call for the question. Roll Call. All Ayes. Motion Carried. The motion on the floor is to adjourn into an executive session to consider matters described in Section 24-6-402(b) and 402(e) of the Colorado Open Records Act is not in force. In order for this matter to pass, it requires a 2/3-majority vote.

The board went into executive session at 6:50 p.m.

The board came out of executive session at 7:10 p.m.

Attorney Larry Beckner certified that the only discussions that were held in the executive session were those permitted by the two statutory provisions that they went into session for. That is 402(b) and 402(e) of the Colorado Open Records Act.

- b. Proposed Legislation regarding 1159 Special Districts: Bob McCormick explained that Bernie Buescher took it upon himself to introduce a bill to include in the statute that 1159 districts could be formed under the auspices or sponsored by counties in the state. Larry Beckner got involved and took a look at the bill and reported that he thought that there was some questionable wording with the original language. After his review, he made his recommendations for change to the wording of the bill. Larry Beckner reported that he was contacted by Bernie Buescher's legislative team and was asked to testify in favor of the bill on behalf of the District. He declined to testify until he has permission from the board of directors and has made a review of the pending bill. Larry explained that he since has reviewed the pending Bill and will explain its two sections:
- The first section deals with the powers of the board of county commissioners. This is a set of powers that are given to the county commissioners so that they can do all kinds of things. Historically, they have not been involved in the business of fire protection. He reported that the Colorado Municipal League was opposed to the Bill as well as The Colorado State Fire Chiefs Association. Larry explained that a 1159 district is formed through the county, and once formed, the county commissioners serve as the board of directors. There are no elections from within the district. The operations of the district are through the county offices. It has a separate budget, but is not a separate autonomous district. In order for this district to become an 1159 district you must do the following:

Go to an election to dissolve the existing Title 32 district that you currently have. The election goes to the qualified electors of the GJRFPD and of the sub-district. They have to be dissolved in accordance with a plan of dissolution and that plan is one that is approved by this board, approved by the district court, approved by Mesa County and the plan itself is approved by the voters. That plan would say that the assets of the district and the duties of the district would be turned over the 1159. The second part is that there has to be an election by the qualified electors in the district voting to create the 1159 district. Another issue is that the 1159 district would have to have a mill levy voted on by those same voters and that those voters would most likely have to de-Bruce that district. There are a lot of ballot issues that would need to be voted on by the electors. In a Title 32, if you own real estate in the name of a corporation, partnership, LLC, etc., then that property owner can not vote. You would not have the qualification to vote because you have to be qualified to vote in the general election of the State of Colorado and by definition, an LLC can not vote in general elections. In 1159 districts, there is a provision that says that if your property is owned like that, then that entity can designate a person to vote on behalf of the entity. One person could actually have 3 or 4 votes if they had properties in different entity names. That is the only difference in electors.

This bill was just introduced a couple of weeks ago.

Bob McCormick voiced his opinion that if the board wants to consider this bill, if it passes, to put a task force of citizens together and have them review the future of the district.

There was discussion regarding the Daily Sentinel's request to have a copy of the Rob Dixon deposition. At this time, the motion that Larry filed with the court is pending and has no ruling.

The Forbearance Agreement expires on February 6, 2005. Larry reported that he is in negotiations with e.NVIZION on behalf of the board and hopes to have a report to the board at the special meeting on the second Tuesday of February.

VII. FIRE CHIEF REPORT

Fire Chief Beaty reported that the ISO Community Fire Defense Ratings is finally on track. They are in the process of re-rating the district and the city for the addition of the new station. He spoke to ISO representatives several times over the course of several months due to lost documents by the ISO. He has not yet received information from ISO regarding the new fire rating but was assured that a new rating would be available on May 1st in the new rating schedule. Some insurance companies base their fee schedule on the ISO ratings. With a better rating, some people may get better insurance rates for the home.

All leads from the fire on July 4th have been exhausted. No further leads are available as to who started the fires. The BLM hotshot crew and state forester people that were brought in for that fire have billed approximately \$15,000 for their services.

Chief Beaty handed out a 2004 response/service overview. The chart shows how many calls the district answered in 2004 along with the cost of fires.

VIII. TREASURER'S REPORT

a. Financial Issues Update: As of today there is \$542,403.97 in the bank. There is no tax receipts from the county yet this year. Bob believes that there approximately \$50,000 collected in specific ownership taxes in January and February.

b. January 2005 Payables:

Check#	Payee	Purpose	Amount
6013	Rhonda Phillips	Secretarial Svs	218.75
6014	Hale Friesen, LLP	Legal Svs	9,181.47
6015	The Dickerson Group	Forensics Research	1,000.00
6016	City of Grand Junction	1/31/05 contract invoice	\$500,000.00
		Total	\$510,400.22

The payment to the City of Grand Junction is a partial payment. The full payment would have been \$567,226.00. The City Manager realizes that the district does not have the funds to pay the full amount at this time. As soon as the tax revenues are received, the remaining \$67,226.00 will be paid.

Bob McCormick reported that Steve Grant is out of the country at this time, therefore not available to sign district checks. He asked for a motion from the board so that Vicki Felmlee can be added to the checking account signatures.

Deborah Davis made a motion to allow Vicki Felmlee to sign district issued checks. Terry Dixon seconded the motion. Roll call. All Ayes. Motion Carried.

Deborah Davis made a motion to pay the January payables are presented. Vicki Felmlee seconded the motion. Roll Call. All Ayes. Motion carried.

IX. ACTION ITEMS

X. DISCUSSION ITEMS

a. By-laws Presentation – 2nd Draft: Vicki Felmlee handed out copies of the 2nd draft of the by-laws. She made black tick marks in the margins where there may be some question as to the wording. She asked that everyone read through the by-laws and compare them with their original relined copies. If there are any questions, please contact Vicki Felmlee.

XI. OTHER ITEMS

XII. ADJOURN

Bob McCormick made a motion to adjourn the board of directors meeting. Deborah Davis seconded the motion. The meeting adjourned at 8:30 p.m.

The next regular meeting will be held on February 22, 2005. There will be a special meeting on February 8, 2005 at 6:30 in the Community Room at the Mesa Mall.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2005.

Stephen P. Grant, President

Attest: _____
Deborah Davis, Secretary