

RECORD OF PROCEEDINGS

**MINUTES OF A REGULAR MEETING OF THE
CUNNINGHAM FIRE PROTECTION DISTRICT**

**HELD
JUNE 24, 2010**

A regular meeting of the Cunningham Fire Protection District was held on Thursday, June 24, 2010, at the Cunningham Fire Protection District's Administration Building, 2015 S. Dayton Street, Denver, CO 80247, commencing at 7:00 P.M.

Attendance Directors in Attendance:

William F. Packard
Don A. Strickland
Maria J. Fay
Richard F. Wells II

Directors Absent:

Nancy J. Cronk

Also in Attendance:

Ira J. Rhodes, Fire Chief
Michael K. Walters, Assistant Chief
Michelle M. Keller, Finance Director
Dori L. Chuvarsky, Human Resources Administrator
Ralph Vickrey, EMS Bureau Chief
Dan Box, EMS Supervisor
Joseph Stouder, Firefighter
James A. Becker, Citizen
Justin V. Kersey, Citizen
Cindy Kersey, Citizen
Megan Kersey, Citizen
Kathryn Kersey, Citizen

Meeting Commenced The meeting was called to order at 7:00 p.m.

Agenda The agenda was approved as presented.

Open Forum None.

Board Member
Appreciation Director Packard thanked Mr. Becker and Mr. Kersey for their dedicated service to the District and reminded them that they will always be part of the Cunningham Fire Protection District family. Chief Rhodes expressed his appreciation for all that both Mr. Becker and Mr. Kersey had done for the District during the time they served. Mr. Becker stated that it had been a pleasure working with everyone and Mr. Kersey agreed saying that it had been a great ten years.

Minutes *Minutes-May 27, 2010.* Director Strickland asked that the spelling of his name be corrected. Ms. Chuvarsky stated that she would correct the error.

Upon a motion duly made, seconded and unanimously carried, the Board approved the May 27, 2010 Minutes as presented.

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Financial Reports

Financial Reports-May, 2010. Ms. Keller presented May, 2010 Financial Reports. Director Packard asked if net receivables were on track for the year. Ms. Keller stated that they were on track and explained that they will vary month to month. She added that there is concern about interest rates which continue to decline and Proposition 101 which if passed will reduce the amount of specific ownership tax revenue the District would receive. Director Strickland asked if the District would continue to see a decrease in transport revenue due to an aging population. Ms. Keller explained that the District does have quite a few nursing homes and those patients have Medicare which only pays a portion of the total transport fee charged with the balance being written-off, so it is a concern that more patients on Medicare will result in a reduction of transport revenue due to the write-off. Discussion regarding Medicare billing requirements ensued.

Upon a motion duly made, seconded and unanimously carried, the Board approved the May, 2010 Financial Reports as presented.

Chief's Report

Chief's Report – May, 2010. Chief Rhodes reviewed the following topics from the Chief's Report with the Board.

- Safety, Health and Survival Week
- Centennial Transportation Master Plan
- Grants
- Other Events of Note

Director Wells asked about other grants the District was working on. Chief Rhodes stated that work on the SCBA grant was almost complete. Battalion Chief Bleckley provided the Board with details about the equipment and progress with the grant process. Chief Rhodes then briefed the Board on several incidents that the crews responded to over the prior forty-eight hours.

Upon a motion duly made, seconded and unanimously carried, the Board approved the May, 2010 Chief's Report as presented.

Administration Monthly Reports

Administration-Monthly Reports. No comments.

Upon a motion duly made, seconded and unanimously carried, the Board approved the May, 2010 Administration-Monthly Reports as presented.

Discussion Items

New Ambulance. Those present moved outside to view the new ambulance. EMS Bureau Chief Vickrey, Paramedic Supervisor Dan Box and Firefighter Joseph Stouder gave a presentation on the unit's safety and performance features.

Fourth of July Plan. Chief Rhodes stated that the Fire Prevention Bureau is currently involved in ongoing inspections on fireworks stands and that District apparatus will be fully staffed for July 4th. Director Wells asked what the Fire Prevention Bureau looks for during inspections. Chief Rhodes responded stating that areas of concern would be tent construction, egress, and if the fireworks being sold are legal. Director Fay asked if SmartCo and stores like it are charged a permit fee to sell fireworks. Chief Walters said that he would have to check but did not think that they would be required to pay a permit fee.

Arapahoe County Fair. Chief Rhodes advised that the District was working on the plan for the fair and that AMR will be the private ambulance contractor for 2010. He also stated that permit fees for 2009 would have to be paid by the fair prior to a permit being issued for 2010.

Local #3027 Crew Meeting Document. Chief Rhodes stated that he will prepare a companion document in response to the crew meeting document before the next Board meeting.

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Crew Meeting Questions and Answers. Discussion regarding crew meeting questions and answers ensued and the following topics were discussed:

- How committees such as the Apparatus Committee are formed
- Modified Duty and Pay Rates
- FPPA Disability
- National Fire Academy Classes and Officer Training Classes
- Program Areas
- Support for EMS Personnel
- EMS Advances and Denver Metro Protocols
- Paramedic or Engineer career path

Action Items

Retirement Health Savings Plan Amendment. Ms. Chuvarsky gave a brief presentation on the change to the Retirement Health Savings Plan. She explained that as permitted under the plan, the non-collective bargaining employees have elected to make *employee* contributions via payroll deduction and that as a result of the addition of these employee contributions, the plan document must be amended.

Upon a motion duly made, seconded and unanimously carried, the Board approved the amendment to the Retirement Health Savings Plan to allow for the addition of non-collective bargaining employee contributions.

Appointment of Budget Officer. Director Packard explained that as the Finance Director, Ms. Keller is appointed as the Budget Officer.

Upon a motion duly made, seconded and unanimously carried, the Board appointed Finance Director Keller as the 2010 Budget Officer.

Legal Issues

None.

Board Issues

Board Resolutions regarding Amendments 60, 61 and Proposition 101. The Board reviewed drafts of resolutions 2010-05 and 2010-06 and discussed whether to combine the resolutions or adopt separately. Director Fay suggested that language regarding HUTF funds be added to resolution 2010-05. After further discussion on resolution language and target audiences, the Board agreed to adopt the resolutions separately.

Upon a motion duly made, seconded and unanimously carried, the Board adopted Resolution #2010-05, "A Statement of Resolution Opposing Amendments 60, 61 and Proposition 101 by the Board of Directors of the Cunningham Fire Protection District".

Upon a motion duly made, seconded and unanimously carried, the Board adopted Resolution #2010-06, "A Resolution Advocating Voter Opposition to Proposition 101, Amendment 60 and Amendment 61 during the November 2, 2010 Election".

Adjournment

There being no further business to come before the Board, the regular meeting was adjourned at 8:44 p.m.

Secretary for the Meeting

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MINUTES APPROVED:

MINUTES REVIEWED BY:

William F. Packard

Nancy J. Cronk

Don A. Strickland

Maria J. Fay

Richard F. Wells II

Minutes Approved by the Board of Directors on July 22, 2010

**RESOLUTION NO. 2010-05
BOARD OF DIRECTORS
CUNNINGHAM FIRE PROTECTION DISTRICT**

STATEMENT OF RESOLUTION OPPOSING AMENDMENTS 60, 61 AND PROPOSITION 101 BY THE BOARD OF DIRECTORS OF THE CUNNINGHAM FIRE PROTECTION DISTRICT

WHEREAS, Three measures appearing on the November 2010 statewide ballot would significantly damage Colorado's special districts, state and local governments from funding their most basic level of services related to safety, emergency medical services, water, sanitation, fire protection, education, hospitals, rural health care, and transportation, and;

WHEREAS, These measures drastically limit government's ability to construct new building and infrastructure, and;

WHEREAS, The ability to finance long-term capital improvements like water and wastewater treatment plants, fire stations, recreational projects and other public facilities are dramatically impaired by the restrictions on debt financing as proposed by Amendment 61; and

WHEREAS, Amendments 60 & 61 would slash at least \$1 billion annually in state taxes, cutting in half the property tax dollars schools currently receive and;

WHEREAS, One of the many components of Amendment 60 would overturn the election decisions made by voters over the last eighteen years, creating financial chaos for local communities, and;

WHEREAS, One of the many components of Amendment 61 eliminates any practical means for state and regional governments to make future road, highway and bridge improvements, or other capital improvements to their districts, such as DIA, FasTracks, the Anschutz Medical Center, colleges and universities, water conservation districts; or improvements to public schools, cities and counties, and;

WHEREAS, Proposition 101 reduces the vehicle registration fee (annual license plate fee) to a level which would devastate Colorado's ability to maintain safe roads and bridges and to support emergency medical services by lowering the fee to the assessment rate from the year 1919 and;

WHEREAS, These measures individually and collectively significantly reduce or otherwise restrict both state and local revenues in a number of different ways, including but not limited to: specific ownership taxes including HUTF fees supporting EMS grants, EMS certifications and EMS operations; telecommunication taxes; state income taxes; state-shared revenues to assist municipalities with local street and transit improvement; other state grants and loans to help local government; and property taxes; and

WHEREAS, The cumulative and destructive nature of the three measures ensures that Colorado will surrender its competitive standing to attract large and small employers alike,

resulting in little to no economic growth for the state and a steady decline in property values and erosion of the state and local tax base;

WHEREAS, The following services and programs in the Cunningham Fire Protection District will be limited or curtailed because of the numerous restrictions and revenue reductions proposed by these three measures: Emergency Medical Response, Specialized Incident/Rescue Response, Hazardous Materials Response, Hazardous Conditions (Non-Fire), Public Education, Public Service/Good Intent, Severe Weather, Wildland and Wildland Interface Fires, additionally, Structure Fire Response may be delayed and requests for aid from neighboring agencies may be delayed; and

WHEREAS, The Board of Directors of the Cunningham Fire Protection District is concerned about the impact these three measures will have on our ability to work effectively with other local governments in the form of intergovernmental agreements like those for: Fire Mutual and Auto Aid , Fire Investigations Mutual Aid , Fire Protection Communications and Dispatch, Radio Network and Consolidated Communications, Hazardous Materials Mutual Aid, Cooperative Wildland Protection, Vehicle Maintenance, and the Urban Area Security; and

WHEREAS, State voters will have the opportunity on November 2, 2010 to protect the fiscal health of Colorado by defeating Proposition 101, Amendment 60 and Amendment 61;

NOW THEREFORE, The Board of Directors of the Cunningham Fire Protection District has taken an official position opposing Amendments 60, 61 and Proposition 101.

ADOPTED AND APPROVED this 24th day of June, 2010.

BY THE BOARD OF DIRECTORS
CUNNINGHAM FIRE PROTECTION DISTRICT

William F. Packard

Richard F. Wells II

Don A. Strickland

Nancy J. Cronk

Maria J. Fay

Resolution Approved by the Board of Directors on June 24, 2010

RESOLUTION NO. 2010-06
BOARD OF DIRECTORS
CUNNINGHAM FIRE PROTECTION DISTRICT

A RESOLUTION ADVOCATING VOTER OPPOSITION TO PROPOSITION 101, AMENDMENT 60 AND AMENDMENT 61 DURING THE NOVEMBER 2, 2010 ELECTION

WHEREAS, the Cunningham Fire Protection District ("**Fire District**") is a political subdivision of the State of Colorado, formed pursuant to C.R.S. § 32-1-101, *et seq.* to provide: fire suppression, fire prevention, ambulance, emergency medical, emergency rescue, and hazardous materials services, (collectively, "**Emergency Services**") to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction;

WHEREAS, in order to meet its Emergency Services obligations and to provide the best possible fire and emergency medical protection to the citizens in the Fire District, the Fire District is dependent primarily on public funding from taxes and borrowing, including without limitation property taxes, specific ownership taxes, bonds, lease-purchase agreements and certificates of participation, to pay its administrative and operating costs and the cost of capital improvements, such as fire stations, fire trucks, and firefighting and emergency medical services equipment;

WHEREAS, three initiated ballot questions, referred to as Proposition 101, Amendment 60 and Amendment 61, will appear on the statewide ballot for the November 2, 2010 election ("**Election**"), any one of which, if passed, would cause dramatic reductions to the Fire District's public funding and impair its ability to meet its Emergency Service obligations;

WHEREAS, the Colorado Fair Campaign Practices Act, C.R.S. § 1-45-117(1)(b)(III)(A), expressly authorizes the Board to adopt a Resolution advocating voter opposition to statewide ballot issues during the Election; and,

WHEREAS, the Board has determined it is important to the health, safety and welfare of the citizens to whom it provides Emergency Services that the Board adopt this Resolution urging all eligible voters to oppose Proposition 101, Amendment 60 and Amendment 61 during the Election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CUNNINGHAM FIRE PROTECTION DISTRICT, ARAPAHOE COUNTY, COLORADO:

1. Since 1950, the Fire District has been providing essential, life-saving Emergency Services to the citizens and property within its 14.5 square mile service area.
2. The Fire District is dependent primarily on public funding in order to meet its Emergency Service obligations and pay its operating costs. Sources of Fire District funding include, without limitation, local property taxes, specific ownership taxes, and lease-purchase agreements. In 2009, 89% of the Fire District's operating budget was composed of revenue from these and other types of public funding sources. For example, in 2009 the Fire District received:

- \$8,339,155 from property taxes, constituting 83% of the Fire District's annual operating budget;
- \$589,218 from specific ownership taxes, constituting 6% of the Fire District's annual operating budget;

The Fire District also has the following financial obligations:

- \$1,837,243 in lease-purchase agreements, which were issued for new station construction, station remodel and apparatus acquisition.
3. The three initiated ballot questions that will appear on the statewide ballot for the Election seek to dramatically reduce specific ownership taxes (Proposition 101), impose onerous conditions on property tax collections (Amendment 60), and cease State borrowing and severely limit the borrowing ability of local governments (Amendment 61). Any one of these ballot questions, if passed, would cause dramatic reductions to the Fire District's public funding and impair its ability to meet its Emergency Service obligations. Should all three of these ballot questions pass, the effect would cripple the Fire District's operations.

(a) Proposition 101:

- Would reduce the Fire District's annual operating revenue by approximately \$600,000, approximately 6% of the Fire District's annual operating budget.
- Would increase future costs of dispatching services by limiting 911 telecommunications fees to 2009 rates, without regard to inflation or costs of new technology.
- Would reduce statewide funding for emergency medical services which is supported through automobile registration fees.

(b) Amendment 60:

- Would allow individuals who own land within the Fire District's jurisdiction to sign petitions and vote on property tax issues affecting the Fire District even if they have never lived in within the Fire District's jurisdiction, the State or the United States.
- Would require local governments to allow petitions from citizens to propose property tax reductions, meaning that one disgruntled individual could force a costly and groundless election at the expense of all other taxpayers.
- Would require all property tax increases to be voted separately from related debt questions, meaning voters could approve bonds but reject the tax necessary to pay for the bonds, an absurd result, as the Fire District cannot issue bonds if it does not have authority to impose a tax to pay for the bonds.
- Would limit any future property tax increases to a 10 year term, meaning the Fire District would have to hold a costly and unnecessary election every 10 years just to continue a tax already approved by the voters.

- Would nullify all past voter-approved exemptions to revenue and spending limits, and limit any future voter-approved exemptions to revenue and spending limits to 4 years. This would place the Fire District into an immediate financial crisis, as it would dramatically reduce its annual operating revenue without any time to make appropriate reductions in service levels.

(c) Amendment 61:

- Would prohibit the Fire District engaging in any type of financing other than bonds, which are expensive and very restricted in their use. Further, the bonds would be restricted to 10 years, making them very difficult to issue and resulting in a much higher interest rate charged to the Fire District and its taxpayers.
 - Would impose a debt limit of 10% of the assessed taxable value of all real property in the local government's jurisdiction for all entities other than enterprises.
 - Once the borrowing is repaid, would require tax rates to decline in an amount equal to its planned average repayment even if the debt is not repaid from taxes, thereby functionally creating a debt prohibition for any borrowing not paid from taxes.
4. The Fire District recognizes that the current economic conditions are difficult for everyone. The Fire District does not wish to, and does not, impose unnecessary or burdensome taxes on any taxpayer; however, the Fire District relies on public funding to finance its essential and lifesaving operations, and the dramatic revenue cuts and limitations imposed by the three initiated ballot questions would have an immediate, crippling impact on the Fire District's operations and the Emergency Services it provides.
 5. For all of the foregoing reasons, the Board urges voters to oppose Proposition 101, Amendment 60 and Amendment 61 during the November 2, 2010 election.

ADOPTED AND APPROVED this 24th day of June, 2010.

BY THE BOARD OF DIRECTORS
CUNNINGHAM FIRE PROTECTION DISTRICT

William F. Packard

Richard F. Wells II

Don A. Strickland

Nancy J. Cronk

Maria J. Fay

Resolution Approved by the Board of Directors on June 24, 2010