



FLORISSANT FIRE PROTECTION DISTRICT

Board of Directors Special Meeting

Zoom Meeting

March 13, 2023

MINUTES OF THE SPECIAL MEETING

MEETING OFFICAL RECORDING OF RECORD (closed caption on):

https://zoom.us/rec/share/TGB6-DrudDwmI87qH4x_hikxCnmkqDxfJmZSxro4r_Xs8SU9Z1ApZKG1k3JR2iqR.hOeGGn53EY-OlmC7

Passcode: P\$63=f6A

1. Call to Order at 1635 hours

2. Pledge of Allegiance

3. Roll Call

Board Members:

President, Starla Thompson

Vice President, Justin Snare

Secretary, Amanda Sutton

Board members absent : n/a

Others in Attendance:

Chief Erik Holt

4. NoFloCo Affiliation

- a. Collective agreement to discuss agenda items 4 and 5 combined
- b. September 2022 trying to vet and understand affiliation with NoFloCo; registered entity, licensed, insured, bonded?; Most recently investigating in response to Janet's public comment question to offer NoFloCo at table at the Family Fire Muster April 29th event
- c. Board retained copy of COSWAP Grant; Grant is with ICPOA and includes NoFloCo as a group or business designed for fire mitigation; ICPOA as 501c4 claims to carry liability insurance and

clarification has not been provided as to the coverage directly for NoFloCo and coverage has not been provided as requested from NoFloCo to District

- d. Board and Fire Chief so value fire mitigation in the community and thank community in doing this for the community; Chief stated volunteer fire mitigation helps him do his job better
- e. Board and district professional and business partnerships need to be scrutinized and need to carefully control for risks and liabilities to protect the district. To partner with the district, business entity must maintain own liability insurance.
- f. Chief cannot show up to a fire mitigation project that he does not have the authority and liability coverage to oversee
- g. Burn Permits: No burn permit activation for two COSWAP defined infrastructure work/project days
 - i. Burn permit prior notice not provided to Chief directly; does not facilitate prior planning for District coverage
 - ii. State statutes for burn permit is 8x8x8 burn pile; 150ft burn long pits are not allowable
 - iii. Route to be certified for larger burns -RXB3 Certification; State gives this class and State owns liability; Chief is trying to host this class for folks. Logistically hard to schedule
 - iv. State teaches 5Ws, justify project, coordinate with fire chief of local district, and then state owns liability; Chief is in support of hosting and helping people get to this
 - v. County unified approach to controlled burn permits
 - vi. As example, Cripple Creek, Netco, Woodland all projects have to go through the fire department after inspection, fire chief
 - vii. Chief's council submitted draft to Teller County; all projects go through pre-inspection to local fire district for approval to ensure safe
- h. S130/S190 Wildland Firefighter Training/Certification
 - i. NWCG – once class completed you are FF2 qualified; annually need to take pack test 3 miles-45lb in 45mins
 - ii. Have to be tied to an agency or activation (Special District, State ROSC through IQS); can be an individual or crew member
 - 1. Cannot just bring in a group of people to help with a fire unless tied to an agency or crew; try to encourage recruitment and volunteerism and getting the RXB3 Certification if
 - i. Liability: Burn permit activation is tied to the property/homeowner activating the burn permit; If hiring a professional company, business must retain liability insurance and would be the same expectation of a volunteer organization to retain liability insurance
 - i. Volunteers (particularly those with FF2 certifications) operating outside the scope of their certification level would have liability, as well as the home owner becomes liable
 - j. COSWAP Grant – Chief Holt clarified not opposed to the grant, that S130/S190 could be offered internally at no-cost to tax payers
 - k. CWPP – Recognized CME as having a good CWPP and a good start to use and model from for other POAs

5. Discuss Civil litigation Retainer and Fees

- a. Prior executive session discussion with District Attorneys to discuss the Board received a letter from Don Moore on notice of pending claims; allegations of First Amendment violations brought by Donald and Toni Moore and anything related to their work with Tihsreed, LLC,

NoFloCo Mitigation Posse, or any other business interest of Donald or Toni Moore; no legal firm or attorney indicated

- i. Addressed to Teller County, Teller County
- b. Board needs to consider a retainer for a civil litigator for the potential to be sued; confidential and not CORA requestable unless executed; \$20,000 retainer fee; Hourly rate is \$160-300
- c. Interjections and disruptions from the public and group of attendees left the meeting; order maintained and meeting continued
- d. Clarification – Don and Toni presenting claims; as far as Board knows and information provided from our legal team there is no business designation for NoFloCo; conflicting information that NoFloCo is a business interest of Don and Toni Moore; this document is public record and not disclosing private information
- e. Given potential claims, it would not be in the District's best interest to take on the potential risk and liability to partner with individuals who will bring claims against the District; Don or Toni Moore and any of their business interests they have listed or any they may have they have not listed; level of potential risk we are now having to consider.
- f. Discussion about tax payer and operational considerations and impact for allocating \$20,000 for retainer for a potential
- g. Interjections and disruption from individual in public and group of attendees left the meeting; meeting out of order and 10-minute recess proposed

MOTION: Board President motion to recess for 10 minutes, Board Secretary Second, All in favor-Unanimous; Vote Passes

Recess at 1720 hours

Return from recess 1730 hours

- h. Many previous and prior threats from this group in a Dropbox to prior board; appears to be many threats and this may just be another threat of claims
- i. Board discussed regarding earmark for potential claims; understand only used if needed, however this ties up \$20,000
- j. Will reach out to legal firm will not be moving forward with civil litigation retainer at this time
- k. Board is in agreement that the District is now in a position to not have an association or affiliation with Donald or Toni Moore and their indicated business interests, this includes NoFloCo as a business entity/interest. No association or affiliation at this time.

6. High Park Fire closure

- a. High Chateau (2018) fire billing just closed in April 2023; 9 months is not uncommon to
- b. High Park fire checks are present and 8 people being reimbursed, motor repair,
- c. Board President recognized making a mistake that in agreeing/deciding to pay individuals prior to the District being reimbursed and apologized for confusing the issue further
- d. Chief Holt explained the logistics of the High Park Fire again and explained the cost and national incident reimbursement: Brush 51 earned \$803; Brush 53-\$3066; Chief 50-\$195; Personnel-\$4056; District-\$4870

7. Settlement

- a. Previous Chief Michael Bailey; Current board not contacted for input, questioning and not directly involved given this was a prior issue and predated current board's tenure
- b. Went to claims examiner/insurance adjustor; Claims examiner resolution was settled; board not provided with resolution document

- c. District was briefed by district attorneys that this is confidential and anyone speaking on behalf of knowing what happened or decision made is speculative or breach of confidentiality.
- d. This is settled and this topic is resolved and closed

8. No record of donation

- a. Brought to Board president attention Toni Moore opened checkbook to donate \$1000 to donate to the FFPD.
- b. Review of financials and no notice of Toni or businesses as a vendor in QuickBooks; reached out to Toni to inquire and felt attacked and shared there is a Check # for \$1000 in Dec 2021
- c. Board President reached out to prior President Joe Kraudelt; no recollection giving a donation by check. Dec 2021 issue with fuel tanks; 5000 to repair and Joe was willing to donate \$2500, reached out to Don by phone asking if willing to donate and Don declined stated happy to help with fundraiser in the future; Joe Kraudelt then sated this is a more immediate need and thanked him.
- d. Board President then had Tori (CPA) investigate all FFPD accounts; potentially not cashed, misplaced (intentionally or unintentionally).
- e. Board willing to further investigate if additional information about check is provided to the Board; otherwise this issue is tabled at this time

9. Any other business brought to the board: None

10. Motion to Adjourn

MOTION: President Thompson motion to adjourn meeting, Secretary Sutton-Second, All in favor-Unanimous; Vote passes

Meeting adjourned at 1748 hours

APPROVAL

On this day, March 22, 2023, we attest that the foregoing minutes, which have been approved by the affirmative majority vote of the Board of Directors of the Florissant Fire Protection District, are a true and accurate record of the meeting held on the date stated above.

President, Starla Thompson
Vice President, Justin Snare
Secretary, Amanda Sutton