

**RECORD OF PROCEEDINGS
ROARING FORK FIRE RESCUE AUTHORITY
VIRTUAL BOARD MEETING**

February 16, 2021

Authority Board President Ed Van Walraven called the meeting to order at 9:00 a.m. Board members present were Ed Van Walraven, Leroy Duroux, John Young, Bill Boineau, Dave Heivly, and Irene Greiser. Other's present were Chief Scott Thompson, Deputy Chiefs Pete Bradshaw, Kevin Issel, and John Mele, Division Chief Richard Cornelius, Finance Director Jennifer Thompson, Human Resources Director Renee Thomas, IT Director Erik Johnson, Deputy Fire Marshal Brooke Stott, Physician Advisor Doctor Joe Livengood, Attorney Bob Cole, Firefighters Aaron Allard and Maureen McPhee, and Administrative Assistant Susan Herwick.

Minutes of January 19, 2021 Meeting:

Director William Boineau made a motion to accept the minutes, the motion was seconded by Director Leroy Duroux. All were in favor and the motion carried 6 – 0.

Public Comments:

None

Attorney's Report:

A motion was passed at the January 19, 2021 meeting that any person employed by the Roaring Fork Fire Rescue Authority that refuses to be vaccinated be limited to non-patient care activities with the department. Chief Thompson stated that this motion left no option for people with disabilities, health issues, or religious beliefs to opt out of receiving the vaccine which would put the Authority in legal peril. The original policy was been rewritten and emailed to everyone last night for review. He wants to make this policy work without terminating employee or being sued.

Attorney Cole stated that the Boards determination through the approved motion circumvents the required legal process as required by the ADA and the Religious practices Act which is an interactive process. The interactive process would determine whether an employee qualifies and what the requirement would be if imposed and how that would impact the employee and whether there is a reasonable accommodation that could be afforded that would allow the employee to continue working without the other constraints being considered. It also prevents folks who have medical conditions that don't rise to the level of a disability under the ADA in a category that also didn't allow the consideration of any other reasonable accommodations for their beliefs that their condition didn't allow them to receive the vaccine.

Attorney Cole stated that he has concerns regarding the current policy. There is legal precedence for requiring vaccination but it was in place before the ADA and Religious Practices Act. Guidance from the CDC (Center for Disease Control), the EEOC's (Equal

Employment Opportunity Commission) guidance, and the Colorado Department of Labor continues to urge a voluntary vaccination policy with strong recommendations. None of these agencies have backed a mandatory vaccination policy. No agency that he knows of has adopted a mandatory vaccination policy.

Dr. Joe Livengood explained that the vaccine is under emergency use guidance. It is an experimental vaccine. He hesitates to make a vaccine mandatory that hasn't been vetted out and proven to be what we think it is. We do not know the effectiveness of the vaccine against the COVID variants that have developed. We should encourage everyone to get the shot but not mandate that they receive it. We do not have an option for our employees to not participate in patient care. PPE appropriately worn is extremely good at controlling the disease.

Director Young stated his position on the vaccination policy.

Chief Thompson stated that you can still be infected even though you have received both vaccinations. You can still transmit the virus to others as well. You still need to wear appropriate PPE and social distance.

Chief Thompson asked if an employee declines to get vaccinated can they be denied worker's compensation benefits. Attorney Cole stated that worker's compensation is afforded to anyone who is injured or becomes ill while working unless they have a serious violation of policy which can include some safety policies.

Chief Thompson shared the new policy on the Lifesize screen with all. The changes in the policy were explained to everyone. The new policy has accommodations in it for people with disabilities, health issues, and religious reasons. It also has a declination form to be filled out by those individuals refusing to be vaccinated. Chief Thompson stated that those people who declined the vaccination would not be eligible for the Authorities COVID benefits. Workers' compensation benefits would also be denied to the employee for failure to protect yourself with a vaccine. Attorney Cole will verify the legality of the worker's compensation statement.

Attorney Cole stated that he didn't think that the Authority could withhold the 80 hours leave required by the State at the time a public health emergency is declared but any in-house benefits that the Authority provides in excess of the minimum required by the Station could be withheld.

Each Director stated their position on the vaccination policy.

Director Boineau made a motion to rescind the motion made at the January 19, 2021 meeting regarding the vaccination policy, the motion was seconded by Director Greiser. All were in favor and the motion carried 6 – 0.

Once the worker's compensation question and the withholding COVID benefits questions have been clarified we will put this policy into effect. No special meeting will be required.

Chief's Report:

Chief Thompson stated that the Station 46 project is still moving forward. He met with the Pitkin County Planning and Zoning and Building Departments and has been given more items to complete. We still hope to receive a building permit by summer.

Specifications for a new Tender are being worked on. An RFP (Request for Proposal) will be sent out to five vendors as soon as the specs are finalized.

The Strategic plan is in its final stages and should be finalized this spring.

Deputy Chief of Operations Report:

Deputy Chief Pete Bradshaw stated that the response SOG was updated and put into effect.

He has been working with all of the other valley agencies on a valley-wide move up plan. It would keep all Districts covered during an emergency. It would provide good regionalization and partnership with everyone. Once this is approved, he will take it to dispatch and see if he can make it happen.

The strategic plan is moving forward. His team is working on cultural issues (empowerment, decision making models, and other soft skills of the fire department). It has been a lot of work but we will have a realistic sequential road map for the Authority that will take years to implement.

Deputy Chief of Administration Report:

Deputy Chief Kevin Issel stated that the executive staff is working on a return-to-work policy that will be effective March 1, 2021. All administrative staff will be back in their offices with a safety plan in place.

New building signs have been ordered for Stations 41, 43, and 44.

The LOSAP report has been finalized for 2020. Five more members qualified for this benefit in 2020 due to the decreased requirements. It will cost \$25,000 for 20 members. This figure comes in under budget for the year. Director Duroux made a motion to approve the 2020 LOSAP report and funding, the motion was seconded by Director Boineau. All were in favor and the motion carried 6 – 0.

Deputy Chief/Fire Marshal Report:

Deputy Chief John Mele stated that the Fire Prevention Division continues to work on all of the development projects throughout our District.

He would like to announce that the Fire Prevention Division has been providing fire and life safety to Snowmass Village for 50 years. DC Mele is going to come up with some type of press release to announce this.

He stated that there was no update on the 2021 Code adoption.

Division Chief of EMS:

Division Chief Cornelius stated that Pitkin County has gone to level down to yellow. Their five-star certification program was approved. Eagle County is still at level orange. The State approved a new 2.0 COVID dial on 2/6/2021. County and State COVID statistics were stated.

Over 100 RFFRA members have been vaccinated. We have requested documentation from all of our members that were vaccinated elsewhere. If you have received both doses of vaccine and have passed the 14-day period and come into contact with someone that tests positive for COVID, you will not have to quarantine. Once you have COVID, you will have anti-bodies for approximately three months.

Division Chief of Training:

No Report

HR Report:

Human Resources Director Renee Thomas stated that when we became an Authority, we had to submit cost containment certification paperwork to the State in order to receive a reduction in our worker's compensation premium. All of our COVID policies were recently sent in and we should know soon if we have received the discount. The State representative was extremely impressed by what the Authority had done regarding their response to COVID. Renee thanked the Board for their approval and support of the staff and these policies.

We are conducting interviews today for two firefighter/EMTs. One is the over-hire position that was budgeted and the other is to replace an employee who resigned.

The fleet mechanic position is still open and will be advertised again this week.

The strategic plan is moving forward. My team is working on organizational excellence (recruitment, succession planning, training, and retention). The executive team will vote on the strategic plan in March.

Finance Report:

Finance Director Jennifer Thompson stated that the auditors were here last week. There were no issues. They did request that the Snowmass-Wildcat Fire Protection District's Pension fund receive an actuarial study annually.

Property taxes will soon be received via auto deposit.

S & P has given the Basalt & Rural Fire Protection District a preliminary rating of AA- and the Snowmass-Wildcat Fire Protection District an AA for long-term debt. They are under a 90-day review because of the merger. She doesn't anticipate anything changing.

Information Technology:

No report

Board Comments:

Director Van Walraven stated that he attended the virtual life saver award ceremony last week. It was something to behold. He is extremely proud of our organization and the training that we were able to put into effect. He was really impressed with the interagency teamwork. Kudos to all involved.

Director Heivly stated that because of his position he has insider information regarding our organization. In the last 4 – 6 weeks we have lost two full-time employees to neighboring agencies. Do we have a short-term solution to keeping our employees? Chief Thompson stated that in the last year Aspen Fire added nine positions and Aspen Ambulance added six. We can't compete with the Aspen Ambulance benefit package. There are lots of reasons that someone moves on. It is the nature of the business we are in. We set our people up for success and unfortunately, they move on. HR Director Thomas stated that the Strategic Plan is working on making the Authority a healthy organization. Turn over is not always a bad thing. We are working on it. It brings in people with a new perspective. Chief Thompson stated that Union members brought this up and we are making sure to do exit interviews with people who leave so that we can make changes where it will benefit our organization. We want our people to be happy and want to come to work every day.

Director Duroux stated that he attended the virtual annual awards ceremony and it always amazes him at the dedication of our volunteers. This is a direct reflection of the dedication of our staff in the training that they provide to make the volunteer successful. Thanks to everyone involved that makes the Authority successful.

Director Young asked if we could look into meeting in person. Chief Thompson stated that we do have the conference rooms set up for Board meetings and Lifesize for those who are uncomfortable meeting in person. DVC Cornelius stated that the Public Health Order does allow for in person meetings with safety precautions in place.

The next B&RFPD Board meeting will be held on February 25, 2021 at Station 42. The next RFFRA Board meeting will be held on March 16, 2021 at Station 42. Let's plan on meeting in person. Snowmass Village Directors can go to Station 45 and join the meeting on Lifesize, if they want to.

Staff Comments:

DC Bradshaw stated that Chief Thompson and DVC Cornelius did a great life saver awards presentation ceremony last week. It got some great coverage for the Authority.

Old Business:

None

New Business:

None

Volunteer Meeting:

Director Young stated that he would attend the virtual volunteer meeting on Lifesize at 6:00 p.m. on 3/2/2021. Chief Thompson stated that these meetings would remain virtual until we can get together in large groups.

Non-Agenda Items:

None

Adjournement :

Director Duroux made a motion to adjourn the meeting, it was seconded by Director Greiser. All were in favor and the motion passed 6 – 0. The meeting was adjourned at 10:27 a.m.

To watch this meeting in its entirety, please go to the following link:

<https://youtu.be/kXBQNmwZWO4>