



# Colorado State Fire Chiefs' Association

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## MEMORANDUM

**To:** CSFCA Board of Directors  
**From:** Paul L. Cooke, Executive Director  
**Subject:** Meeting with Rich Homann, CSFS Fire Division Supervisor  
**Date:** December 29, 2009 / Revised January 7, 2010

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On Monday, December 28, 2009, I had a two hour, informal meeting with Rich Homann, CSFS Fire Division Supervisor. The discussion was open and the tone was cooperative with focus on topics of mutual interest. We discussed a number of topics, including:

- Role of CSFS With Respect to Resource Assignments
- CSFS Indirect Cost Assessment
- Standardized Rates
- State Trust Lands (Responsibility for Reimbursement)
- Supplemental Resource Policy & Volunteer Firefighter Pay Rates
- Use of Type 3 All-Hazard IMT's for Wildland Fire
- 2010 Wildfire Preparedness Plan

Following is a summary of the discussion of these topics.

### **Role of CSFS With Respect to Resource Assignments**

The wildfire arena should be one where federal, state and local “partners” cooperate to protect lives and property. Out-of-state resource assignments provide an opportunity for local firefighters to gain experience and increase their qualifications and proficiency needed to protect their communities. If fire departments are doing it for other reasons, such as operating a revenue generating “enterprise”, they are really not cooperators . . . but contractors.

The State, through the CSFS, provides fire departments with the opportunity to participate in the national mobilization system for wildland fire. The CSFS facilitates this by providing the link to ROSS, the management of Cooperator Resource Rate Forms (CRRFs), and the administration of the reimbursement process. CSFS is not obligated by statute or otherwise to provide these services but does so in the spirit of interagency cooperation and mutual benefit for public and firefighter safety and the protection of property and resources. Fire departments are under no obligation to participate

in the national wildfire mobilization system, but if they choose to participate . . . they must follow the rules.

A discussion of the role of CSFS with respect to resource assignments as an introduction to the CRRF package that goes out to fire departments would be beneficial in clarifying the service CSFS provides.

### **Supplemental Resource Policy & Volunteer Firefighter Pay Rates**

There was initial confusion when the policy went out earlier this year because it was not fully or consistently explained. The confusion has been replaced by some that simply disagree with the policy. For example, there are those that believe their overhead resources should be paid based on qualifications, not the schedule rate for the position being filled. Also, some believe that volunteer firefighters, who have the same qualifications as their paid counterparts, should be paid the same.

For paid firefighters, the department is reimbursed the actual salary rate and the reimbursement often includes the cost of backfill (although the feds frown on the practice of paying for backfill). For volunteer firefighters that are “compensated” by their department, the department may choose between the AD rate and the Supplemental Rate Schedule. CSFS will pay no more than the Supplemental Rate Schedule or the AD Rate Schedule.

It would be helpful if the departments would file their choice of a pay plan at the time that the CRRFs are submitted.

Supplemental resources are going to be paid according to the standard scale for the position that they hold on the incident.

Janell Ray is scheduled to discuss these issues at the next Wildland Fire Section meeting. The invitation is extended to Rich to attend and participate in this meeting,

### **State Trust Lands**

The topic of State Trust Lands and the responsibility for reimbursing local agencies for the cost of fire suppression was discussed. State Trust Lands are lands that were deeded to the state by the federal government and are managed by the State Land Board for the purpose of generating revenue for public education and other purposes. Other state agencies such as DNR may own land within the protection boundaries of fire departments or districts. To the best of our knowledge, the state or the party that leases the land from the state has had any obligation to reimburse local agencies for the cost of fire suppression (since they do not pay taxes to the fire protection district) unless they were the party that started the fire.

Note: As time permits, Paul will follow up on this issue with State Land Board staff.

### **CSU/CSFS Indirect Cost Assessment**

Members of the CSFCA Board and Wildland Section Board recently met with representatives of the County Sheriffs Association to discuss the CSU/CSFS Indirect Rate Assessment Policy. The issue has come to a head and neither the fire chiefs nor the sheriffs will let go of it without satisfactory resolution.

We discussed the issues surrounding the indirect rate assessment. Both the CSFCA and CSOC understand the need to recoup expenses for services provided and recognize that all state agencies have an indirect rate plan but believe the indirect rate assessed by the CSFS is excessive for the services provided.

The CSFCA and CSOC representatives agreed on a course of action to be presented to their respective boards for approval. The course of action included:

- Requesting a meeting with representatives of CSFS and CSU that have the authority to negotiate a reasonable and acceptable indirect cost rate.
- Consideration of “shopping” the responsibility for the reimbursement function to an agency willing to perform the function at a reasonable cost.
- Allowing cooperators the option of either direct billing the appropriate agency for fire suppression costs, or billing through the designated state organization.
- Requiring that AOP’s contain a provision that the indirect cost assessment may not exceed a set percentage and that the indirect cost assessment be reasonable and based on the costs of providing the service.

The CSFS is under no statutory obligation to provide the reimbursement services, but does so as a service to cooperators. CSFS does need to recover the costs that are incurred by both CSFS and the university which includes both physical infrastructure and professional support, such as legal services, purchasing, business and finance, and payroll.

The counties are within their right to shop the responsibility for the reimbursement function. If the function were moved, it would cause the CSFS to lose some positions and it would affect the continuity of the fire program.

Annual Operating Plans are not the appropriate venues to address conditions on indirect costs because AOPs are intended as operational and not fiscal agreements. It would be more appropriate to the issue in the Cooperative Agreements for Fire Protection between the counties and the CSFS. These are the documents that “authorize” the AOP’s. Some of these agreements have not been revisited since the 70’s and CSFS will be working with CCI to revise the basic agreement language.

CSFS is willing to arrange and participate in a meeting to discuss the issue. The rate is negotiated between the university and the cognizant federal agency assigned. The indirect rate is applied per CSU business practices to CSFS programs. Exemptions from the indirect rate for certain programs may be requested from CSU, and have in the past, but have not always been granted. CSFS did not always attach the indirect cost to county fires; that this is a practice implemented in the last 5 or 6 years per University direction.

Likely participants in the discussion would be the Director of Sponsored Programs and the State Forester. The arguments that CSFCA make need to make sense to a person outside public protection.

### **Standardized Rates**

When the CSFCA and CSFS met to address the standardized rate issue, the agreement was to meet annually to review the rates (or at least the process and formulas for determining the base rates). A meeting is needed in the not-too-distant future to take up this issue. Clair Brown would be the point person on this and scheduling will target to meet in February.

### **Use of Type 3 All-Hazard IMT's for Wildland Fire**

The need for dialogue on the issue of the use of Type 3 All-Hazard IMT's for wildland fires was discussed. There is discussion occurring at the regional level concerning whether these "local" teams should be incorporated into the regional/national system. Some of the issues that need to be addressed are:

- What agreements need to be in place?
- Where and under what circumstances can they be used (protocols)?
- Procedures for mobilizing
- Liability issues

CSFS lacks authority to mobilize Type 3 IMTs for All Hazards; CSFS authority is limited to wildland fire. To make these teams deployable for all other hazards, it has recommended that CDEM and/or DFS enter into a separate agreement with the feds.

### **WUI Fires – Responsibility for Structural Protection Costs**

There is ongoing debate at the federal level about their responsibility for structural protection. Should it be the "fires" responsibility for the cost of structural protection or should it be borne by the community being protected. This would make a good topic for a panel presentation and discussion at a Wildland Fire Section meeting.

### **2010 Wildfire Preparedness Plan**

Rich was provided with a letter (copy attached) taking exception to the CSFS submitting the 2010 Wildfire Preparedness Plan without going through the required stakeholder process (letter was presented at the end of the meeting and was discussed, but not read at the meeting).

Rich will reply to the letter and will contact Chief Parmley.

Please let me know if you have any questions concerning this memo.