

Colorado State Fire Chiefs Association
General Membership Meeting
September 5th, 2008
Pueblo, Colorado

The General membership meeting and training meeting of the Colorado State Fire Chiefs Association was called to order by President Parmley at 09:30. The Pledge of Allegiance was recited followed by a moment of silence to honor our fallen brothers and sisters.

Chief Riley welcomed everyone to the City of Pueblo.

President Parmley recognized Chief Manny Navarro of the Colorado Springs Fire Department for his years of service and contributions to the fire service within Colorado and Nationally. Chief Navarro will be retiring in October.

President Parmley recognized Chief Qualman (South Metro / Parker Fire Protection District) and Chief Riley (City of Pueblo) for the recent accreditation of their respective agencies. Chief Qualman and Chief Riley recognized and praised the efforts of their staff in achieving accreditation.

Larry Reeves, Emergency Manager of Crowley County, did a presentation on the overwhelming and tragic events experienced during the fires in Crowley County on April 15th. Mr. Reeves thanked everyone for their support and efforts in the event which included response from:

31 Fire Departments and over 200 fire fighters
Colorado State Forest Service
Colorado Division of Fire Safety
7 Law enforcement agencies
Corrections Corporation of America
4 Ambulance agencies
Colorado Division of Emergency Management
4 School Districts
2 Critical Incident Stress Debriefing Teams
Department of Corrections

To date, Crowley County Fire Departments have received donations of 6 pieces of fire apparatus, extrication equipment, and personal protective equipment, from other agencies.

Mr. Jeff Jhanke, and Mr. Rich Homan were present to discuss the Cooperative Resource Rates with the Colorado State Fire Chiefs Association. The following are the highlights that Mr. Homan shared with those present:

- The Colorado State Forest Service (CSFS) has recognized that there have been some mistakes made in the “standardized rates” process
- CSFS is committed to rectifying those mistakes
- Clarification on the roles of the CSFS were provides and it was clarified that the CSFS is part of Colorado State University. And as such, they have rules that must be followed

within Colorado Revised Statutes, as well as under the auspices of Colorado State University.

- Mr. Homan clarified the differences between “cooperators” and “contractors” from the CSFS’s perspective; Cooperation is voluntary while contractual agreements are a mandate. Contracts are business documents with legally binding language. The CSFS prefers the cooperator arrangement within Colorado’s Fire Service as opposed to contractual arrangements.
- The CSFS believes that they share common objectives with the Fire Service in that we all strive for fire fighter safety, public safety, and have a common responsibility to have cooperative agreements in the wildfire arena.
- CSFS provides regional assistance in forestry and the providing of billing services is not a statutory responsibility, but a needed service provided by the CSFS.
- The CSFS is the catalyst between the Federal Government and the State Government, between the County and the State, and provides the “bridge” for local resources responding on Federal fires.
- CSFS sent out 422 questionnaires to Colorado Sheriff’s and Fire Departments and received 75 responses. Of the 75 responses, 42 contained “comments” to the CSFS.
- Mr. Homan spoke about the information received from the comments and clarified the following information:
 - Several items stated in the comments were “rumors”.
 - It is not true that the CSFS had already “made up its mind” on CRRF rates and CSFS wants input and feedback.
 - The comments were painful, yet helpful in assisting the CSFS. All comments will be answered by the CSFS, although it will take some time for them to respond and contact each agency providing those comments.
 - The comments and concerns received from the surveys were very diverse.
 - The CSFS has concluded that “Standardized” rates will not work in Colorado today.
- The CSFS course of action regarding CRRF rates is as follows:
 1. A Base rate will be established that will be accepted as a “standard” rate.
 2. Other rates will be accepted for resources. The accepted rates for resources will be based upon Director Cooke’s (CSFCA) draft rate formula. Rates in excess of the standard / base rate will require documentation based upon this formula (once finalized) to justify the requested rate.
 3. These rates will be attached to the 2009 Wildfire Annual Operating Plan for inclusion.
 4. The intent of these rates is not to prevent people or agencies from fighting fires outside of Colorado.
 5. Rate justification needs to be challenged, and will be, in order for us to defend each other when these rates are questioned.
- The feedback has been received. The message is that base rates will work for some while a template is needed to establish rates for others. Director Cooke has the template and the CSFS will work with Director Cooke and the CSFCA to finalize the template for distribution in the next month. NWCG typing will continue to be used. Comments and concerns regarding this formula or rates should be directed to Mr. Cooke.

- Mr. Homan commented that there appears to be a misunderstanding on the indirect rates charged by the CSFS for billing services.
 - The indirect fees are charged only to the jurisdiction with responsibility for suppressing the fire.
 - Cooperators are not billed for indirect rates unless they are the jurisdiction with responsibility for the fire cost.
 - The rate has been established at 23%. This rate has been negotiated with the Federal Government and has received approval from State Agencies.
 - These fees are charged for “unfixed” costs such as electricity, office supplies, etc.

Mr. Homan shared the following “formal thoughts” regarding the CSFS and resource rates:

- CSFS does value the opinion of the cooperators, and knows that the CSFS works for you.
- It is simply not true that the CSFS had its mind made up regarding resource rates prior to engagement in this process
- CSFS / CSU profits are not excessive and there are not “big dollars” being made. The CSFS has access to numerous support functions thru the University including but not limited to; legal department, contract department, purchasing department, etc. In addition, the CSFS pays cooperators prior to receiving payment from the responsible party / agency which do not make these payments until after an audit is completed. This is a significant financial impact to the University but a great benefit to cooperators awaiting payment. Indirect costs help in providing these services.
- The District Offices of the CSFS have good relationships with all of the cooperators and work very hard to keep those relationships.
- We all strive for the best Firefighters, firefighter safety, and public protection for Colorado.
- CSFS urges you to take things that are positive, from you and your organization, and offer to be a cooperator.

A question and answer period was provided by Mr. Homan:

Q: Can rates be lower than base rates?

A: Yes. A base rate will be established, Mr. Cooke’s formula for higher rates will be completed, and lower rates than either of those will be accepted as well. The United States Forest Service is currently faced with a \$600 million shortfall with the number, size and complexity of the wildfires this season. Lower costs are of value, accepted and encouraged.

Q: How will personnel costs be determined?

A: The “AD” rate will be used, but full time personnel will be reimbursed at actual hourly rates. Backfill rates for personnel will be allowed as well.

Comments from Mr. Homan:

1. The Federal Government is currently considering utilizing Best Value Dispatching” where resources may be dispatched based upon cost, and not the traditional “closest resource available”.
2. The majority of responses to large fires are from the Fire Service.
3. A portion of the charged indirect costs do come back to the CSFS as a funding source.

4. Mr. Homan recognizes that Fire Departments have an “indirect cost” as well to administering resources for fire suppression efforts.
5. CSU “sometimes” holds a portion of grant funds as an indirect cost. The Colorado State Forest Service can retain 10% of VFA money for administrative costs of the grant, however, 90% of VFA money is utilized to fund grant projects.

Director Kevin Klein clarified that the Colorado Division of Fire Safety does not charge “indirect rates” for services that they provide.

Closing comments included statements from the cooperators appreciating the CSFS ability to pay bills quickly and Fire Departments not having to wait long periods of time for reimbursement. An encouragement was given to the CSFCA members to participate in the Emergency Fire Fund meetings as the committee is a great “sounding board” for these types of issues and concerns. Their next meeting will be held on October 27th.

Mr. Jhanke and Mr. Homan were thanked for their willingness to attend the CSFCA meeting.

UPDATE ON THE INTERIM COMMITTEE ON WILDLAND AND URBAN INTERFACE FIRES. Director Cooke

Director Cooke provided an overview of the Committee as well as the charges of the Committee on issues to be discussed. Numerous agencies and individuals have participated and the Committee must consider Bills to proceed by September 15th. While final language is not required by the 15th, draft legislation must be submitted by that date for the Committee's consideration. The summary of bills is as follows:

1. “Who is in charge bill” (regarding conflicting authorities of the County Sheriff and the Fire Chief) has not attained consensus as of yet. Efforts to achieve consensus are ongoing between, Colorado Counties Inc., Colorado Sheriff's Association, and the Colorado State Fire Chiefs Association. Current proposed language for the draft bill is similar to the DERA statute where designation is required from the Board of County Commissioners for the responsibility of wildfire suppression.
2. “Areas outside of Fire Protection Districts without fire protection”. This bill may be tied to item one above. This bill is currently being discussed as an “all hazards” approach and not just wildfire concerns. Current discussions include consideration for items that Fire Departments (Districts) can bill for to include vehicle fires, motor vehicle crashes, and similar types of emergencies.
3. “State Fire Marshal's Office”. This bill is beyond the legal scope of the Interim Committee and therefore will not be part of the legislative process of the committee. At this time, efforts will continue to work with the stakeholders and the Governors Office for definitive direction. If it is determined that a bill is necessary for consideration, there are Legislators willing to sponsor the bill.
4. “County Planning efforts”. The planning County development is a complex issue requiring teamwork and partnering. These efforts can not be successful with singular focus. “Organized” fire protection should be encouraged and should include large and small lot subdivisions.

5. Definition of “What is a Fire Department”. Standards are being considered for minimum standards to being considered a “Fire Department”. Given the broad range of resource availabilities of agencies, this is a difficult “definition” for Statute purposes. At a minimum, this definition should include recognition as a “Fire Department” from the “Authority Having Jurisdiction” (the Political Subdivision with the Authority over such issues).
6. Local “Land Use Codes”. Consideration is being given to a State Agency establishing minimum standards for Code adoption which could be “exceeded” by a local agency. An alternative direction would be to establish a minimum standard that could be adopted at the County level.
7. Volunteer “Incentives Bill”. The Committee is supportive of this type of a bill and will likely be a very broad based bill to provide agencies a “tool box” of items that me be implemented to enhance volunteer recruitment and retention.
8. “Liability” bill. A bill is being considered and supported to include a reduction in liability for Incident Management Teams as well as a liability reduction for the donating of equipment to agencies in need of equipment.
9. “Training Bill”. A bill is being considered to clarify the State’s role in supporting and assisting local agencies in the providing of minimum level training and certification of fire fighters (i.e. Fire Fighter 1, S130/S190, S215, etc.). Possible funding sources for this training include (but not limited to) the Insurance Premium Tax dollars which numerous states utilize for these purposes.
10. A bill is being considered to seek funding from the State to match County contributions to the Emergency Fire Fund. Currently, State funding of large wildfires is limited to a declaration by the Governor to appropriate emergency funds for these events.

Director Cooke concluded by reminding members that it is shaping up to be an extremely busy Legislative session in the months to come. Assistance will be needed in supporting these issues at the Capital as well as input and feedback will be required on legislative content. The “draft” bills that are forthcoming should be considered “concept” bills and the ability to change language for the bills at final legislative hearings will come at later date.