

FIRE COMMISSION MINUTES Thursday October 8, 2015 LETA VAUGHN

Call to order 7:02

Attending: All Commissioners Bob Russell, Bob Lippman and Leta Vaughn, Jazmine Duncan, Mitch Stock, Floyd Stoughton, Chief Ron Drake, Matthew Jones new firewise wui coordinator forestry fire and state lands. Bob Lippman motions to alter agenda Bob Russell 2nds, unanimous

Public Hearing and Comment:

1. Regarding Proposed 2015 annual budget for Castle Valley Fire Department (No tax change).

Increase will go to purchase large pump and 1800 gallon tank for the military truck upgrade and will come out of capital fund. Will need about the same amount next year.

Bob Russell motions to pass budget amendment, Bob Lippman 2nds unanimously passes.

Adjournment of Public Hearing 7:11 Bob Lippman motions to move out of public hearing and go back to regular meeting Bob Russell seconds, unanimous

-Approval of Minutes Bob Lippman motions, Bob Russell seconds, unanimously approved.

Bob Lippman motions to incorporate emergency e-meeting held on October 8, 2015 about paying Jeff Fink's medical bill to Moab Regional Hospital, pending reimbursement from workman's comp. insurance.

-Public Comment: Matthew Jones South Eastern Wildland Urban Interface coordinator CWPP that is in place needs to be revised and updated. Castle Valley projects: looked at Castle Creek & agrees it needs to be worked on. One other goal is to purchase two 7000 gallon portable water tanks for trucks to fill up at during fire incidents. Would like to get tough sheds through grants to store those tanks in. Possibly we could use those sheds too. One tank would be located on loop road at gravel pit & one located on loop road overlook. He is also looking into a helispot location. Would like to focus on maintenance and building relationships with land owners & focus on education. We can contact him anytime with any questions or concerns we have at 435-210-4328 or mjones1@utah.gov He will be at the gourd festival with the firewise trailer. November 12th chipper day will have sign up sheet at gourd fest. We will get a flyer up on board and Ron will put it in paper.

Fire Chief's Report: Ron Drake Chief's engine is back in service. One ambulance assist in September. Mark Marcum has resigned as county fire warden after October 31st

-Treasurer's Report: Bob Russell

--Financial accounting update (ongoing)

--Discussion and possible action on policies/procedures for department/district purchasing, accounting, reporting and record-keeping (ongoing)

--Discussion and possible action on budget approval process, amendments, and reporting (ongoing) Current report has nothing new. Bob L. where are we fitting the Jeff fink payment and do we need to do some action for it. Bob R. take out of capital purchases as an administrative action.

-State/County/Town Hazard Mitigation Planning update: Jazmine Duncan/Bob Russell Public hearing held next week and plan to finalize draft plan. PLUC offered suggestions. Ron D. wont be there Doesn't agree with no open burning recommendation.

-Emergency Medical Responder Report: Bob Russell EMR class is going on now in Moab

-Firewise update: Completion of Community Fire Plan; CV crew work and budget (FFSL): Bob Lippman November 12th chipper day, will have sign up sheet at gourd fest. We will get a flyer up on board and Ron will put it in paper.

-Discussion and possible action on Workman's Comp Insurance claims processing: Bob Russell Bob Lippman: we need to get a level of clarity and documentation of this issue.

Bob Russell, Ron Drake and Lesley Craig have done a lot of work on this with many phone calls and still have many loose ends. Bob Russell: Our biggest concern is Jeff Fink's health. Money we spent for CT scan \$2800 was based on Jeff's health it is only bill that has been paid. All other bills have been charged to workman's comp claim. We are expecting to get reimbursed for the \$2800. The reason we paid in full up first is his treatment was being held up. another scan was ordered but neither hospital would do the scan without payment. Jeff needs to go back to the neurologist in 3 months and is getting physical therapy. He has started driving again. The main hangs up are 1. Still do not have coverage for dept or Fink 2. no one has agreed that workman's Comp. will pick up Fink's bills. A lot of people working on it, primarily the State Labor Commission who can't get anyone to even talk to them.

They suggested Jeff Fink file a request for a hearing before the Labor Commission to give them the legal leverage to demand that the County respond. Which requires Jeff and us to fill out an application and send it to the Labor Board. They can then go to the entities they think are responsible to cover this and make them provide the information we need.

(see timeline of events to date at the end of minutes)

Mitch: doesn't the state cover volunteers? Bob R. we thought this was true and that we were automatically covered by the State, but we are required to have a workman's comp policy. The confusion came from having past claims paid which made us think we were covered. But those claims were paid under the Town's policy. Somehow the Town had the fire dept. listed as volunteers under their policy and that was changed by the Town due to the belief that we had our own coverage. The fire dept. didn't know we were covered under the Town's policy or that it had been taken off.

Ron Drake is working on getting us coverage as soon as possible until this is worked out. As of now we can't respond to blm or state fires without workman's comp.

Bob Russell there is also something that will cover underinsured workers that Jeff Fink could fall under but we feel that they may come back to us for the bills and fine us.

Bob Lippman: all fire fighters are at risk until this is resolved. Ron Drake will send out emails to all members explaining the situation, asking for confirmation that they received the email and acknowledge that if they respond to a fire they will assume the risk themselves.

Leta Motions that we retroactively appoint a committee made up of Ron Drake, Lesley Craig and Bob Russell to look into this issue, Bob Russell seconds, unanimously passes.

-Discussion and possible action on: To pass a resolution declaring: The Fire Commission election has been cancelled and Mitch Stock has been appointed as Fire Commissioner, term to run January 1, 2016 through December 31, 2019: Leta Vaughn

Bob Lippman resolves to cancel elections for district seat and Mitch stock is duly appointed to commission, Bob Russell 2nds, unanimously passes.

-Discussion and possible action on Purchasing Bowthorpe Property Ron talked to him and he said he would work out a price, then he past away. No other conversations have happened. Leta: can we contact Yogi Bowthorpe to see if she would be interested in selling it or at least get an agreement to continue fire department use of the well with the new owners? Ron D. will contact Yogi and see what her plans are. Jazmine: the town doesn't actually have water rights for fire suppression so they could not sell us those either. Town is looking in to it and discussion is open. How to purchase this? CIB or a loan from the bank? Ongoing keep on agenda.

-Discussion and possible action on Replacing computer at station 1: Leta Vaughn and Bob Russell Would like to contact George Holling first for consult. Keep on the agenda for next month

-Discussion and possible action on Station 1 paging system and telephones: Bob Russell Frontier charges us \$177/mo. for two business phone lines and internet. One phone line is for a paging system which has not been working for years. Do we want to pay 2000-3000 to fix paging system? Bob R.: Lets get a serious quote to get paging system up and running and go from there. We can not change the Frontier contract until the end of the year anyway. Could save money by going to one residential line and internet only. Keep on agenda for next month.

-Discussion and possible action on Military Engine Conversion update: Bob Russell
pimp has been ordered. Leta has finished drawings for the tank and they have been sent on the manufacturer, where they will submit drawings to us for our approval. Pump has been ordered.

-Discussion and possible action of Upcoming involvement in 2015 gourd festival: Leta Vaughn
Bob R. got the tee shirts we ordered. They \$444 or \$12.36 for each shirt. We will ask for a \$25 donation for each shirt.

-Discussion and possible action on long term planning, fire dept. needs, priorities, vision and policies: development of standard operating guidelines, policies and procedures
nothing new

-Special topics for Closed Session (if necessary): personnel matters, award & recognition program, etc. nothing new

Adjourn Bob Lippman motions, Bob Russell 2^{nds}, unanimous

Leta Vaughn, CVFPA Secretary, October 2, 2015

Time line of the events and contacts regarding Castle Valley volunteer firefighters injury and application for Workman's Compensation beginning July 28,2015.

VERSION 5

11/10/2012 well prior to the event Lesley Craig was asked to look into the Castle Valley Fire department general insurance policy with American Insurance. American Insurance is still our insurer. Lesley contacted Richard Arid and his associate Carla Barker with American Insurance to inquire if we needed more coverage in our policy to cover work place injuries of our firefighters. The American Insurance representatives advised Lesley that no more coverage was needed as our firefighters were covered by Workman's Compensation. The American Insurance representatives did not advise Lesley that any further action was needed from Castle Valley Fire Department and she assumed that the additional coverage was automatic. Castle Valley Fire Department continued with this misconception until the Jeff Fink case raised the problem. Castle Valley Fire Department began the enrollment process with Utah Local Government Trust on 9/30/2015.

7/28/2015 Firefighter Fink was working under the direction of Fire Chief Drake at a prescribed burn on private property in Professor Valley in the Castle Valley Fire District when he was injured.

He was injured assisting with changing a flat tire on engine 33 at the fire scene. He was struck under the chin by a jack handle which suddenly released.

Firefighter Fink was transported to the Moab Regional Hospital Emergency Room by a fellow firefighter.

He had a seriously lacerated tongue, a laceration under the chin which required staples to close and a concussion from the blow.

He was entered as a Workman's Compensation case and assigned claim number E3W9281. All subsequent medical services were charged to Workman's Compensation under this claim.

He was released and returned to his home.

He recovered at home for several days with symptoms of the concussion, unstable balance and blurred vision.

9/12/2015 Firefighter Fink, recovering at home, began having intestinal problems and unstable balance, blurred vision, and tingling in the right side.

9/14/2015 Firefighter Fink was driven to Moab Regional Hospital Emergency Room and admitted. He was examined, scans were taken. He was advised to consult a Neurologist and released.

9/18/2015 Firefighter Fink was driven to The University of Utah Neurological Center where he was examined by Dr. Aleks Tkach. Dr. Tkach advised him that he had suffered a stroke. He prescribed medications and physical therapy. Dr. Tkach ordered an additional CT Scan which has not been done as of 9/29 because it was not approved by Workman's Compensation.

9/25/2015 Firefighter Fink was evaluated by Mountain Land Physical Therapy and exercises were recommended.

9/28/2015 Fireman Fink's claim was denied by the Town of Castle Valley. The last Workman's Compensation claim filed by Castle Valley Fire Department was filed in 2009 and was paid by the town of Castle Valley. Chief Drake and the Fire Commission were not aware that this coverage came through the Town of Castle Valley.

Robert Russell Castle Valley Fire Commissioner 9/29/2015
note added 10/01/2015

Additions by Lesley Craig

On Friday September 25, 2015, I began some informal research into the recent Utah laws relating to medical and disability benefits mandated for volunteer fire persons. I initially looked up the state legislature sponsors of recent legislation and eventually made my way to the office of lawyers who draft the statutes. The primary person I was trying to reach was unavailable, but a colleague who knew relatively little about the specific laws recommended that I call persons at the labor commission and at the State Risk Management Office. Both offices were very helpful.

In the end the Risk Management people (Connie Downing -1801-538-9598) determined that Fireman Fink was not in their opinion covered by the State. The possible exception was if the accident occurred on State property, e.g. a state road. Inquiry confirmed that this was not the case so I have not pursued this avenue further.

The contact at Labor Commission is Geena Spewt(sp?) tel: 1801-530-6409
Email: gspjut.utah.gov

She is following internal procedures to carry the matter both specifically as to Fireman Fink and generally on behalf of all volunteer fire departments in Utah. She provided me with the claim number E3W9281. It is Her belief (for the Labor Commission) that the responsibility should be under Grand County (general coverage for volunteers). To her knowledge, Grand County is denying coverage because the clerk did not see our Fire District listed as under their policy.

To follow up on this I placed a call to Andrew Fitzgerald, the Grand County Attorney, At both his public and private law numbers, but as yet have received no call back.

On Friday I also placed a call at the suggestion of Geena, to the General Counsel of the State Workman,s Fund. This morning the General Counsel, Dennis Lloyd 1-385-351-8060, who confirmed that neither we, nor the town, nor Grand County was insured by his company , but nevertheless was very informative about workman's insurance, in general. I believe that his counsel should be presented orally to the Commissioners. However, from my talk with him, I believe we are following the right track for this individual matter.

His immediate advice was for me to confirm which company insures Grand County and confirm that the claim number was with the right insurer. This I did by a conversation this morning with Carrie Scott 720-963-7322 whose name and number I received from Laurie Fink.

Carrie was awaiting a call back from Ali Fuller on a message she had left her. Carrie confirmed that her Company Travelers is the underwriter of workman's comp insurance for Utah Local Government trust whose members include both The Town of Castle Valley and Grand County. When asked for the details of the coverage for "volunteers" under the specific policy written, she did not have that info and referred me to Chris Rozelle the claims manager for Utah Local Government Trust, but he has not answered his phone and I have not left a message. He is at 1801—936-6400, option 5 or extension 1305.

10/01/15 Lesley got a call from Chris Rozelle , Claims Adjuster for Utah Trust. He has referred the case to their attorney Mark Simson. Lesley suggested that he consult with Carrie to get the full story.

Chris said this was the first case like this they had seen.

10/01/2015 Bob Russell assisting Laurie Fink {wife of Jeff Fink} met with Moab Regional Hospital Administrative assistant Jessica Muir to try to expedite the CT Scans for Firefighter Fink ordered by Dr. Tkach. It was agreed that Castle Valley Fire Department would pay \$2809.60 to Moab Regional hospital to cover the cost of the CT Scans ordered so that these scans could be made by Moab Regional Hospital. This payment is to be added to the other payments for the Workman's Comp case to be refunded to Castle Valley Fire upon settlement of the claim. Lyndi Molher was not present but was consulted by Molher during the discussions,

10/01/2015 The Fire Commission held an Emergency Electronic meeting and unanimously passed a motion to make the payment to Moab Regional Hospital.

10/01/2015 Lesley Craig got a call from Gina Spjut and Chris Rozelle Accident Compliance Division of the Utah Labor Commission suggesting that Jeff file a request for a hearing with them to expedite their contacts with Grand County. Lesley is working on the draft.

On October 1, 2015 I received telephone calls from Gina and Chris Rozelle. Chris is with the industrial accident compliance division and was not really of any additional help. Gina, however, reported that the labor commission and Carrie Scott were attempting to have a conference call with Andrew Fitzgerald and Diane Carrol of Grand County but were getting no response from the County. She asked that we have Jeff (or us) complete and file an application requesting a hearing in order to get the County to respond to them.

10/02/2015 The above mentioned check was delivered to Moab Regional Hospital and Jeff has been scheduled for the CT Scans ordered at 1pm today.

10/02/2015 Copy of E-Mail From Ron Drake to Elizabeth Tubbs CV rep on Grand County Council.

Ron Drake patron@frontiernet.net

Hi Liz,

I feel that I should fill you in on what is happening with the Castle Valley Fire Department recently. In August, the fire department was asked to stand by at the Professor Valley Ranch while the owner, Peter Lawson burned his hay field. He raises organic hay and the only method he has to control the weeds is to burn the stubble with a large propane torch, which is pulled by a tractor. The county fire warden required fire engines there while this burning was in process. During

our stand-by, one of our fire trucks developed a flat tire and after the tire was replaced with a spare, Jeff Fink, one of our firemen, was lowering the vehicle with a "handyman Jack" when the handle left his grip and hit Jeff under the jaw creating a laceration to his jaw and tongue. He was immediately taken to the emergency room where he received stitches and was told that he suffered a concussion. A couple of weeks later he returned to the E.R. for what he thought was a stroke because of dizziness and blurred vision and a specialist in SLC confirmed that he, indeed, did have a stroke but needed another CT scan to determine if it was going to suffer another stroke and be an ongoing problem.

Our problem is this: The former fire chief inquired to our insurance agent about having our fire personnel covered with medical insurance several years ago and he was told that we didn't need to because we were covered by workmen's compensation. So last August when I filed for workmen's comp we were told that we were not covered any where. We've been in touch with numerous state government agencies, including the labor commission and they are trying to talk with the county attorney, county clerk with no response to see if they can set up a conference call with them to see if the county will cover the cost of his medical bills through their workmen's comp. The total cost will probably be double of what we receive in taxes next year. Today, we wrote a check to MRH for \$2,809 for the CT scan that the specialist needed because the hospital wouldn't do it without cash up front. Anyway, this is where we are, just to let you know what is happening. Lesley Craig, one of our fire members and a retired lawyer has been working through this for us and one of her emails is below. Ron Drake

Date: Thursday, October 1, 2015, 6:51 PM

Hi Keri,

Thank you for your efforts on our behalf, you are greatly appreciated.

1. We really do not report to anyone except the State of Utah auditor and other state agencies to see how we spend our money, we are our own entity as the "Grand County Service Area for Castle Valley Fire Protection." Grand County collects our tax receipts and forwards them to us along with other taxes such as gas tax, etc.
2. There is no one on the Castle Valley Fire Department who receives payment even while fighting fires. We are entirely volunteer.
3. The Castle Valley Fire district includes the Town of Castle Valley in addition to a large unincorporated area of Grand County. Our boundaries extend east on Castleton Road to just west of the small unincorporated community of Castleton (they didn't want to be included in the fire district). Our boundaries also extend east on State Route 128 to include the Sorrel River Ranch Resort and Professor Valley, another small unincorporated area of a few homes and ranches and west

on SR 128 to include the Red Cliff Lodge, another resort at Mile 15.

I hope this helps to answer your questions and don't hesitate to call or email me with any other questions you might have. Best Regards, Ron Drake

Hi Chief Drake,

I solicited the assistance of our counsel in UT because I'm not getting a response from Diana w/Grand County. He asked me to follow-up with you on a couple questions I was hoping you could help me with.

1. Who do you reports to?
2. Are you or the volunteers paid any money for your services and if so who pays you?
3. What area does the volunteer fire fighters cover? Based on the Castlevalley fire.org map it shows Castle valley town as part of the area covered and no other towns or city/county's in the territory.

I'm also going to try and get a copy of the policy for both Castlevalley town and Grand County to see if it helps us in finding coverage. I will keep you posted.

Thanks

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