



COLORADO

Division of Fire
Prevention & Control

Department of Public Safety

Emergency Fire Fund Committee SPRING MEETING MINUTES Monday, April 27, 2015

In Attendance:

| | |
|-------------------|---------------------------------------------|
| Dan Gibbs (chair) | Summit County Commissioner |
| Paul Cooke | DFPC Director |
| Marc Dettenrieder | Teller County Commissioner |
| Cindy Dozier | Hinsdale County Commissioner |
| Justin Whitesell | Wildland Fire Section Chief DPC |
| Bobbie Mooney | DFPC Policy Analyst |
| Dave Parmley | Lake Dillion Fire Chief |
| Frank Celico | Summit County Attorney's Office |
| Rick Albers | Clear Creek County Sherriff |
| Mark Miller | Loveland Fire Rescue Authority |
| Steve Ellis | DFPC Area FMO |
| Rocco Snart | DFPC Wildland Planning Branch Section Chief |
| Erin Claussen | DFPC Incident Finance Manager |
| Richard Ryberg | DFPC Financial Operations Manager |
| Jake Miller | DFPC Policy Analyst |
| Joel Cochran | Summit County Emergency Management Office |
| Ryan Fields | Aurora Office of Emergency Management |
| Kathy Kitzmann | City of Aurora Water Dept. |
| Bill Nelson | Larimer County (on phone) |

- 1) Meeting called to Order by Commissioner Gibbs.
- 2) Introductions made.
- 3) New Member Orientation.
 - a) Director Cooke gave an overview of the history of EFF.
 - i) Chief Dave Parmley also provided a big picture view of the EFF committee and its issues.
 - b) Chairman Gibbs led a brief discussion of goals and possible future direction of the committee and the fund.



- c) Background was given on what constitutes an EFF fire.
 - i) Justin Whitesell gave information on the process used to identify an EFF fire.
 - ii) Question on number of counties that currently do and do not participate.
 - (1) 43 counties are current members of EFF fund.
 - (2) San Juan County is eligible but does not currently participate.
 - iii) It was explained that each county's annual contribution to the EFF is based on the number of forested acres in the county.
 - (1) These numbers are based on a forest survey that was done in 1964.
- 4) Approval of previous meeting minutes.
 - a) Request was made to put information of the EFF Committee online.
 - i) The Committee does not currently have a website.
 - (1) Discussion of the fact that the Committee does not currently have adopted bylaws, or mission statement, etc.
 - b) Motion made and carried to approve minutes.
- 5) Legislative update
 - a) Update provided by Director Cooke.
 - i) HB15-1017 - Volunteer Fire Department Organization
 - ii) HB15-1129 - CO Disaster Prediction and Decision Support Systems
 - iii) HB15-1260 - Change Wildfire Mitigation Tax Deduction to Credit
 - iv) SB15-022 - Wildfire Risk Reduction Grant Program
 - v) SB15-205 - Veterans Fire Corps for Wildland Firefighting
 - vi) SB15-212 - Storm Water Facilities Not Injure Water Rights
- 6) Old Business.
 - a) Agreements update.
 - i) Roberta Mooney provided update on the status of the EFF and Cooperative Agreements.
 - ii) Also provided information on the "DFPC Analysis Form," previously known as the "EFF Analysis Form" used to evaluate fires for EFF eligibility.
 - (1) DFPC will make any future changes to the Form through the formal rulemaking process.
 - iii) Question was raised about aerial resources.
 - (1) Director Cooke gave an update regarding the amount of appropriations and status of DFPC aviation program.
- 7) Current status of EFF Funds and 2014 Fire Season Update.
 - a) Director Cooke gave update on 2014 fire season.
 - i) There were a total of 4,300 total state and private fires.
 - ii) Only 1 qualified as an EFF fire.
 - (1) 5.6 Million total balance in the fund going into the 2015 fire season.

- (a) The \$1 million dollar limit applies to the sum of all county contributions each fiscal year, but there is no limit on the amount in the fund nor a limit the amount that can be spent on any given fire or in any year.
 - iii) More information about total current year wildfires is available at <http://www.nifc.gov/nicc/>
 - (1) See attached Nation Interagency Coordination Center Report
- 8) Bylaws Update
 - a) Frank Celico gave an overview of bylaws and the changes proposed since the Fall 2014 meeting.
 - i) Explained that a statutory change in 2012 created DFPC and EFF was put in statute.
 - ii) EFF Committee bylaws were circulated in the fall, redline version circulated.
 - b) Discussion on whether Director of DFPC should be a voting member of the EFF Committee or participate *ex officio*.
 - i) Members voted to have the Director be an *ex officio* member of the committee (non-voting) except in circumstances of a tie between the other eight members of the Committee.
 - ii) Motion passed unanimously.
 - c) Point by point discussion of edits to bylaws.
 - i) Motion was made and carried to remove language stating that members would be elected for one year terms from January to December. New language would simply indicate that members are elected to one year terms.
 - ii) Discussion on recording the meetings and how long the record would be maintained.
 - iii) Motion carries to strike “shall” from language regarding meeting annually.
 - iv) Notice to Committee members of agenda and meeting time discussed.
 - v) Manner of gathering for special/emergency meetings discussed.
 - (1) Voting via email on single issues discussed. Determination was made that voting via text was not appropriate. Only those methods which allow for permanent record (such as email) are acceptable.
 - vi) Revision of language related to Committee members serving without compensation and reimbursement.
 - vii) Motion was made and sustained to enact changes discussed.
 - viii) Frank Calico will edit and circulate the edited copy of the bylaws.
 - (1) Members will then vote on whether to approve the bylaws via email.
- 9) Motion was made and sustained to reappoint Commissioner Dan Gibbs as chair.
 - a) Motion was made and sustained to appoint Mark Miller as vice-chair.
- 10) Aurora Water introduction.
 - a) Aurora Water would like to join EFF as a voluntary contributor similar to Denver Water Board.
 - i) Kathy Kitzmann provided overview of the City’s interest.



- (1) City owns between 9,000 and 10,000 acres of forested land between Park, Chaffee, Lake, Eagle, and Douglas Counties.
 - (2) Would like to see agencies that respond to their property receive assistance.
 - ii) Draft agreement was provided.
 - b) Discussion about whether there should be specific requirements for organizations to be voluntary contributors.
 - (1) Cindy Dozier suggested creating a written policy.
 - ii) Discussion focused on the benefits of being voluntary contributor and what voluntary contributors would expect of counties.
 - iii) Members raised the point that there is benefit in having many funding sources for the overall health of the Fund.
 - iv) Roberta Mooney will draft policy regarding non-county voluntary contributors and circulate it.
 - c) Motion was made and carried to approve Aurora as a contributor to the EFF and to have DFPC continue discussions with Aurora Water towards finalizing an agreement and annual assessment amount for the first year.
 - i) Motion was made and accepted to apply the same method of assessment to Aurora Water as that applied to the Denver Water Board.
- 11) Calculation of annual assessments from non-county contributors.
- a) Ms. Mooney gave an overview of how voluntary contributors' annual assessments have been calculated in the past.
 - b) Presented two calculation methods identified for review by the Committee.
 - i) Consensus was that it is unfair to use two different calculation methods.
 - c) DFPC will send out exact calculations showing the differences between the two formulas in order for the Committee to choose the best one going forward.
- 12) County Minimum Commitment of Resources
- a) Roberta Mooney described the current status of minimum commitment requirements as laid out in AOPs.
 - i) Asked for direction from Committee regarding whether DFPC should continue to implement this aspect of the program and how.
 - b) Steve Ellis provided some more background - should the idea of minimum commitment continue to be included in County AOPs.
 - i) Example of what constitutes an eligible cost.
 - c) Joel Cochran added that counties that don't have agreements with their FPD are hesitant to sign an AOP committing to providing wildland fire resources that they don't have control over.
 - d) Director Cooke suggested that the Division draft language that it believes to be appropriate for circulation at the next Committee meeting.
 - i) Suggested that counties would provide other types of resources that they currently own.
 - e) Members of the Committee supported the concept of having minimum commitment requirements in the County AOPs.

13) Other Issues.

- a) Director Cooke gave an update on the recently lifted moratorium on state participation in broadcast burns.
- b) Invoicing to non-county contributors for years past.
 - i) Non-county contributors were not invoiced in 2013 and 2014. Discussion about whether the DFPC should send invoices for prior years to the non-county contributors.
 - (1) Consensus was DFPC should but must include a cover letter explaining why no invoices were sent in 2013 and 2014.
 - (2) Motion was made and carried to send invoices for all past years not yet invoiced.

14) Next Meeting- Fall 2015

- a) Date will be scheduled via a doodle poll administered by DFPC.

15) Meeting adjourned.

DRAFT



DFPC ANALYSIS FORM

(Complete this form daily, as appropriate, based on the fire situation)

Date: _____ Time: _____ County: _____ Fire Name: _____

Location: Lat/Long _____ Legal: T ___ R ___ Section(s) _____

| | Current | | Predicted | |
|-------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | Yes | No | Yes | No |
| I. Resources | | | | |
| a. Has the normal mutual aid network been fully implemented? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Has the County committed all of its wildland resources defined in the County operating plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Have aviation resources been ordered? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Is the fire beyond the capability of local management team? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Is water supply limiting suppression efforts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Is there a need for Interagency Regional or National resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Is the availability of additional resources hampering suppression efforts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| II. Values at Risk | | | | |
| a. Is the general public threatened? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are structures threatened? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Are there unusually hazardous firefighting conditions? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Are historical values at risk? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Does the fire involve mixed land ownership? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Is critical infrastructure threatened? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| III. Fire Behavior | | | | |
| a. Is fire behavior dictating an indirect control strategy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Is extreme fire behavior present? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is the 1000 hour fuel moisture below 12%? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Is the fuel type and condition conducive to rapid | | | | |

| | Current | | Predicted | |
|--------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | Yes | No | Yes | No |
| spread? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Is accessibility limiting suppression efforts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Is the rate of spread beyond the suppression capability of local resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Is fire burning on slope greater than 30%? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| IV. Fire Weather | | | | |
| a. Are wind speeds greater than 20 mph? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Is the temperature above seasonal average for fire location? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is the RH below 15%? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Are there any critical fire weather events? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| V. Other Considerations | | | | |
| a. Are there political or economic concerns? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are non-fire incidents occurring which have an impact on fire operations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is additional aviation management or oversight needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| VI. Totals | A | B | C | D |
| | 0 | 0 | 0 | 0 |

Current (A) 0 + Predicted (C) 0 = 0
 Current (B) 0 + Predicted (D) 0 = 0

To qualify for EFF or State financial assistance, answers must reflect a total local level commitment to the fire.

To qualify for EFF, total of Columns A + C must be equal to or greater than 35. If the incident does not qualify for EFF, DFPC may assist the County in seeking State financial assistance if available.

 Sheriff or Designee's Signature

 DFPC Director or Designee's Signature

DFPC DIRECTOR RESPONSE:

Annual Assessment for Non-County EFF Contributors

Public utilities (“Non-county” entities) may become “voluntary contributors” to the Fund, donating money to the Fund in exchange for DFPC facilitating the inclusion of their property and contact information in County AOPs for counties in which they own land or infrastructure.

Currently there are three such entities that contribute: Denver Water Board, Denver Mountain Parks, and Colorado Springs Utilities. Aurora Water is now interested in becoming the fourth.

DFPC has treated contributions from these non-county entities as “above and beyond” the one million dollar sum contributed by the counties each year. Thus, voluntary contributions are not considered when calculating each county’s annual assessment.

No non-county assessment invoices have been issued since the transition from CSFS to DFPC in July 2012 (i.e. no invoices for 2013, 2014, and 2015 yet). **Should DFPC send invoices to these non-county members for 2013 and 2014, or only 2015? And, what method should DFPC use to calculate annual assessments for the non-county contributors?**

Annual Assessment Calculation Methods for Non-Counties:

In reviewing past EFF assessment documentation, DFPC identified two different ways of calculating non-county contributors’ assessments:

a. Denver Mountain Parks:

DMP’s Annual Assessment = Land Base Fee + Denver Share

Land Base Fee = DMP’s WUI Land Base multiplied by \$0.0075

For example: Clear Creek County: 2626 acres (adjusted for WUI)

Douglas County: 1000 acres (all acres are considered WUI)

Jefferson County: 9054 acres (adjusted for WUI)

Land Base Fee = (12680 total acres * \$0.0075) = \$95.10

Denver Share = amount of DMP land in each county divided by WUI land in each county, multiplied by the annual EFF invoice billed to each county.

For example: Clear Creek: (2626 acres/45,700 acres)* \$9,650.99 = \$550.11

Douglas County: (1000 acres/143,700 acres)* \$75,721.16 = \$522.48

Jefferson County: (9054 acres/198,400 acres)*\$117,468.33 = \$5,286.07

Denver Share = \$6,358.66

b. Denver Water Board and Colorado Springs Utilities:

Annual Assessment = (Fixed Cost/Acre + County Evaluation Cost/Acre) * Acres Owned

Fixed Cost/Acre = \$0.005/Acre

County Evaluation Cost/Acre = County Total Valuation divided by Total County Acres

For Reference, Annual Assessment Calculation Method for Counties:

Annual Assessment = Acreage Cost + Valuation Cost

Acreage Cost = (fixed cost/acre * number of non-federal forested acres in the county) where the fixed cost per acre is set to \$0.0075.

Valuation Cost = (annual valuation * normalization value) where the annual valuation is the total taxable assessed value of all acres in the county, and the normalization value reduces the sum of the assessments of all counties each year to \$1M.



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MEMORANDUM

DATE: April 27, 2015
TO: Colorado Emergency Fire Fund Advisory Committee
FROM: Colorado Division of Fire Prevention and Control
SUBJECT: County Minimum Commitment of Resources

Through the 2014 and 2015 process of updating the EFF agreement between the EFF counties and the DFPC, the issue of a county's "minimum commitment of resources" to an EFF Fire has been raised. Though DFPC has continued to facilitate inclusion of each EFF county's minimum commitment of resources in their County AOP, DFPC now seeks renewed guidance from the EFF Advisory Committee regarding this long standing feature of the EFF program.

History: Institutional knowledge within DFPC holds that when the Emergency Fire Fund was created, in order to make the fund last as long as possible and remain available for more member counties, the requirement was established that a county stay actively committed to the fire suppression effort throughout the period of time the fire was EFF funded. At that time in the 1970's, wildland fire suppression efforts needed fire trucks, water to support them, and heavy equipment to help build control lines. The EFF counties, with the help of the Colorado State Forest Service, each identified their own minimum commitment of resources and recorded their minimum commitment in their County AOPs. Most counties said they would commit a certain number of engines, water tenders, and dozers (for example: 4 engines, 2 water tenders, and 1 dozer), all depending on the county and what normally was available on any given day. Once identified, those resources were not reimbursable from the Fund.

Much has changed since the EFF was first established, both legally and in fire suppression. A big change was Senate Bill 20 of a few years ago that spelled out fire district (departments) responsibilities on fires in their jurisdiction. In light of the new legislation, counties and fire agencies began to question the inclusion of the "Minimum County Commitment of Resources" in County AOPs. Why are counties committing resources such as fire engines they do not own or control while fire districts that do own the resources do not sign the AOPs? Some counties no longer owned dozers or water tenders either. In order to adapt to these changes, while still meeting the understood intent behind the "Minimum County Commitment of Resources" requirement, some counties with state

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agreement adjusted the commitment to items they owned and or had control over, such as County-owned property for hosting the ICP, road deputies, or GIS resources.

Issue: Including each EFF county's minimum commitment of resources in their County AOP has presented additional challenges more recently. As each EFF county's unique circumstances and relationships with fire agencies continue to evolve, requiring a specific list of resources in each AOP and actually putting it into practice on a fire becomes more difficult. Further, the new EFF agreement, currently going through the signature process in the spring of 2015, does not specifically address County Minimum Commitment of Resources and, as a result, some EFF counties have pushed back on including it in the County AOP, questioning whether it is in fact still a requirement of the EFF program.

Question Posed to the Committee: Does the EFF Advisory Committee see value in continuing to require, and include in the County AOPs, the County Minimum Commitment of Resources? If so, how would the Committee like DFPC to enforce this requirement? Should the requirement be addressed in the EFF agreement between the counties and the DFPC?

Sampling of 2015 AOP Language Regarding “Minimum County Commitment”

Teller and Park Counties:

“STATE EMERGENCY FIRE FUND (EFF)

The State of Colorado, Department of Public Safety, Intergovernmental Agreement with the Board of County Commissioners for the County of Park requires the County to identify a minimum county commitment to access EFF funds. In the event of a fire that qualifies and opens the EFF, the County agrees to supply these County resources for the duration of the fire:

County Sheriff's Office Representative,
County Commissioner Representative,
County Dispatch Center,
County Emergency Operations Center (County EOC),
County-owned property (fairgrounds, park, open space, airport, school, etc.),
County Public Works, water tender(s) with operator(s),
County Public Works, heavy equipment with operator(s), and
County Public Works electric roadway sign(s).”

Clear Creek County:

“8.2 Minimum County Commitment

When a fire is approved for EFF implementation within Clear Creek County, the following minimum fire suppression forces will be maintained, as much as possible, throughout the duration of the incident:

- Local resources available to the county through mutual aid or contract basis, while still providing a minimal level of response for other, new incidents within that fire district and without jeopardizing the ability of the assisting agencies to mount a reasonable response within their own jurisdiction. See “Intergovernmental Agreement for Mutual Aid between Clear Creek County and the Clear Creek Fire Authority” (**Attachment D**); “Intergovernmental Agreement for Mutual Aid between Clear Creek Fire Authority and Evergreen FPD” (**Attachment E**); “Wildland Fire Protection Agreement between Clear Creek Fire Authority and Clear Creek County Sheriff’s Office (**Attachment F**); and the “Wildfire Protection Agreement between Clear Creek County – Clear Creek Sheriff’s Office and the Evergreen FPD” (**Attachment G**); or any successor agreements as signed by the parties. USFS resources are available as mutual aid for wildfires within two miles of National Forest System lands
- Law enforcement and traffic control through the Sheriff’s Office and/ or local law enforcement jurisdiction.
- Equipment and operators (such as bulldozers, road graders, water tenders) from the County Road & Bridge Department, if available - and if appropriate, needed, and meeting specific safety/operational standards for the incident.
- Other county-owned equipment as may be available and as mutually agreed upon between the County and the DFPC Agency Administrator, given the specific conditions and needs of the incident.”

Morgan and Logan County:

“For fires where the State has taken management/financial responsibilities, the County will maintain a reasonable minimum commitment as part of a cost share methodology. The minimum commitment will be documented and will be on an incident by incident basis.

The County commitment can be resources such as heavy equipment, water trucks, law enforcement, incident command personnel, or facilities and logistical needs.”

Boulder County:

“All EFF fires will have a designated command structure consisting of, at a minimum, the Boulder County Sheriff (or designated representative) and a DFPC Agency Administrator. If land administered by another agency is threatened or involved, that agency will provide a representative to the Unified Command.

When a fire is approved for EFF implementation within Boulder County, the following minimum fire suppression forces will be maintained, as much as possible, throughout the duration of the incident:

- Local resources available to the county through mutual aid or contract basis, while still providing a minimal level of response for other, new incidents within that district and without jeopardizing the ability of the assisting agencies to mount a reasonable response within their own jurisdiction.
- Law enforcement and traffic control through the sheriff's office.
- Other county-owned equipment as may be available and as mutually agreed upon between the county and the DFPC Agency Administrator, given the specific conditions and needs of the incident.”

Saguache County:

“Minimum County Commitment: In the event of an incident that qualifies and opens the Emergency Fire Fund, the County agrees to supply and pay for the following resources, if necessary for suppression, for the duration of the fire:

- One (1) Sheriff's Office representative, 24-hour staffing if necessary
- One (1) water tender with operator, 24-hour staffing if necessary
- One (1) dozer or grader with operator, 24-hour staffing if necessary
- One (1) engine, fully staffed, 24-hour staffing if necessary”

Moffat County:

“COUNTY RESPONSIBILITY

The minimum Moffat County resource commitment for an ongoing EFF fire is two engines, one water tender, one chase truck and two maintainers all staffed appropriately. Additionally Moffat County will ensure an incident command post and traffic control is provided. It is understood that if the tactics of a given incident do not require some of this equipment, it will not be required on scene.”