



# Snowmass-Wildcat Fire Protection District

## **SNOWMASS-WILDCAT VOLUNTEER FIREFIGHTER'S PENSION BOARD**

Minutes of the Pension Meeting Held  
January 17, 2023

A meeting of the Volunteer Pension Board of Directors of the Snowmass-Wildcat Fire Protection District was held in person on January 17, 2023 immediately following the adjournment of the regular Board meeting. Noting that a quorum was present Chair Elizabeth Striegler called the meeting to order at 8:48 a.m.

### **Roll Call**

The following Board members were present Elizabeth Striegler, Greg Balko, Scott Arthur, Dave Heivly, Drew Detrick (via Lifesize), and Thomas Dunlop. RFFRA Board members present Ed VanWalraven, Leroy Duroux, and John Young. Also, present were Chief Scott Thompson, Deputy Chiefs Richard Cornelius (via Lifesize) and Kevin Issel, Deputy Fire Marshal Brooke Stott, Assistant Fire Marshal Jim Pidcock, Human Resources Director Renee Thomas, IT Director Erik Johnson, Lieutenants James Dirkes, Mo McPhee (via Lifesize), Jason Smith, Attorney Bob Cole (via Lifesize), Firefighters Nicholas Braun, Matt Evans, Austin Every, Kristen Gallagher, Ryan Lee, and Executive Assistant Jennifer Diamond.

### **Approval of the Regular Pension Meeting Minutes – June 21, 2022**

The minutes of the June 21, 2022 Pension Board meeting were reviewed. Director Arthur made a motion to approve the minutes, it was seconded by Director Balko and the motion carried 6 – 0.

### **Treasurer's Report**

Finance Director Jennifer Thompson emailed the profit and loss statement to the Board on Monday morning. Chief Thompson stated that an actuarial that was done last year. Due to the fund balance, we still budget \$50,000 to put into the retirement fund. The draw on the retirement fund is \$44,000 per year. The fund would not be sustainable without being supplemented each year.

### **New Business**

Chief Thompson stated that one of our past employees is coming back to ask for a volunteer pension. He asked Susan to pull all of the records regarding this issue so that you would have the history behind his request. Tom Everest had said that he was going to be here today but is not feeling well enough to attend as of this morning. Director Balko stated that he has a conflict in this situation. He has taken care of Tom in the past with his workers compensation claim so he needs to recuse himself. Director Arthur stated that depending upon the decision of this Board he may or may not benefit from the decision so he also needs to recuse himself as well. Attorney Cole stated that

If you have a personal financial interest in the decision that is before the Board. If you have this situation, it is a clear conflict in this situation and you should not participate in the conversation or try to influence the decision and certainly not vote. Relationships create an appearance of a conflict that is a concern that you should consider but it does not rise to the level of a legal concern requiring you to step aside. Physician/Patient relationships fall into this category. If you feel or are concerned that others may believe that you can't make an objective decision than it would be an appropriate time to step out of the room. He doesn't think that the fact that you may be a volunteer firefighter and may at some point apply for a pension or have applied for a pension. He doesn't think that is going to be in the category of a legal conflict of interest that requires you to recuse yourself. Directors Balko and Arthur left the room.

Director Tom Dunlop explained to the Board the history behind Tom's request. Director Dunlop stated that the history of Tom Everest's request has been supplied to us. There isn't anything in this paperwork that indicates he qualifies for a pension. Chief Thompson stated that Tom Everest had stated that he was going to get affidavits from past employees that showed he was a volunteer for more years. The last time he applied, he thought he was going to die so he didn't put a lot of time or effort into his application. He wants to reapply. Director Dunlop explained how the SWFPD pension works. Chief Thompson stated that Tom Everest needs to show that he met all of the requirements for ten years of service as a volunteer. These do not need to be consecutive years. No decision needs to be made today because Tom Everest did not appear today before the Board. You have this packet of information to review for when he does. Director Detrick stated that being a volunteer firefighter and being a district employee were two different and completely separate things. Attorney Cole stated that under state statutes a person cannot earn volunteer pension time and paid pension time for firefighting for the same service. You usually have a period of time that a volunteer qualifies for a volunteer pension. If that volunteer becomes a paid employee, then that time accrues towards a paid pension. You can't have the same time apply to both. You have to segregate it. Is it volunteer time or paid time? Attorney Cole recommends that the Board pick a time such as the next scheduled pension board meeting, notify Tom Everest that would be the time for him to bring in all of his information and present it to the Board. The Board would then decide on his application. Chief Thompson believes that this has been done because there is a denial letter that sites state statute. That was the result of the last Board hearing. It is up to the pension board whether they want to let Tom Everest have another hearing and go over the same data. He doesn't believe that Tom Everest's job duties were that of a firefighter/EMT. He remembers Tom Everest being more of a facilities maintenance guy. Director Dunlop stated that as a volunteer we were required to do a little of everything. Director Detrick agrees that we were jacks of all trade at that time. Chief Thompson stated that we need to know what his job description was at the time. This would answer some questions. Attorney Cole stated that the federal law in the FLSA (Fair Labor Standards Act) states that during the same period of time like a pay period you can't have a volunteer and a paid employee doing the same job. You can have a volunteer and an employee as long as their job responsibilities are completely different. Administrative peoples and maintenance personnel can also be a volunteer firefighter. Paid paramedics and firefighters cannot

be volunteers at the very same time. If you do, you have to pay them for all of their time both volunteer and paid. Chief Thompson will contact Tom Everest and ask him to present his case at the next meeting on June 20, 2023. The Board will grant him his hearing. Tom Everest's possible job description was during his time here was discussed. Chair Elizabeth Striegler stated that notification to Tom Everest regarding the June meeting should be in writing.

**Old Business**

None

**Non-Agenda**

None

**Adjournment**

There being no further business to come before the Volunteer Pension Board at this time, Director Dunlop made a motion to adjourn the meeting; Director Heivly seconded the motion and the motion carried 6 – 0. Chair Elizabeth Striegler declared the meeting adjourned at 9:11 a.m.

To Watch the Board meeting in its entirety, please click on the link below.

<https://youtu.be/FbuujdOAufM>

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