

**MINUTES FOR REGULAR MEETING OF THE
NORTHERN CONSOLIDATED FIRE DISTRICT #1 GOVERNING BOARD
Thursday, September 21, 2017 6:00 PM**

The Governing Board of the Northern Consolidated Fire District #1 met in a regular session this 21st day of September 2017, in the Board Meeting Room, located in Fire Station 31, 2485 Northern Avenue, in Kingman, AZ.

1. CALL TO ORDER -

The meeting was called to order by Board Chair Lewis at 6:00 P.M.

2. ROLL CALL OF BOARD MEMBERS -

All Board Members were present: Board Chair Lewis, Board Clerk Wilkin, Director Bailey, Director Collins, Director Riccardi. District Legal Counsel Bill Whittington was also present.

3. INVOCATION AND PLEDGE OF ALLEGIANCE -

Chaplain Paul Pitts gave the invocation. Interim Chief Eder led the Pledge of Allegiance.

4. CONSENT AGENDA -

A. Approval of Minutes

- i. July 20, 2017 Regular Meeting Minutes
- ii. July 20, 2017 Executive Meeting Minutes
- iii. Minutes of Regular Meeting, August 17, 2017

Board Clerk Wilkin made a motion to approve all of the minutes listed above. Director Riccardi seconded. Vote was unanimous. Motion carried.

5. REPORTS AND CORRESPONDENCE:

A. Correspondence and/or other information of importance.

No correspondence to report.

B. Fire Chief's Report -

- a. **Volunteer Program** - progressing well. Training this Saturday.
- b. **Apparatus Maintenance** - on track with repairs
- c. **ISO updates** - we now have a designated reserve engine (311-R)
- d. **Station 33** - opens next month, and Truxton and Chloride now have two volunteers each.
- e. **Personnel** - We're having testing for entry level, engineer, and captain next week. If any directors would like to assist with testing or interviews, they are welcome.
- f. **Response totals** - were not received by Dispatch. We're having some issues right now. Totals will be provided next month.
- g. **Hand Crews** - Prison hand crews continue to help clean up.
- h. **Fire Prevention Week** - Oct 7 and 14 will be open houses.

Director Collins asked about CPR Training for volunteers. He asked if all volunteers are EMTs. Interim Chief Eder replied No. Director Collins asked if they have Firefighter I and II. Interim Chief Eder replied that some do and some don't, which is why we have different levels of volunteers. We have support

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and exterior firefighting volunteers, depending on level of training. The training section of our website has checklists and training links. Director Collins asked if we have volunteers responding in apparatus. Interim Chief Eder said Absolutely. Director Collins asked if they are going through a training course on that. Interim Chief Eder said that some are firefighter I and II that have come back to us; they all must have training before they respond. Director Collins asked who that is through, Interim Chief Eder: "Through us."

C. Financial and Claims Report.

Interim Chief Eder advised the Board that we had previously not been doing the Financial approvals correctly. Going forward, the Board will have the financial and claims information for review in this section, but possible action on the financials (including approval) has been moved to the "Discussion and Possible Action" section.

6. DISCUSSION AND POSSIBLE ACTION:

A. Possible approval of Monthly Financial and Claims Report for August 2017.

Director Collins asked the Board Secretary if, going forward, she would provide Fiscal Year to Date reports in the Financial Packet. Secretary Berry said she would. Motion by Board Chair Lewis to approve the financial report for August. Seconded by Board Clerk Wilkin. Vote was unanimously in favor. Motion Carried.

B. Possible action going forward re: Fire Chief selection process; possible appointment of Fire Chief.

Director Collins made a motion to table this item until all the District's legal issues are resolved. Director Bailey seconded the motion. Mr. Whittington advised the Chair regarding her options for motions and actions on the item. Vote on the motion to table the item: Director Bailey and Director Collins voted for the motion, Board Chair Lewis, Board Clerk Wilkin, and Director Riccardi voted nay. Vote was 3-2 against. Motion did not pass. Board Clerk Wilkin suggested to Board Chair Lewis that this item be moved to executive session and move on to the next item. Board Chair Lewis so declared.

C. Opening and possible approval of bids for surplus vehicles (Dodge Ram and Chevrolet 4X4).

Interim Chief Eder stated that we advertised in four locations for the surplus vehicles. We received one bid on the 2006 Dodge Ram. He requested direction to open the bid. Board Chair Lewis so directed. Interim Chief Eder read the bid to the board, from Terry Henry, for the amount of \$8,000. Director Riccardi asked what the value of the truck is. Interim Chief Eder advised that due to several mechanical issues, the truck is worth about \$8,000 and has about 140,000 miles on it. Board Clerk Wilkin motioned to accept the bid from Terry Henry for \$8,000. Director Riccardi seconded. Vote was unanimous in favor. Motion carried. The fuel truck will remain as surplus, and if there are any bids, Interim Chief Eder will bring them to the Board.

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D. Opening and review of bids for two new water tenders; one funded through NACFD1 budget and one funded through AFG grant.

Interim Chief Eder reminded the Board that the District received a FEMA grant for a new water tender, and the District also budgeted for a second water tender. FEMA directed that we need to go to bid for the water tender, and it must be in service no later than June 30, 2018. They recommend that the vehicle comes into service no later than May 2018, which allows time for any issues with the vehicles to be handled prior to the June 30, 2018 deadline. If the vehicles aren't in service by June 30, 2018, we will roll into the next fiscal year, and will be forced to pay out-of-pocket for the water tender, and request reimbursement from FEMA, which could take 90 to 120 days. FEMA recommended to bid for both water tenders at the same time, which adds a discount to both vehicles. All the companies confirmed that by bidding for two vehicles, it drops the price for each vehicle about \$10,000. The District sent the Request for Proposal to over eight companies. We received two bids (one from Pierce and one from Fouts Brothers) and several declines to bid by both email and FedEx. Interim Chief Eder received permission to open the sealed bids. Pierce Fire Equipment bid both units for \$495,229.00 plus Arizona taxes, for a total of about \$515,000. This included two Freightliner chassis. Fouts Brothers' bid price for both units was \$456,000, using comparable to Kenworth chassis. The Fouts Brothers bid is more in line with the budgeted items. Director Collins confirmed that the grant we received was for one Water Tender and asked if it required we buy a second. Interim Chief Eder stated no. Director Bailey asked what our percentage of the grant is. Interim Chief Eder stated that the federal share of the grant is \$228,772 and the District share is about \$11,438. The other water tender would be full price, minus the \$10,000 discount for buying two water tenders together. These will replace two water tenders, one that is currently out of service (318), and one that will be retired (338, which is replaced by the FEMA grant-purchased water tender). Director Riccardi asked if we have dealt with these companies before. Interim Chief Eder listed the apparatus that we have purchased from each company. Director Riccardi asked about warranties. Interim Chief Eder listed the warranties offered by the manufacturers. The water tenders will have 3,000 gallon tanks and 1,000 gallons per minute pumps, deck guns, ladders, hose reels with remote valves in the cabs. They will be ISO interchangeable engine company/water tenders. Interim Chief Eder ensured that each of the bids are RFP compliant. The District does not have to pay for the vehicles until they are picked up in May 2018. During budget discussions, Director Collins had expressed that he did not want to spend the money for the water tenders until next year, and this process accounts for that. There is a \$200 daily charge to the manufacturer if they don't have the vehicles ready on time, per FEMA. RFP complaint, no financing is required, and cost of each vehicle is \$228,000. Federal grant share is \$228,772, the applicant share is \$11,438 which covers the sales taxes and any equipment like hoses and nozzles. Director Bailey stated that he

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thinks we should go with the grant-funded water tender and wait on the capital-funded tender. Interim Chief Eder stated that if we do that, then we have to stop tonight, because the RFP was for two vehicles and were priced as such. Director Bailey stated that the budget did not include the capital-funded tender. Interim Chief Eder that it was, and that Director Bailey approved the budget, and that item was in there. Director Bailey asked Director Collins to look it up. Interim Chief Eder noted that the water tender was included in the Capital Assigned portion of the budget.

Motion to accept the bids was made Board Chair Lewis and Seconded by Board Clerk Wilkin. Vote was unanimously in favor. Motion carried.

E. Possible award of bids for two new water tenders based on Item D.

Interim Chief Eder's recommendation is to accept the bid of Fouts Brothers, and pay a total price of \$456,00 for two water tenders (\$228,000 per water tender), based on RFP compliance, using no financing, and previous experience with the company. Board Chair Lewis so motioned, Board Clerk Wilkin seconded. There was no discussion of the motion. Vote was taken. Director Riccardi voted yea, Director Collins and Director Bailey voted nay. Motion carried 3-2.

F. Possible Action re: Authorization for Fire Chief to spend up to \$8,000 of contingency funds to service and repair District's AMKUS Rescue tools.

Interim Chief Eder reminded the Board that last month, he brought to their attention that a vehicle in our fleet had not had the fire pump serviced since it's purchase in 2008. Both oil and fuel filters were the original filters that were in the vehicle at purchase. This puts the District at risk for a liability issue with the pumps. As we started going through other equipment, we noticed that the AMKUS tools were purchased in 2006 – 2008 on Governor's Office of Highway Safety grants has not been serviced. They are to be serviced every two years per the manufacturer. This is also a serious liability issue. This could cause the pump to fail during a rescue and put our Firefighters and the public's lives in jeopardy. Interim Chief Eder recommended to get these tools serviced and back up to speed. The quote from the manufacturer's representative, Diamondback, for \$7155.22 but that does not cover any parts that may need to be purchased. Interim Chief Eder is asking for \$8,000 from Contingency to service the AMKUS rescue tools. Board Chair Lewis asked how many there are. Interim Chief Eder stated there were 11 systems total with pumps, power units, spreaders, cutters, and rams, plus hoses. Director Bailey asked if there was an equipment maintenance line item in the budget. Interim Chief Eder answered not for this. Director Bailey asked if there was a budget for equipment maintenance, Interim Chief Eder said yes. Director Bailey asked if there was enough money to cover this. Interim Chief Eder stated no. This was something he didn't expect to find. Director Collins noted that as of August, we're \$600,000 in the hole on the finances. "That's a little nerve wracking," and added that they have to be

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serviced. Interim Chief Eder stated that money should be coming in November. Director Collins answered that right now we're floating it until then, but agrees they need to be serviced. Director Collins made a motion to authorize the expense of up to \$8,000 from contingency funds to service the AMKUS tools. Board Clerk Wilkin seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

G. Possible action re: Authorization for Fire Chief to expend up to \$20,000 of Mohave Electric Co-Op (MEC) Grant Funds for installation of solar generating system at Station 35 with no matching fund.

Interim Chief Eder had advised the Board in April that MEC was interested in giving us a grant to install solar panels at station 35. MEC contacted a company who went out to station 35 and looked at the project, and supplied a bid to MEC. There is no money out of our pocket on this, it is a walkthrough grant. Money goes from MEC directly to the contractor and there is no matching funds. Interim Chief Eder would like Board approval to expend the grant money to install the solar generating system at station 35 in Valle Vista, which will reduce our electrical costs at that station. Battalion Chief Jason Scott is the lead on this project and was available for Board questions. Board Chair Lewis confirmed that, "All we have to provide is the roof?" Interim Chief Eder stated, "Yes, and the roof is already there, so we're good." Board Clerk Wilkin made the motion to accept the \$20,000 solar grant for station 35 with no matching funds. Director Riccardi seconded the motion. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

H. Possible action re: District insurance coverage; Authorization for Fire Chief to pay additional HSA payment of \$6,500 for Firefighter Justin Miller.

Interim Chief Eder reminded the Board that earlier in the year they were advised that Arizona Public Employers Health Pool (APEHP), our medical insurance company, was not going to renew the contract with us, so we went with another company through our broker, effective July 1, 2017. During the transition from the former administrative assistant to the new administrative assistant in June, Firefighter Justin Miller's wife had a baby. The form to add the baby to the insurance was filled out in time to add the baby to the new medical insurance, but not the APEHP insurance. APEHP advised we have passed the 30 day enrollment deadline and they refused to add the child to the policy. We asked if there was an appeal process, and we were told the appeal would be denied. The end result is that Justin Miller, who thought the delivery of his baby would be insured is now facing about \$6,500 in medical costs. We do have that surplus in our health insurance section that we can use to pay for it, but the amount is above his line-item approval allowance, so Interim Chief Eder needs the Board's permission to pay the \$6,500 to Miller's HSA account to pay for the expenses. Interim Chief Eder feels it's our responsibility to pay it. Director Collins made the motion to pay the HSA

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account \$6,500 to cover these expenses. Board Clerk Wilkin seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

I. Surplus Property disposition; possible approval for surplus/unusable SCBA components.

Our Self Contained Breathing Apparatus (SCBA) that we use to breathe in toxic environments like smoke, most of those have been purchased on grants. Some were phased out due to age, older technology, or lack of buddy breathing system. Our SCBA tech, Captain Ed Eads, has set that stuff aside and told Interim Chief Eder that that those were all surplus; however Eads and his assistant have been able to negotiate an agreement with Dalmation Fire Equipment, who we've dealt with in the past, to exchange the surplus equipment for three SCBAs that we can use. Dalmation has provided us with a bid for the listed equipment of \$2,670 which would cover the cost of three manufactured SCBA. There will be no money exchanged. Board Chair Lewis asked if these new ones would cover our needs. Interim Chief Eder stated yes, and advised the Board that some of our SCBAs are getting older and he will monitor the status of the County-wide SCBA grant situation. If the County does not get the grant this year, we'll try to get one next year without cost to the District. Board Clerk Wilkin made a motion to trade the surplus SCBAs for the three new ones to Dalmation. Director Collins seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

J. Extended Leave Time payout for former employees and possible action regarding payment and direction going forward.

Interim Chief Eder reminded the Board that they had talked about this last month and tabled it. He asked if Director Bailey had said the EE was going to contact Pat Moore. Director Bailey stated no, he gave direction to Legal Counsel Bill Whittington to follow up with them. Mr. Whittington stated no one had asked him to do that, but he's happy to. Director Bailey advised Mr. Whittington that the question was whether two or three other former employees were paid out Extended Leave Time upon their departure from the District. Interim Chief Eder had said there was no policy to that effect, so the Board was going to follow up with former Fire Chief Pat Moore to see if he had any documentation to prove they were paid. There are two employees who left the District that are asking for Extended Leave Time payout. Mr. Whittington stated that he was familiar with the issue, he was just waiting on direction. Director Bailey motioned that Mr. Whittington look into the matter. Director Collins seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

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7. POSSIBLE VOTE TO GO INTO EXECUTIVE SESSION:

- a. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Fire Chief selection process; possible appointment of Fire Chief
- b. Possible vote to go into executive session pursuant to A.R.S. §38-431.03(A)(1) re: Fire Chief selection process; possible appointment of Fire Chief
- c. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Use of Fire District Attorney.
- d. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Fire Chief's EEOC Complaint.
- e. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Complaint against Directors Bailey and Collins; and Captain Brian Grant by Arthur Garnica.
- f. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Potential Insurance Claims filed with VFIS Insurance.
- g. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Request by Mohave County Attorney to waive Attorney/Client Privilege.
- h. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Criminal Complaint regarding falsification of Board meeting minutes by Lynn Hucker.
- i. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Subpoena by Mohave County Attorney for Agenda, Executive Session and Regular Minutes.
- j. Legal advice pursuant to A.R.S. §38-431.03(A)(3) and instructions to legal counsel pursuant to A.R.S. §38-431.03(A)(4) re: Conflict of Interest Complaints against Directors Bailey and Collins Et al.

Board Chair Lewis moved to go into executive session for items 7a through 7j for legal advice under (A)(3), instructions to legal counsel under (A)(4), and personnel matters under (A)(1). Board Clerk Wilkin seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion Carried.

Regular meeting was adjourned for executive session at 6:58 P.M.
Regular meeting returned into session at 9:29 P.M.

8. DISCUSSION AND POSSIBLE ACTION:

- a. **Possible Direction for Attorney, Board Members and Chief regarding the use of legal counsel.**

Board Chair Lewis advised the Board would continue to use Mr. Whittington as needed.

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- b. Possible Direction for Attorney and Staff: Fire Chief selection process; possible appointment of Fire Chief.**
Board Chair Lewis motioned to offer the position of permanent Fire Chief Dr. Wayne L. Eder for Fire Chief conditioned upon both parties agreeing to a contract. Board Clerk Wilkin seconded. Discussion on the motion: Director Bailey asked Interim Chief Eder if he wanted offer an explanation of the comments he made to the investigators to the effect of the job sucks and the County sucks, which has been in the news. Interim Chief Eder advised that would have been a comment for executive session and stated he had no comment for public session. Vote was Director Riccardi yea, Director Collins and Director Bailey nay. Vote was 3-2 in favor. Motion carried.
- c. Possible Direction for Attorney and Staff: Fire Chief's EEOC Complaint.**
Mr. Whittington recommended no action be taken.
- d. Possible Direction for Attorney and Staff: Complaint against Directors Bailey and Collins; and Captain Brian Grant by Arthur Garnica.**
Mr. Whittington recommended no action be taken. Board Chair Lewis took this off the table.
- e. Possible Direction for Attorney and Staff: Potential Insurance Claims filed with VFIS Insurance.**
Board Chair Lewis motioned to authorize Mr. Whittington to communicate with VFIS to determine the status of the claims and report back to the Board. Board Clerk Wilkin seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.
- f. Possible Direction for Attorney and Staff: Request by Mohave County Attorney to waive Attorney/Client Privilege.**
Board Clerk Wilkin motioned to table this item to a special session on Wednesday, September 27, 2017 at 7:00 P.M. Director Riccardi seconded. There was no discussion on the item. Vote was unanimously in favor. Motion carried.
- g. Possible Direction for Attorney and Staff: Criminal Complaint regarding falsification of Board meeting minutes by Lynn Hucker.**
Director Collins motioned to let the investigation run it's course. Director Bailey seconded. Board Chair Lewis asked if this was the Mohave County Attorney's Office. Mr. Whittington replied yes. Board Chair Lewis stated that they are going to turn the case over to Yavapai County. Vote was unanimously in favor. Motion carried.

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h. Possible Direction for Attorney and Staff: Subpoena by Mohave County Attorney for Agenda, Executive Session and Regular Minutes.

Mr. Whittington recommended that the Board authorize the release of the Agendas and Public Session Minutes as subpoenaed by the Mohave County Attorney's Office. Board Clerk Wilkin made a motion to fulfill the subpoena by the Mohave County Attorney for the Agendas and Public minutes. Director Bailey seconded. Board Chair Lewis noted that the Board will discuss the Executive session minutes at the meeting on the 27th. There was no discussion regarding the motion. Vote was unanimously in favor. Motion carried.

i. Possible Direction for Attorney and Staff: Conflict of Interest Complaints against Directors Bailey and Collins Et al.

Director Collins made a motion to let the complaints run their course. Board Clerk Wilkin seconded. There was no discussion on the motion. Board Chair Lewis and Director Riccardi abstained. Vote was 3-0 in favor. Motion carried.

9. CALL TO THE PUBLIC

Mr. Arthur Garnica would like to know what is going on with his complaint. Director Bailey directed Mr. Garnica to Mr. Whittington. Mr. Garnica was advised by Mohave County Attorney's Office (MCAO) that the case was given to Yavapai County Attorney's Office (YCAO). He called YCAO to ask about the status of his complaint. They called MCAO and Jim Schoppmann from MCAO called Mr. Garnica to tell him that he (Mr. Garnica) was making a complaint against his (Mr. Schoppmann's) witnesses and told Mr. Garnica that he shouldn't be calling YCAO and asking questions and to leave them alone. Mr. Garnica asked if the two offices were connected, and if they were, why did MCAO send the case to YCAO? Mr. Whittington stated he was not familiar with the case. Mr. Garnica added that Mr. Schoppmann called him and started talking to him about the case against Director Riccardi, Board Clerk Wilkin, and Chief Eder. Mr. Schoppman asked how Mr. Garnica was related to Chief Eder. Mr. Garnica advised that he is not related to Chief Eder. Mr. Whittington stated that in these types of cases, the process is: Once a complaint is files, the County Attorney has it in their possession. They have to decide if they feel qualified to do the investigation or need to refer it. It sounds like this case was referred to Yavapai County. Once that has happened, it's out of your hands. The County Attorney's office is independent of you. They hold in their hands the decision process to investigate it and how far to take it. There is nothing you can do about that, and there is nothing MCAO can do about that. It is now in the hands of Yavapai County. [to Board] The reason that I recommended that you take no action on it is because there is no action to take. The County Attorney is now in full control of this and it's out of your hands. Mr. Garnica asked why Mr. Schoppmann called him. Mr. Whittington couldn't speak to that. Mr. Garnica asked why Mr. Schoppman told him that he was "messing with my witnesses" in regards to the complaint he filed against Director Collins and Director Bailey. Mr. Whittington advised Board Chair Lewis that he couldn't speak to that issue. Mr.

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Garnica stated that nothing was going to happen with his complaint because the County Attorney's Offices are all connected. Mr. Garnica asked why Yavapai County didn't know anything about his complaint. He spoke to six different people at YCAO and then Mr. Schoppman called him and told him not to call six times. Mr. Garnica told Mr. Schoppmann that he didn't call six times, he called once and got transferred to six people. Mr. Whittington couldn't speak to Mr. Schoppman's action. He explained that he answers to the Board and he hasn't been directed to look into the matter and he doesn't feel comfortable having a dialogue with the member of the public that has made allegations against Board Members or the Chief. Board Chair Lewis asked Mr. Whittington if she could, as Board Chair, have a meeting with Mr. Garnica, see what his complaint is and assist him in constructing something he could bring to the next Board meeting. Mr. Whittington stated yes. Board Chair Lewis asked if they could then put that on next month's agenda. Mr. Whittington said yes.

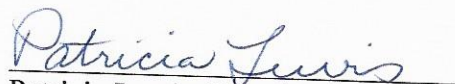
Mr. Garnica also asked if it was a conflict of interest for Mr. Schoppmann to bring up Director Riccardi's case to him when he has nothing to do with Director Riccardi case. Mr. Garnica asked Mr. Schoppmann if it was a conflict of interest for Lynn Hucker's sister to work in his office. Mr. Schoppmann told him there was no conflict of interest there, they do it all the time. Mr. Garnica asked for proof that MCAO turned the complaint over to YCAO. They refused to supply proof. Board Chair Lewis asked Mr. Garnica to bring it all to her and they will discuss.

10. FUTURE AGENDA ITEMS AND STAFF TASKS

11. ADJOURNMENT

Director Bailey motioned to adjourn. Board Clerk Wilkin seconded. Vote was unanimously in favor. Board adjourned at 9:51 P.M.

These minutes were prepared by Nikki Berry this 10th day of October, 2017.


Patricia Lewis, Board Chair


Sue Wilkin, Board Clerk