

**MINUTES FOR REGULAR MEETING OF THE
NORTHERN CONSOLIDATED FIRE DISTRICT #1 GOVERNING BOARD**

Thursday, November 16, 2017 6:00 PM

The Governing Board of the Northern Consolidated Fire District #1 met in a regular session this 16th day of November 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. INVOCATION AND PLEDGE OF ALLEGIANCE –

Chief Eder led the Pledge of Allegiance.

3. ROLL CALL OF BOARD MEMBERS -

All Board Members were present: Board Chair Lewis, Board Clerk Wilkin, Director Bailey, Director Collins and Director Riccardi;

7. POSSIBLE VOTE TO GO INTO EXECUTIVE SESSION:

Item 7 was moved to the beginning of the meeting, because Legal Counsel Bill Whittington was on standby telephonically. Public Session adjourned at 6:05 P.M.

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:

- i. Possible Open Meeting Law violation in conjunction with the Special Meeting 9/27/17; Ratification Resolution 2017-016; ratification of actions taken at Special Meeting 9/27/17.
- ii. Potential conflict of interest re: potential release of executive session minutes.
- iii. Possible release of May 18, 2017 executive session minutes.
- iv. Use of microphone/recorder during public meetings; best practice.
- v. Request by Mohave County Attorney to waive Attorney/Client Privilege.
- vi. Request by Mohave County Attorney for partial release of Executive Session minutes.

Public Session reconvened at 6:46 P.M.

4. CONSENT AGENDA

A. Approval of Minutes:

- i. Executive Session (A)(3) and (A)(4) minutes for the meeting of 9/21/17
- ii. Executive Session (A)(1) minutes for the meeting of 9/21/17
- iii. Regular Session minutes for the meeting 10/19/17

Motion was made by Board Chair Lewis to accept the above minutes as written. Motion was Seconded by Director Collins. There was no discussion on the motion. Votes were 3 in favor of the motion with 2 Abstaining: Board Clerk Wilkin and Director Riccardi.

5. REPORTS AND CORRESPONDENCE:**A. Correspondence – there was no correspondence of note.****B. Fire Chief's Report:**

- i. Volunteer Training: This Saturday at Station 33.
- ii. Apparatus Maintenance:
 - 321 is back in service
 - 315 will be back in service within two weeks
 - 371 BIA paid for new set of tires
 - 381 will be tested and if the tests are successful, will be moved back to Truxton.
 - AMKUS maintenance has been completed. Photos of the fluid removed from the AMKUS tools are in the Board packets.
- iii. Equipment trade was successful. The District received \$5,500 worth of hoses.
- iv. SCBA credit from two months ago will be used tomorrow
- v. Training –
 - EVOC training started today and will continue through Monday.
 - Started Exterior firefighter for volunteers
 - New Captains are training
 - Driver/Operator training
 - HazMat training in December
 - Wildland fire training (FF type 1) will be next month.
- vi. Public Education –
 - 441 School Students
 - 2 Open Houses with 62 participants
 - 1 Open House this coming Saturday
 - Halloween saw 86 children come to our two fire Stations
 - First Aid/CPR Class in Chloride had 12 students
 - Knox Box installations: 7
 - Smoke Detector Installation: 50
- vii. KFD did not provide up-to-date responses on October metrics in time for the meeting. The year to date call metrics up to October is provided in the Board Package.
- viii. Station Projects:
 - The Solar Project started yesterday and will be complete Monday.
 - Local prison has been providing inmates for station 33 and 36
- ix. Upcoming Events:
 - Open House at Station 33
 - Christmas Party on Dec. 2
- x. Grants:
 - Working on a VFA Grant
 - Lighting for Fire Stations

C. Financial and Claims Report.

Chief Eder noted that the personnel costs look high because of the PSPRS refund in July of this year, which will be credited to us for this fiscal years' PSPRS contributions, which is always a large portion of our Personnel Costs.

Director Bailey asked about the \$19,000 payment to Copperpoint and asked why there was a payment last month and a payment this month. Board Secretary Nikki Berry advised she would look into it and provide an answer at the next meeting.

6. DISCUSSION AND POSSIBLE ACTION:

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

Motion to approve by Director Bailey. Seconded by Director Collins. There was no discussion on the motion. Vote was three for the motion, with two abstaining: Board Clerk Wilkin and Director Riccardi. Motion carried.

B. Discussion of Extended Leave Time payout for former employees Taylor and Francis and possible action regarding payment and direction going forward.

Research conducted by Ms. Berry showed that with three exceptions, no persons were paid Extended Leave Time (ELT) upon separation from the District. The three exceptions were discussed. Chief Eder recommended the Board not pay out ELT to separated Firefighters. Motion by Director Bailey to stay with the existing policy of not paying out ELT. Seconded by Director Collins. There was no discussion on the motion. Vote was three in favor of the motion with Board Clerk Wilkin and Director Riccardi abstaining. Motion carried.

C. Discussion and possible approval of update to Standard Operating Procedures (SOP) regarding payout of Extended Leave Time.

Motion to adopt the interim SOP 203.02, clarifying ELT usage and pay-out by Director Bailey. Seconded by Director Collins. There was no discussion on the motion. Vote was three in favor, with Board Clerk Wilkin and Director Riccardi abstaining. Motion carried.

D. Discussion and possible action regarding the District paying 50% of Dependent Insurance Premiums going forward.

In the past, the District has paid a portion of the Dependent Insurance Premiums. This is a budgetary line item, and would normally be discussed and implemented on a year-to-year basis as part of the budget. Chief Eder stated that we have some room in the insurance portion of the budget to pay for 50% of the Dependent Insurance Premiums for the remainder of the Fiscal Year, and then the Board would have to make that decision again yearly as part of the budget discussion. Motion to pay 50% of the Dependent Insurance Premiums for the remainder of the fiscal year by Director Bailey. Seconded by Director Collins. There was no discussion on the motion. Vote was three in favor, Board Clerk Wilkin and Director Riccardi abstaining. Motion carried.

E. Discussion and possible action regarding District's payment into the Health Savings Accounts for employees. No action taken on this item.

F. Discussion and possible action re: possible disposal of 2006 Dodge Ram 2500 4X4. – The bid on the Dodge Ram was rescinded due to a family emergency. ACR Diesel Repair, who we do business with, has offered to purchase the truck from us for an \$8000 credit on repair work. Director Riccardi asked if this credit was labor

only or included oil and other items. Chief Eder read the letter in part, which specified 125 hours at \$65 per hour to facilitate an organizational swap. Board Chair Lewis directed Chief Eder to negotiate with ACR Diesel Repair and bring the results back to the Board next month.

G. Discussion and possible adoption of Resolution 2017-012 re: annexation request of Glenn, Kay and Davey Roush.

H. Discussion and possible adoption of Resolution 2017-013 re: annexation request of Sherri Mohr and Gary Hamblen.

I. Discussion and possible adoption of Resolution 2017-014 re: annexation request of James and Sylvia Dillow.

J. Discussion and possible adoption of Resolution 2017-015 re: annexation request of Raymond and Bonnie Gravel.

Board Chair Lewis asked the Board Members if they knew any of these requestors. None did. Board Chair Lewis stated in that case, she would like to make one vote for all of the annexation requests at once. Motion to approve all of the above annexation requests by Board Clerk Wilkin. Seconded by Director Collins. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

K. Discussion and possible action re: possible Open Meeting Law violation allegation relating to Special Meeting on 9/27/17 – no action was taken on this item, as it is identical to item 8L.

8. DISCUSSION AND POSSIBLE ACTION:

L. Discussion and possible action re: revisit and/or ratification of matters considered during meeting of 9/27/17; possible approval of Ratification Resolution 2017-016.

Board Chair Lewis made a motion to revisit. Seconded by Director Bailey. The vote was Board Chair Lewis and Director Bailey for, Director Collins against, with 2 abstaining votes: Board Clerk Wilkin and Director Riccardi.

At this point, Legal Counsel Bill Whittington was called, due to Board confusion regarding ratification and revisiting. Mr. Whittington stated that if Ratification does not occur, then the violation of the open meeting law is not fixed. Motion was made by Director Collins to approve ratification resolution 2017-016. Director Bailey seconded the motion. Vote was three in favor of the motion, with two abstaining: Board Clerk Wilkin and Director Riccardi.

Due to the nature of item 8N, it was moved up to precede item 8M.

N. Discussion and possible action re: County Attorney's request for release of Executive Session Minutes of May 18, 2017. – there was no motion on this item.

M. Board Members Bailey and Collins' response to resident Arthur Garnica's complaint, as presented by Board Chair Lewis during the October, 2017 Board meeting.

Director Bailey: I'm not going to respond to it, actually.

Board Chair Lewis: No response?

Director Bailey: I'm not gonna...actually, we had an opportunity a long time ago to actually get this on the Board actually or on the agenda. Supposed to be I asked for it to be on the agenda so I could answer it but it was never put on there and I'm not going to waste any more of my time on it.

Chief Eder: it was on the agenda.

Director Bailey: No, actually, during the meeting I started to answer his concerns he had, and Bill Whittington told me that I couldn't answer, it had to be on the next meeting on the agenda. Actually it never came up again. I never got a chance to do that. I had all the information ready but that was the meeting Mike missed.

Director Collins: I'll address some of it. Obviously you talk about Eder lost a lot of money, I don't think we ever said he lost a lot of money. He left this department in debt. Per your original claim, it does talk about us saying that Eder left in debt. Per the 2008 audit, dated June 30, 2008, this department was in total long term debt \$1,248,608. That was June 30, 2008, [to Chief Eder:] which would have been your last full year here, since you left November or December 2008. Because we were elected and took office December 1, 2008. So that's the last full year you were here. We were in debt \$1,248,608. That's where the \$1.2 million comes from. That you requested. It's right on the audit, third party audit, James Saunders, right there. What else? I don't know about the trucks you got on here, I can't answer none of that. Obviously a public apology [unintelligible] and Dave Hawkins to print the truth about the apologies. [To Dave Hawkins:] Do you know anything about that?

Dave Hawkins: I don't know anything about that.

Director Collins: I guess that's all there is. Anything else?

Arthur Garnica: Yeah, he [indicating Director Bailey] called me a fool, he told me to shut up, he told me to sit down, he disrespected me, you shut me down when I was speaking, you banged [the gavel], like, "That's enough," not to talk, and violated my rights.

Director Bailey: Is that when you were going on about Yavapai County?

Arthur Garnica: No. You told me to "shut up" and "sit down, fool." when I asked you the question about...

Director Bailey: That was four or five months ago.

Director Collins: Obviously the Chairman should take charge of the meeting. The meeting is reserved for our discussion through the whole meeting, except for public meeting comments. Correct, Chief?

Chief Eder: Correct.

Director Collins: Unless we ask the public for something. Just because you have an agenda item on here doesn't mean you have the right to speak. You get to speak during public comment. All those things that you were talking about happened during an item that you were on the agenda, correct?

Arthur Garnica: He told called me a fool and told me to shut up and sit down...

Director Collins: No, you're saying we cut you off and all those things happened when you were on the agenda, right?

Arthur Garnica: And then you cut me off.

Director Collins: But it was during the agenda. You're not answering my question.

Arthur Garnica: I'm answering the question.

Director Collins: Ultimately, per the rules, Robert's rules, and any other rule of meeting, you don't get the right to speak during our meeting. You get the right to speak during public call and you get two minutes. That's how it works. So moving forward, I mean, I hope that's pretty clear to everybody. We do call to public and we ask. We don't have to do that. We're not required to do that. The meeting is not different than the County Supervisor's meeting. You don't get to pipe up in the middle of their meetings. You go up to the Board at call to public. So. If all those things happened, so be it. Moving forward, your time to speak is during call to public, for two minutes.

Arthur Garnica: I did call to public.

Director Collins: Stand up.

Arthur Garnica: And I asked a question. You said we didn't need water tenders a week before we had a fire and we had to get water tenders from other districts. We had those fires and then I asked him a question, "Why did you say you didn't need them," and he told me to shut up and sit down. You said we didn't need water tenders neither.

Director Collins: We're still in an agenda item, is there anything else that you need clarification on or...

Arthur Garnica: Actually, you said, the question was: Why you said he left us in debt over a million dollars. You were in debt but you went and bought a building.

Director Collins: That's not the question. That's not the question.

Arthur Garnica: That's the question I asked in the first place.

Director Collins: He left November 2008. [to Chief Eder] When you left, we were \$1.2 million in debt. We bought that building after...later. OK.

Arthur Garnica: How did you buy that building?

Director Collins: If you have no other questions, we'll move on.

Arthur Garnica: It's the same question, though. How did he leave us debt and then you guys buy a building for \$500,000?

Director Collins: Because it was multiple years later. One thing I will address that...

Board Clerk Wilkin: It was 2012.

Director Collins: Four years later. You did speak of how Chief Moore ran our income into the ground. That's something you spoke about. If you look at all the models, everything else, everybody knows in 2008 the economy crashed. The value of our district went down. That wasn't Chief Eder's fault, that wasn't Patrick Moore's fault, that wasn't our fault. The economy crashed the value of our buildings went down. 2008 is crashed.

Arthur Garnica: And when did you buy the building?

Director Collins: 2012. So you've made accusations that it was Chief Moore's fault our revenue went down. That was the economy. The same problem the county had, the same problem the city had. The Economy and the limited value went down. Nobody's fault.

Arthur Garnica: Then why did the owner of the building say that you guys bought the building when you could have leased it?

Director Collins: I don't know what Butch said or what went on with that, so I can't answer that.

Arthur Garnica: But you still shot me down and told me to be quiet, and said, "That's it," "That's enough." I've got the freedom of speech.

Director Collins: You do, at Call to Public, for two minutes.

Arthur Garnica: But I was on the Agenda to speak.

Director Collins: It don't matter. You don't get the right to speak.

Arthur Garnica: It don't matter? So you guys can call me a fool, call me a punk...I'm asking the question, so he's allowed to call me a punk, he's allowed to tell me to shut up, sit down? You guys are elected officials.

Director Collins: That's right.

Arthur Garnica: Yeah, so he broke a federal law.

Director Collins: A Federal law?

Arthur Garnica: That's a federal law.

Director Collins: What is?

Arthur Garnica: When you guys stop me from talking, that's a federal law

Director Bailey: When you sit there and you start interrupting us when we're trying to conduct our business and it's not your turn...

Arthur Garnica: I asked you a question, I asked you a question

Director Bailey: Like right now.

Arthur Garnica: I'm talking to him [indicating Director Collins] and you jump into my shit.

Director Bailey: No, you can watch your mouth or you can leave.

Arthur Garnica: I asked you a question. I asked you one question and you told me to shut up fool and sit down when I asked you a question.

Director Bailey: I just started to answer you. We were conducting business and you started piping in when you weren't allowed to.

Arthur Garnica: All I asked was one question.

Director Bailey: I told you to sit down, you started giving me more garbage so I told you to sit down and I said, fool. And then you got fluffed up and started running around here and opening your coat and acting like a badass, and so I told you to sit down.

Arthur Garnica: Are you recording this? Are you recording this?

Director Collins: Madam Chair, can you control the meeting?

Board Chair Lewis:[gavels] OK, that's enough.

Director Bailey: You're done.

Arthur Garnica: You're done.

Board Chair Lewis: If you have problems now after this was on the agenda, the only thing I know to do is put it in writing.

Arthur Garnica: [to Director Bailey]: How come you keep looking back at this guy? [indicating Mohave County Attorney's Office Investigator Lyman Watson] I don't care who he is. He's nobody to me. His boss trying to tell me I can't call Yavapai County Attorney's Office.

Director Bailey: This is not the time of the meeting to speak, so you need to be quiet.

Regular Meeting Minutes, November 16, 2017

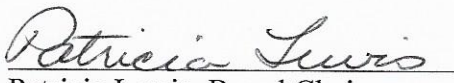
9. CALL TO THE PUBLIC: Board Clerk Wilkin asked if anyone had signed the Call to Public Sign-In sheet. Chief Eder responded no.


10. FUTURE AGENDA ITEMS AND STAFF TASKS:

Ms. Berry confirmed that the only staff task was to look into Director Bailey's question regarding payments to Copperpoint.

11. ADJOURNMENT – Board Chair Lewis adjourned the meeting at 8:00 P.M.

These minutes were prepared by Nikki Berry this 17th day of November, 2017.


Patricia Lewis, Board Chair


Sue Wilkin, Board Clerk