

**MINUTES FOR REGULAR MEETING OF THE NORTHERN ARIZONA CONSOLIDATED  
FIRE DISTRICT #1 GOVERNING BOARD  
Thursday February 16, 2017**

The Governing Board of the Northern Arizona Consolidated Fire District #1 met in regular session this 16<sup>th</sup> day of February, 2017 at 2485 Northern Avenue, in North Kingman, (Kingman, AZ, 86409).

1. **CALL TO ORDER** – The meeting was called to order by Chairperson Lewis at 6:00 P.M.
2. **PLEDGE OF ALLEGIANCE** – Chairperson Lewis led in the reciting of the Pledge of Allegiance.
3. **ROLL CALL OF BOARD MEMBERS** – All Board Members were present – Board Chair Patti Lewis, Board Clerk Sue Wilkin, Directors Jim Bailey, Mike Collins, and Victor Riccardi. Also present was Legal Counsel Bill Whittington.
4. **APPROVAL OF MINUTES** - A motion to approve the minutes of the January 19, 2017 Regular Meeting and February 2, 2017 Special Meeting was made by Chairperson Lewis, seconded by Board Clerk Wilkin. Motion passes unanimously.
5. **REPORTS AND CORRESPONDENCE (for advice and discussion only)**
  - A. Chief's Report – Interim Chief King gave his report in accordance with his memorandum in the Board packets. Board Chair Lewis requested that Image Trend report to include Station and how many calls that originated from each. She stated the New Chief will need to know the activity from each station. Board Chair Lewis proceeded to Item 6A. Board Chair Lewis reminded by Director Bailey to go back to Item 5B.
  - B. Financial and Claims Report – A motion was made by Chairperson Lewis to approve the financial reports for January 2017, seconded by Board Clerk Wilkin. Motion to approve passes unanimously.
  - C. Committee Reports - There were no committee reports.
  - D. Correspondence and/or other information of importance – No correspondence or information was reported.
6. **DISCUSSION AND POSSIBLE ACTION**
  - A. Station 35 Septic Repair/Replacement – Chief King stated to Board Members that septic has a reverse grade of four inches. Bids in Board packets for replacement of septic, and invoices paid for pumping of septic. Director Riccardi has a problem with the whole situation, has been there three different times in the last month, and the septic is working well. Suggests that tank should be pumped and cleaned, which would total about \$400.00, not \$8000.00, and see what happens. Wants to know why we would spend money on something that is working. Firefighter at board meeting who has worked shifts at Station 35 stated that the shower does back up. While on shift they have had to run a snake through the line to clean it out. Motion made by Director Collins to adopt Drake-Hoe Utilities proposal of \$7876.25 coming out of capital assigned to have Chief King direct, seconded by Director Bailey. Board Clerk Wilkin and Board Chair Lewis were in favor. Director Riccardi opposed. Motion passes 4-1. Plan is for septic to go behind station with barricade for parking.
  - B. Station 33 Staffing – Board Chair Lewis stated that “we spent half a million dollars and gave it to you, and we don’t have enough money to man it. Is that what you are telling me?” **Chief King:** That is correct. **Board Chair Lewis:** So can we go to court and take it back? It is not being used for what it is supposed to be used for. **Legal Counsel Bill Whittington:** Madame Chair, the short answer is no, you cannot go to court and take it back. If the district didn’t want it, they could sell it. **Director Collins:** And that would be a conflict of interest too, wouldn’t it? **Board Chair Lewis:** Well, they are in breach of contract right now. **Director Collins and Director Bailey:** She donated the land. **Board Chair Lewis:** I donated the whole thing. **Legal Counsel:** As long as she doesn’t benefit from it, financial benefit, then it

is not a conflict. **Board Chair Lewis:** But they are not using it. The most expensive homes in our whole area, in the whole division, are out there. The most expensive homes are in that 5 mile radius of that fire station, and it is not being manned. **Legal Counsel:** Part of that is an operational question, and part of that is a political question, but the short answer to that question is, you don't get your money back. But if the board decides that they want to unload a piece of property, real property, equipment, whatever it is, you can do so. Surplus and sell it. **Board Chair Lewis:** Well, actually, the deal when we gave it to them, it's been 8-10 years ago, was the fact that the station would be manned by Northern Arizona Consolidated Fire District. And it is not being manned. **Legal Counsel:** This turns out to be primarily policy and operational question. If this Board wants to see additional manpower inside that station, then they can budget for it, to see that it's done. Or you can ask the Chief to explore options on his end in terms of his budgetary limitations. **Board Chair Lewis:** We have gone through the Chief for 2 years, it's been 2 years, they just quit going out there. That flag hasn't flown, it really bothers me to give up land, and give up the money we went out and got donated to build the station. This Northern Arizona Consolidated Fire District never paid a dime for that station, and we donated it to them with the understanding that it would be manned by no less than 2 men 24 hours a day, 7 days a week. **Director Collins:** When was that? **Board Chair Lewis:** It was in.....I don't know, I would have to look it up. **Director Collins:** I am guessing before 2008, I was elected in 2008. **Director Bailey:** That was when Chief Eder making a bunch of promises to people he couldn't keep. You cannot guarantee there is going to be 2 people out there; you have no idea what your funds are going to be for the next 20 years. **Legal Counsel:** If I may suggest Madam Chair, this is the type of thing that best practice would suggest you take up on your strategic plan discussion. Your 5 year plans, your 10 year plan, these big ticket items, typically aren't things you solve midstream in a tax year. They typically are solved when you are budgeting, and more importantly, when it is a big item like this, you work into your strategic plan. Strategic plan should talk about manning expectations, equipment replacement expectations, use of stations and how it's done. Those are classic conversations during your strategic plan conversation. **Board Chair Lewis:** So when do we do that? **Legal Counsel:** You should set a date, and have a strategic plan work session amongst the Board. **Board Chair Lewis:** Because I know that the people that live within a 5 mile radius of that Fire Station, 33, are taxed higher for the fire department, and more money comes from there, than any of the other areas. Any of them. Because I went down to the tax department, and we got it blocked out. **Legal Counsel:** I would suggest Madam Chair, that if you are going to develop a strategic plan, you may want to wait until your Chief comes on board, because that's usually the person responsible for setting that up for conversation. **Board Chair Lewis:** So you are telling me wait for the Chief? **Legal Counsel:** Yes. **Board Chair Lewis:** Okay, the only other thing I want is when they go out there, they were out there, they did not raise the flag, and this is still the United States, and that flag goes up. Today was a beautiful day to fly the flag, and it hasn't flown in 2 years. **Director Collins:** How many calls for Valle Vista Station? **Chief King:** Valle Vista, 170, since beginning of fiscal year. 14 calls Station 36, 81 calls for Station 33, 815 calls for Station 32, 1516 calls for Station 31. **Director Collins:** So that is your second lowest station? **Chief King:** We haven't manned that station as much as I want. We have hired the new firefighter, we have cut down on overtime, the POC's come in, and then we have people on vacation days, or sick. In the last month, we have been able to staff it 5 times this month, and it was actually staffed today too. And I will talk to them about the flag. And I can run a report. **Director Bailey:** Basically, you are manning it as much as you can with what our money is, with the Budget. **Board Chair Lewis:** Okay, so we will wait for the new Chief.

- C. Public Meeting Notices – Currently posted in administration office and on the NACFD website. **Board Chair Lewis:** So what we are wanting is to have it posted in all the stations that we are using. What is it for a guy to put that on a bulletin board? Every station has a bulletin board. And that way the neighbors can see it, that way they don't have to drive from Valle Vista just to find out when the meeting is going to be. **Chief King:** Traditionally in the fire stations, we tape them in the window. **Board Chair Lewis:** Okay. **Board Clerk Wilkin:** That's good enough. **Chief King:** So they don't have to go inside the station. Even after hours, they can look at the front of the window. Station 35 on the front door, Station 33, it's in



the window in the office. **Board Chair Lewis:** I don't think making photocopies of it and putting it in the window is a big hassle is it? **Director Bailey:** Did you say that's generally what is being done? **Chief King:** No, the 2 places are on the website and the administration office. But in the past when we post the budget, we have to post in 3 locations, and that is how we post that, in the windows. I was talking to our lawyer, and the concern was that we have to notify the county, like all the postings versus just the 2 postings: and we do above that when possible. **Board Chair Lewis:** Well we have firefighters going out there to work to those stations every day, so is there a problem with her (Board Clerk Wilkin) giving them a copy and saying post this in the window? **Chief King:** We actually have email; we can send it versus handing it to them. **Board Clerk Wilkin:** Perfect! **Board Chair Lewis:** Whatever, but every station should have it, because if somebody is lost, and wants to know, that's where they will go to find out. So the stations that we're using should have them posted. **Chief King:** So we're talking about 1, 2, 3 and 5. **Board Chair Lewis:** Yah. **Chief King:** Okay. **Legal Counsel:** Madam Chair, may I speak to this issue? **Board Chair Lewis:** Yes. **Legal Counsel:** The law requires that you post a notice indicating where you post your agendas, you've done that, you've filed with the county in 2009, which said you will satisfy the statute with 2 postings. One is at the administrative office, 2470 Butler, and the other is online. So, that's currently all you're required to do to satisfy the law. What you are now talking about doing, is taking advantage of the language in the statute that says: and you can post it in such other places as is convenient for you, to the extent possible. I recommend that you don't modify that to require it. So what I am suggesting is that the direction that you are thinking of giving the Chief is fine, as long as it's a best efforts kind of direction so you don't change your notice. What I like about this notice is, even if your practice is to post it everywhere, on the rare occasion you don't get it posted everywhere, you haven't violated the law, as long as you at least post it in these 2 spots. So there's a little bit of cushion if you will, maybe some days it gets posted at every station, okay, some days it only gets posted to part, okay, but on those rare occasions where it doesn't get posted everywhere you might hope, it's nice to know, it's comforting to know, that you haven't violated the open meeting law, because you have indicated there's only 2 spots that you must post. Everything else is gravy, if you know what I mean. **Board Chair Lewis:** Well I don't care what the county says, we can leave it at those 2 places, but just as a board member, with a station out in the middle of nowhere, I think that something should be posted out there. And if he (points to Chief King), and I can take it over there and post it, cause it's a block away. Then that's what we should do, because when I talk to people and say how come you never go to our meetings, they say "when are they?" **Board Clerk Wilkin:** I've had the same thing. **Legal Counsel:** So, if the board wants to take action asking the Chief to use best efforts to do that, that's fine. Otherwise, it's an administrative decision on the part of the Chief. He can take into account a particular board member's request, but that is not board action. If you are speaking for yourself, then it is something he can take into account. If the board wants to make a motion on that, have at it. Then he's obliged to make good faith effort to do it. Does that make sense? **Board Chair Lewis:** No. **Legal Counsel:** Let me say it another way. You stated your view of things; you're essentially asking the Chief for a favor. If the board wants to direct that he do it, then you need to do it by motion. Motion made by Director Collins that Chief makes best effort to post agenda at used fire stations, seconded by Director Bailey. Motion passes unanimously.

- D. Administration Hours – **Board Chair Lewis:** I believe 8-5, 5 days a week is better, if he's going to get input from people who work. Because you look at 7-4, people work 8-5, you know generally. **Director Bailey:** Who are you saying was trying to get hold of the Chief? **Board Chair Lewis:** That Sullivan, from just below where I live. He said, they are never there. I said when do you go? He said, on Fridays, when I get off work. He said, well the only day I have a half a day is Friday, and I go, and there is no one there. And he said, I would think that 5 days a week is not a bad thing. And I don't know why it got changed to 4 days a week, but I haven't had any complaints until Mr. Sullivan came. **Director Collins:** Well I believe this is a violation of our code of conduct. We even have this on our policy, 4.3 of our policy states that: **Our function is for policy and not administration. Members cannot partake in service delivery or operational functions.** So at this point, I believe it is a

violation of our policy to even have this on our agenda. **Board Chair Lewis:** Well it wasn't on the agenda when they changed it. **Director Collins:** Because it shouldn't be on the agenda, it has nothing to do with the board. It has to do with the Chief and how he administers the..... **Board Chair Lewis:** I just went to him; he said I had to bring it here. **Director Collins:** Well, our board policy states that we are not to interfere with administration. **Director Bailey:** So, at one person's request, you suggest that the administration office be open on Friday's? **Board Chair Lewis:** Yes, Mr. Sullivan. He had a burn, wanted to talk about burning. Perhaps in the yard, there was nobody here. There's never anybody there on Friday and I gotta work the other days. **Director Bailey:** If he's going to do a burn, all he needs to do is call the station; they need to do an onsite inspection anyway. **Board Chair Lewis:** Why do we have 4 days instead of 5? **Director Bailey:** You're talking apples and oranges here. You're saying that the guy is talking about a burn permit, and he still has to have an onsite inspection, so he has to be home. **Board Chair Lewis:** Well I just listen to what they said and I am wondering why we have an office and its only open 4 days out the week. **Director Bailey:** I don't think that's our concern. That's an administrative problem for the Chief. **Board Chair Lewis:** Well I brought it up, and he said he didn't mind. **Chief King:** Well, that was the first day that I started. There were some issues. Lynn was hired at 10 hours a day. And she has explained to me that she has some hardship, and not sure if she can work Friday's. So she works the 4 X 10 hour shifts. That's one of the issues I have. I don't know if we could make it 8-5, if that is feasible. If she's at lunch, and I am to backfill, what if I have a call, with operations or issues, then when you look at this, when you brought it up, 8-5 and lunches and covering, it impacts my service delivery, what I can do for the community, if I am strapped with that. And I know we have talked about this before, and that's why I wanted it to come to the board meeting, because I would like it to stay, as it has been working for a long time. And I would like it to stay the way that it is, Monday through Thursday, 7-4. **Board Chair Lewis:** So, do we go to, I am guessing you're the one I should be asking (pointing to legal counsel); do we go and ask have you thought about it? **Legal Counsel:** No, no. This isn't a valid question. **Board Chair Lewis:** Well, my people up at Lake Juniper are not agreeing with 4 days a week. **Director Collins:** How long has it been that way? **Chief King:** As long as Lynn has been here, 2.5 years. **Director Collins:** 2.5 years and they have never said anything before? **Board Chair Lewis:** No, this is the first time. **Director Collins:** How long have you been on this board? **Board Chair Lewis:** 15 years. **Director Collins:** No, I mean this last term, 4 years, 6 years? **Board Chair Lewis:** I have been on the board for years. **Director Bailey:** Lynn was hired with the understanding that she works 4 - 10's. It is not up to us to change it. **Director Collins:** I agree. **Director Bailey:** If that what she been working, she is doing an excellent job. **Board Chair Lewis:** Well the next thing is, if any of us want to come down here on Friday's and volunteer our time, will you give us a key to get in? **Director Bailey:** You can't do that. **Legal Counsel:** The law prohibits you from working for the district. Statute says you can't, I'm sorry. Don't mean to be a problem. **Board Chair Lewis:** I don't want to get paid for it, it's volunteer. **Legal Counsel:** It costs money. You can't volunteer without work comp, which means you receive a benefit. The law says that a fire board member may receive no financial benefit whatsoever. **Board Chair Lewis:** Well, I am probably in a lot of trouble then because they come to my house. Everybody out there in Lake Juniper, and Cedar Ridge, and Fountain Hills, know this is where Patti Lewis lives. And when they have a problem, like the guy that Tim King kept alive, they come to me, to my house, my front door. Knock, knock, knock. **Legal Counsel:** That's in your political position. You have constituents that come to you and speak their mind, perfectly okay. But a board member cannot undertake operational or administrative responsibilities. You are acting outside the scope of your authority. It will invalidate your insurance coverage and it exposes the district to expenses for your work comp coverage. And the law says that you cannot receive that benefit. You don't get work comp coverage for serving as a board member. You don't need it. That's not operational or administrative, it's political. That's why you can have that interaction with the public. **Board Chair Lewis:** So if I have people in my district, don't like the office hours, they're supposed to write a letter and complain? **Legal Counsel:** Or they can tell you and you can bring it to the board for possible action. **Board Chair Lewis:** Well I just did, but



nobody wants to listen. **Legal Counsel:** Well, if nobody makes a motion then, that deals with the issue. But if someone wants to change the policy, then I will tell you that, statewide, boards do exercise on an occasional basis, their authority to set policy on this type of issue, but when you do so, you have to take into account your fiscal responsibility, i.e. is it going to cost more money for the coverage? Are you going to have operational problems because the Chief is out on a call? So you have to deal with that from a fiscal responsibility point of view. But if the board wants to do that and set policy so that your 5 day week instead of a 4 day week, that is within the board's prevue. If you're going to do it, my recommendation is that you take input from management about what that is going to cost, and who it is going to burden. But that is a board decision. I would appreciate what the policy says, but the policy issue, if you decide to go from 4 days to 5 days; you can decide that as a matter of policy.

**Board Chair Lewis:** But the 4 days are long days. **Director Collins:** Now where does that line draw, because now you are saying that that is a policy, a policy for administration, now what about the guys on the floor? Are you telling me that this board can make their work schedule on the floor? **Legal Counsel:** No. **Director Collins:** So how is that different? **Legal Counsel:** I will try to explain it as best I can. **Director Collins:** Because Lynn works for the Chief. The guys on the floor work for the Chief. Now you're telling me that I guess you can say that we can designate it open 5 days a week, and that's it. **Legal Counsel:** Yes. This board has no jurisdiction over how long Lynn work. They can't do that. Or how long rank and file work. That is none of their business. That is up to the Chief. **Director Collins:** Yes.

**Legal Counsel:** Policy matters, like, we're going to buy a building, we're going to have a 5 day week instead of a 4 day week, those are policy questions. **Director Collins:** We're going to cover 24 hours. **Legal Counsel:** We're going to cover 24 hours, 3 men, the whole thing. Because now they're establishing policy at 30,000 feet, now you need to get out of the weeds about who's going to do what, then its all here. **Director Bailey:** I don't think it needs to be on the agenda. We don't have any say; I don't think we need to take any action whatsoever. **Board Chair Lewis:** I'll get the letter going. Let's move on to the next thing.


- E. Building Repair/Maintenance Line Item – Motion made by Director Bailey to move \$5000.00 into Building Repair and Maintenance line item from capital, seconded by Director Collins. Motion passes unanimously.

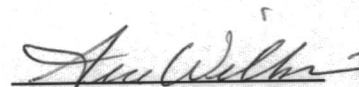
7. **CALL TO THE PUBLIC** – No one spoke.

8. **BOARD MEMBER COMMENTS** - There were no comments.

9. **ADJOURNMENT** – There being no further business, a motion to adjourn was made by Director Collins at 7:10 p.m., and seconded by Director Bailey.

These minutes were prepared by Lynn Hucker this 21<sup>st</sup> day of February, 2017.

  
Patti Lewis, Board Chair

  
Sue Wilkin, Board Clerk