

**MINUTES FOR SPECIAL MEETING OF THE NORTHERN ARIZONA CONSOLIDATED FIRE  
DISTRICT #1 GOVERNING BOARD  
Wednesday, May 23, 2018**

The Governing Board of the Northern Arizona Consolidated Fire District #1 met in its regular meeting this 23rd day of May 2018, at 2485 Northern Avenue, in North Kingman (Kingman, AZ. 86409).

NOTE: Prior to "Call to Order," Chief Wayne Eder read his memorandum dated May 23, 2018, attached to these minutes, to all in attendance.

1. **CALL TO ORDER** -- The meeting was called to order by Chairman Baily at 6:00 p.m.
2. **PLEDGE OF ALLEGIANCE** -- Chairman Bailey led the Pledge of Allegiance.
3. **ROLL CALL OF BOARD MEMBERS** -- Board members present -- Chairman Bailey, Clerk Collins, Members Berg and Hays. One Board position remains vacant.
4. **DISCUSSION AND POSSIBLE ACTION**

**A. RETENTION OF LEGAL COUNSEL**

BAILEY: This was actually brought up two meetings ago, three meetings ago, by Director Patti Lewis and Wayne Eder, Fire Chief, that they were actually searching for outside counsel. Anybody have anything they actually want to ...

COLLINS: I reached out to Bill Whittington, to follow up with if he'd be interested in serving as our legal counsel. He submitted a letter. I also reached out to Charlotte and I had some printing issues. She submitted a proposal as well. Charlotte Wells who was our former legal representative. As I said, I had some printing issues on that one. So, I don't know if we should table this and try and get hers printed out... ultimately, I had some printing issues, so I'd say we table this and get hers as well.

BAILEY: Okay. That's fine. Do I have a motion and a second to table it?

HAYS: I move that we table the legal representation until we get more information

COLLINS: I second.

BAILEY: It's been moved and seconded that we table this item until next meeting. Any discussion? All in favor. ... All opposed.

**Motion to table Item 4.A, "retention of legal counsel," carried unanimously.**

**B. CONTINUED EMPLOYMENT OF WAYNE EDER AS FIRE CHIEF**

BAILEY: Next item is B. Continued employment of Wayne Eder as fire chief. I'll just open it up for discussion.

COLLINS: I've also presented you with a letter from Chief Jake Rhoades concerning a few incidents that concern life safety and training issues. I believe the third page summarizes it all up. That was sent to Wayne, Bailey and myself.

HAYS: As far as I'm concerned, this letter alone is more than enough justification for termination. My experience in a relatively short period of time and when I knew him before, his willingness to say anything, make it up as he goes along and just out-and-out lies, which he did last week...I don't know of any board that would tolerate a CEO that behaves that way. This was the final straw to me.

BAILEY: I should bring the public up to speed on this. It's a memo from the City of Kingman Fire Chief, Jake Rhoades, to Fire Chief Wayne Eder and myself and Mike. Basically, what it says is, an "incident on 2900 Snavelly involved Engine 231," from the City, "and Battalion Chief Williams. In this particular event, defensive operations were underway, however, no water supply had been established. Kingman Fire Department exited their assigned duties due to lack

of water and were informed that the NACFD tender would supply water for them. Upon arrival the tender did not have water in its tank. Battalion Chief Williams, who was assigned Incident Safety Officer, ordered Engine 231 to lay out approximately 600 feet of large diameter hose to establish water supply as it was not being established by NACFD personnel.”

There was a tender that responded from NACFD and when it showed up on scene, it was empty. I don't know if that was actually investigated and there was any kind of determination as to what the reason was for that. That was a huge screw-up on our staff's part. I believe there are policies to the fact that the first-arriving engine, with a working structure fire, you lay in... you supply hose so you don't have to worry about bringing the water like that. And then to have a tanker show up with no water is inexcusable.

In another incident on 4828 Casey Lane, Chief Rhoades actually says, " at 4828 Casey Lane on December 23, 2017, Battalion Chief King assigned Porter Williams as Operations Chief under the premise that he wanted him to run the incident, but stated that if he officially passed command to Battalion Chief Williams, "he would 'get in trouble' based on previous direction from you. Based upon availability of personnel and varying levels of training, another KFD unit was dispatched to the scene to assist.”

On that incident also, it looks like the crews were "working interior with active fire in the attic." And when the engineer from Kingman Fire Department mounted NACFD apparatus to take over the engineer status on that engine, he noticed a blinking low-level light for the water and he brought it to the attention of Battalion Chief King who stated that it was broken and shortly thereafter Engine 231 crew communicated that they were out of water and Engineer Schrade then had to initiate shuttle operations.

So, these are huge life-safety issues and, according to our staff here, it doesn't look like there has been much of an investigation into this.

It appears that, after our last meeting, I told Wayne I would go downtown and find out what happened to the oaths of office and Wayne actually happened to be in the office of the Elections Department while I was down there. So, in my opinion, instead of Wayne being out here taking care of matters like these threats to life-safety and certainly policies that have been neglected completely, he's actually more interested in causing problems for his board than he is for being out here doing his job. I think that's a huge ... it's kind of an eye-opener for me anyway. I think he should be out here worrying about his job, not causing problems for us. He's been attacking us non-stop for the last year. Everything he has said against us is totally fabricated. There's no truth to any of it.

GARNICA: (Inaudible)

BAILEY: Don't interrupt again. You will be removed.

GARNICA: (Inaudible)

BAILEY: Okay. Does anybody else have anything to say about this letter. Any concerns?

COLLINS: Well, I think Wayne's made it pretty clear that he can't work with this board. Ultimately, this board is responsible for the employment of the chief.

BAILEY: He did communicate that at the last meeting when he read his statement.

COLLINS: Correct. So that's my opinion. He can't work with this board.

BAILEY: Actually, along with that, I find it quite interesting that in the history of all this, Wayne has never actually made the comment that he wants to keep his job or that he wanted to work with us. And we have had nothing but constant threats of criminal complaints, flying accusations that have no proof or any kind of substance to them. There has been lots of accusations made and there has never once been any kind of proof given, along with his accusations. He stands up here and makes a lot of accusations at us and then he leaves and he expects somebody to take action when doesn't supply any information. I think that's a problem.

- HAYS: This letter that he just supplied tonight, where he accused me of having high-level talks about ... behind somebody's back, apparently. I'm not quite understanding this. It was me alone, so how was it a violation of the open meeting law. And I did tell Jason Scott that I'd been talking with high-level city officials and it was about the proposals that had been in the paper to annex the industrial park. And that's not anywhere near something that the city is ready to do. They have had no money to provide roads, fire and police for the industrial park when they get no sales tax from the industrial park. The city lives on sales tax. This is just a false fear that's been spread around. I don't know by who, but that was the issue that I told Scott about. Another one was that there is a building over there that was demolished that could have been burned as a training project. Unfortunately, KAA issued that contract before there was a chance to kill it and it would have been a very good training program. So that didn't happen. But those were the things I talked to Mr. Scott about. How that turned into a violation of the open meeting law is beyond me. I actually asked him to go look at the building at the time. I didn't find out until the next day that there was no way to get out of that contract.
- BAILEY: Actually, at the last meeting also, just to kind of note also, Wayne did tell us that he was training a lot of our staff as EMR and getting them certified in EMR. I did go by the hospital on Monday and I checked with Heather Miller, who is our EMS coordinator for all emergency services in this area. And she did tell me, in fact, that they do not recognize EMRs. They do not recognize anything under an EMT level. So, by having EMRs employed here, we're putting our paramedics at risk, we're putting the citizens they are actually taking care of at risk. They do not have the qualifications of an EMT. They are far below that. They are basically a glorified first responder, or a first-aid responder is all. It's like going to the American Heart Association and taking a first-aid class. Is about all they're able to do. They can't administer oxygen or anything else. You can't even perform CPR unless you go take a citizen's class on CPR and get certified. So that was a complete falsehood that he told us last meeting. And not only does our base hospital not recognize EMR, neither does the State of Arizona. So, by having people who are attending EMR class, whether certified or not, come into the city on mutual aid or automatic aid violates those agreements because they are supposed to be EMTs or above. So it actually puts those agreements in jeopardy also and we can't have that. It actually puts a lot of paramedics at risk. It puts the public at risk and that is actually not acceptable.
- We were going to go through this paragraph-by-paragraph but Wayne is not here to be able to answer. I was going to ask him one thing about... I don't think when Carl mentioned at the last meeting that he did not make the comment that he believed there was a fire-setter or that Wayne was harboring... however, that's what we were told in the meeting and I was just curious if ... because these arson fires have been going on for the last three or four years. They picked up a little bit over the last year or so but, in order for Wayne to be harboring, he would have to be living at your address and I don't think that ... or I doubt that he has lived at your address for the last four years. So if you've been living there and he hasn't been living with you, I find it hard to believe that he would be harboring you. Because he would have to be providing you aid knowing that you're a fugitive, unless you...
- GARNICA: He said to him, he'd turned me in.
- BAILEY: Who did? Wayne turned you in?
- GARNICA: He told the investigator that he made the statement that I was the arsonist. He told him ... he run his mouth about.
- BAILEY: Well, that's what I wanted to find out if Carl actually named you or if he just said there...
- GARNICA: He said Arthur Garnica, he lives in your...
- HAYS: No, I didn't say that at all. I said that I have heard from a lot of people they seem suspicious of you.

BAILEY: Well, actually, the only reason I said that ...  
 HAYS: I don't care what he said. I didn't say that to him.  
 GARNICA: [inaudible] only said you don't live there...  
 HAYS: I do live there. Yeah, and the County was out yesterday.  
 GARNICA: I know. They gave me this paper saying you don't live there. You want to read it?  
 HAYS: Yeah. I want to read it.  
 GARNICA: You read it.  
 HAYS: I'm there at least 20 hours a day.  
 BAILEY: Okay. Actually, that's all I have.  
 GARNICA: [inaudible] There's no living quarters; there's no beds.  
 HAYS: That's correct.  
 BAILEY: Hold on. We're not going to debate it.  
 GARNICA: I'm outta here. [inaudible] Your not supposed to be here.  
 BAILEY: Okay. You can leave.  
 HAYS: I'll keep this. Settles the issue.  
 BAILEY: Actually, Wayne said he didn't live there. So I find it hard to believe that Wayne could be harboring a fugitive if he didn't live at the address for the last four years. So, anyways, other than that, I've been accused of contacting Battalion Chief Jason Scott and Battalion Chief Tim King...  
 COLLINS: I'll cut you off there, Jim. I think all this stuff is irrelevant. Basically, it just shows that Wayne doesn't want to or has no interest in working with this current board.  
 BAILEY: That's true. Okay. I'll just say they're all false. This whole paper is actually false, so...Does anyone have anything else? Do we want to entertain a motion?  
 BERG: I'll just say that he's been known to say that this job sucks, this county sucks and this district sucks. And while showing no interest in being a part of the board or trying to be part of the board... and part of what's happening here...just shows a lack of communication, responsibility and integrity to me.  
 BAILEY: Have a motion?  
 HAYS: Yeah. I move that we terminate his employment forthwith.  
 BAILEY: Effective immediately or...  
 HAYS: Immediately. His contract is at will and legally, arguably, he doesn't have a contract anymore. I think, since he's not here, it should be right now.  
 COLLINS: With cause, without cause?  
 HAYS: [Inaudible]  
 BAILEY: Okay. So we basically have a motion to terminate Wayne Eder as fire chief immediately, with cause. Is there a second?  
 BERG: I'll second.  
 BAILEY: Any other discussion? Anything? You guys have anything? All in favor.

**Motion to terminate Wayne Eder immediately, with cause, carries unanimously.**

**C. AS NEEDED, APPOINTMENT OF INTERIM FIRE CHIEF**

BAILEY: Third item on the agenda is, "As needed, appointment of interim fire chief." We've used Tim King twice in the past, unless anybody else has anything further. I know the City of Kingman has reached out with the services of their chief to give Tim King a hand if he needs it; or the battalion chiefs, wherever we may need to help fill that position. Do we want to use Tim, or  
 HAYS: Will it be legal to ...  
 COLLINS: (inaudible)  
 BAILEY: Uh, Tim King. Which that causes us backfill but that's minimal amount of money.  
 COLLINS: I'll make the motion to have be interim. He's worked with the budget in the past.  
 BAILEY: Okay, you'll be able to get the budget in on time?  
 COLLINS: Yeah, I think we can.  
 BAILEY: You'll get the preliminary in by the 1<sup>st</sup>?  
 COLLINS: Yes.  
 BERG: I'll second.

BAILEY: We have a motion and a second to appoint Tim King, Battalion Chief Tim King, to interim fire chief. Any other discussion? All in favor? All opposed?

**The motion to appoint Battalion Tim King to be Interim Chief carries unanimously.**

#### 5. BOARD MEMBER COMMENTS

BAILEY: Now it's time for board member comments – "Announcements; direction to staff re requested reports, agenda items for future meetings, scheduling of special meetings, workshops." Anybody have anything?

HAYS: I do. I went through the policy manual that I guess at one time was called the bylaws. And there's ... I know we want to get the lawyer to go through that and bring it up to date as far as compliance with state law. There's a lot of discretionary things in there and really what I would call policy rather than legal things so I think we should have a workshop and cover everything we can identify as a question mark, before we give it to the lawyer and ask him to draw it up.

BAILEY: Okay. Also, if we have to have our preliminary budget actually approved by the end of the month, we probably need to figure out a meeting time for next week. Would you want to do it on Thursday which is the last day we could do it. How much time do you need?

COLLINS: Yeah. The 31<sup>st</sup>.

BAILEY: You want to do it on Thursday? At 6:00 o'clock?

COLLINS: Yeah. And on the agenda, we need to have the legal...

HAYS: Is this a workshop or a regular meeting.

BAILEY: It'll be a special meeting again for the ... we have to have the preliminary budget, actually done by that time.

BAILEY: Do we need a resolution also, Nikki?

BERRY: To approve the preliminary budget?

BAILEY: Yeah, I believe we need like a resolution. I'll have to check with Charlotte. Actually, I'll [inaudible] on the agenda. And, uh, we'll find out from Charlotte what we need to do. She reminded me about the preliminary budget needs to be adopted, or posted anyway, by the end of the month... by June 1<sup>st</sup>. So, I'll find out what else you need and, then, I'll let you know.

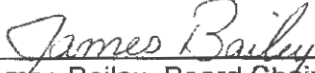
BERRY: I didn't think it was June 1<sup>st</sup>.

BAILEY: Yeah, I think we have to do our final adoption I think in June and it's got to be posted, or tentatively approved in June and then posted by August, or July. So we're actually under the gun now and we need to get it done. Anything else? All that's left is adjourn...

#### 6. ADJOURNMENT – There being no further business, a motion to adjourn was made at 6:29 p.m. by COLLINS, seconded by HAYS.

These minutes were prepared and posted by Shannon Koalska, June 11, 2018

Minutes approved at Regular Meeting of the Board on June 21, 2018

  
James Bailey, Board Chairman

  
Mike Collins, Board Clerk

**Northern Arizona Consolidated Fire District #1**  
**Internal Memorandum**

DATE: May 23, 2018  
TO: Board of Directors  
FROM: Dr. Wayne L. Eder, MFI, EFO, DBA, Fire Chief  
SUBJECT: Illegal Board Meeting  
COPY: File

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It is my responsibility as Fire Chief to notify you that your special meeting schedule for this date is in violation of multiple ARS Statutes:

1. Director Carl Hayes appears to not be a legal resident of the fire district. The attached letter from Mohave County P&Z states that this is a commercial occupancy with no evidence that it is being used as a residence. Mr. Hays falsely represented that he is a representative of this district to secure a seat on this board, with the obvious knowledge of this fact by Directors Collins and Bailey.
2. Mr. Berg was required to file his original Oath of Office with the DISTRICT office. It appears that he did not file his Oath of Office as required with the DISTRICT prior to the last meeting of 5/17. As such, he should not have been permitted to participate. It should be noted that he was advised by the Board Secretary to return the oath to her, which he never did.
3. During the preparation of the Agenda for this meeting by Director Bailey, he neglected to work with either myself or the Board Secretary. If queried, either one of us could have told him the agenda was not properly prepared. As he made the statement at the last meeting (which was also an illegal meeting due to Hays non-residency), that "he would prepare the agenda". Mr. Bailey seems to have forgotten that he is required to offer an Executive Session for personnel matters under ARS 38-431.03(A)(1). Under the same statute, any employee matter being discussed, must include a 24-hour notification letter regarding personnel matters. As neither the session was agendized properly, nor was I notified with a Title 38 letter, you may not discuss any personnel matter regarding my employment. Please consider this my official notification that I refuse to waive my rights to discuss this matter in open session.
4. I notified Mr. Bailey last week of the violation of Open Meeting Laws in which Bailey/Collins/Hays/Berg were recorded discussing Conflicts of Interest. I provided Mr. Bailey with a copy of the recording and forwarded it to the Attorney General and Mohave County Attorney. I find it ironic that I was indicted for actions that this board is clearly in violation of.
5. According to Mr. Hays in a public statement on 5/21/18, witnessed by BC Jason Scott at a KAMA meeting in the industrial park, he is involved in "high level" talks with the City of Kingman. He also advised me on 5/3/18 that he had been in discussions with the City Manager. Mr. Hays also notified Mr. Smaby of Mohave County P&Z yesterday (5/21) that the district was going to utilize a City of Kingman Fire Department member as Interim Chief. This is once again a violation of Open Meeting Laws. I recall no meetings in which the board authorized Mr. Hays to speak on behalf of the district.

**Northern Arizona Consolidated Fire District #1**  
**Internal Memorandum**

6. Regarding retention of legal counsel, I believe that if the board members negotiated for counsel without direction to staff, particularly in regards to hiring or contracting an attorney that we have yet another Open Meeting Law violation.
7. Regarding a letter from Kingman Fire Chief Jake Rhoades sent to Bailey and Collins, I demand an immediate investigation of Mr. Rhoades, Mr. Bailey and Mr. Collins in an apparent attempt to discredit me. I have documentation where I attempted to meet with Jake on several matters of concern in which he refused to meet with me, prior to last week's letter. This investigation needs to be conducted by a non-biased entity at the expense of the district.
8. I find it highly unusual that Mohave County Attorney's Office Investigators Steve Auld and Lyman Watson, both Arizona Peace Officers, have witnessed multiple felonies committed by this board, yet take no action to stop or file reports on these activities. Another law enforcement officer that witnessed the crimes committed by this board has turned in a report to the Arizona Attorney General's Office on 5/21/18.

Please consider this your official notification that Mark Brnovich, Arizona Attorney General has been personally notified of your alleged illegal activities, including evidence of Mr. Hays possible illegal appointment as a board member.

As you were notified last week by me, "*As an elected official, one can be held criminally and civilly liable for their actions.*" I have filed complaints with the Arizona Attorney General; Arizona Ombudsman; and have requested an "Injunction Against Harassment" from the Mohave County Justice Court against Mr. Collins and Mr. Bailey. These individuals will receive notification from the court this week.

You were also notified last week that due to your continued actions, I have submitted a Workers Compensation Claim against the district, and on 5/22/18, the Districts Workers Compensation Doctor has placed me off duty due to stress for a seven day period, which must be evaluated weekly while the Doctor and Workers Compensation develop a treatment plan. I have attended this illegal meeting under extreme duress in an attempt to properly guide this fire district which is being destroyed by the actions of our current board.

As this meeting is a violation of multiple statutes, I am unable to participate as I am currently under indictment. I will be leaving the meeting at the end of this statement to keep me from participating in the continued illegal activities of this board as I can ill afford to be accused for a second indictment.

Dr. 



# MOHAVE COUNTY DEVELOPMENT SERVICES

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Timothy M. Walsh, Jr., P.E.  
Department Director

[www.mohavecounty.us](http://www.mohavecounty.us)

Edward Kulik  
Chief Building Official

May 22, 2018

RE: Building complaints received regarding using a commercial structure for dwelling / sleeping purposes.

Case Number: BRT – 2018-00011

Site Address: 4905 Flightline Drive, Kingman Az. APN # 310-19-190

## Case Report

On May 18 thru 21 2018 the Mohave County Building Division received 13 citizen complaints regarding the allegation of a person using a commercial structure for dwelling / sleeping purposes.

A research of the building records and permits on file for the subject location indicated that a Certificate of Occupancy was issued for the building, indicating the approved use and occupancy of office and aircraft hangar.

On May 22, I and Building Inspector Larry Darrow inspected the property and meet with Mr. Carl W. Hays, owner of the property.

I explained the reason for our inspection, complaints received regarding using a commercial structure for dwelling / sleeping purposes and requested an inspection of the interior of the building.

Mr. Hays gave permission to the interior inspection and lead us thru the building.

During the inspection I did not observe any sleeping furniture, beds or indication of utilizing the commercial occupancy for dwelling purposes.

I informed Mr. Hays that the current occupancy classification of the building (Office, aircraft hangar – B, S-1) did not allow for dwelling purposes and that by the lack of evidence to substantiate the building complaints the case would be deemed unfounded.



*Gilbert Smaby*

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