

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

**Thursday, May 17, 2018 6:00 PM**

The Governing Board of the Northern Consolidated Fire District #1 met in a regular session this 17<sup>th</sup> day of May 2018, in the Board Meeting Room of Fire Station 31, located at 2485 Northern Avenue, in Kingman, AZ.

**1. CALL TO ORDER -**

The meeting was called to order by Board Chair Bailey at 6:02 P.M.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE --**

The Pledge of Allegiance was recited. There was no invocation, as Chaplain Pitts was ill.

**3. ROLL CALL OF BOARD MEMBERS**

Directors Mike Collins, Jim Bailey, Carl Hays were present, and Erik Berg appeared telephonically. There is one Board seat vacant.

**4. MINUTES APPROVAL:**

**A. Approval of Regular Meeting minutes for meeting on 4/1918**

Motion to approve minutes as written by Director Hays seconded by Board Clerk Collins There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

**5. REQUESTED PUBLIC AGENDA ITEM:**

**A. Investigator Michael Boone contesting appointment of Mr. Erik Berg and Mr. Carl Hays to the Northern Arizona Consolidated Fire District #1 Board of Directors.**

**Board Chair Bailey:** Actually, I just want to kind of give you a head's up: is the only way you can get an item on the agenda from the public is to either – it's gotta be initiated by the Chief or by a Board member. Just doing you a courtesy this time. I'm going to go ahead, and let you like, kinda make your point, but it has to come to the Chair because I'm responsible for the agenda, so you're going to have to basically bring it to a Board member or make your point in a Call to the Public, and if a Board Member wants to have it on the agenda, the Board will put it on a future meeting agenda. So I did you a courtesy tonight by go ahead and letting you say what you want to say about this, so if you would, go ahead and give us your points.

**Investigator Michael Boone:** Well the first point is: I was trying to find out the policy on how to get on the agenda and I discovered you have no by-laws. I went down to the [Mohave County] Recorder's office and they have no recorded by-laws for the Northern Arizona Consolidated Fire District and neither does the Board of Supervisors. They have plenty of resolutions, but they have no recorded by-laws; so I apologize if I did an end run, but I had no policy in which I could look at. So you might want to find out where your by-laws are, because they're not at the Recorder's office, they're not at the Board of Supervisor's office, and I talked to the [Mohave County] Election Director, I think his name was Allen, he says he didn't know anybody in his department who told anybody that 48 hours after you sign a document you're a Board member. He specifically said that. That's just starting because you asked about how I got on the agenda. OK?

I've been an investigator both in the public and private sector for 30 years. I have over 300 hours of training from California POST and from the California District Attorney's Association. I've investigated personally over 42 homicides, 3 government corruption cases, and a myriad of other cases, so I'm coming to you from a position of knowledge. I am a licensed Arizona private investigator; my license number is 1619224 and I'm a state of California licensed private investigator, my number is 27878. I've been asked by a number of people in the community and retained to conduct some investigation specifically on the Board activities and members of the Board beginning in 2008 to 2016, including former Chief Pat Moore. So that's what I've been involved in.

I have a huge issue in just reading Mr. Berg's background. I went and tried to meet with Mr. Berg; he refused an interview. When he finally agreed to an interview, he cancelled. There's a conflict of interest with Berg working for AMR aka River Medical. Now he has proprietary interest in any kind of contract that this Board would engage in any kind of EMS service.

**Board Chair Bailey:** How do you figure that?

**Investigator Boone:** Well, he's going to be privileged to information which would be beneficial to AMR. You may want to talk to your attorney about that, I'm not an attorney and I'm not practicing law, but I know from other parts of the state that I've investigated in other communities, that's pretty close to a conflict of interest so you may want to talk to them, or Matt Smith.

It appears that this is kind of an orchestrated move to get him on the Board to satisfy complaints from the fire union. The more people I talk to, including firefighters, the more it looks like this is an attempt to hijack the Board for the benefit of Kingman Fire and for the fire union. As you know, last time I was here, I brought up the issue about information I received from an actual union officer who said there was a contingency plan should the Board disband and they would take it over. And you guys all said, 'No, that's not true.'

He falsified his letter, Mr. Berg did, when he submitted it. He rattled off a bunch of incidents about how the Board was run when he was here, Moore was here, I mean, that's patently not true. There were 53 firefighter openings while he was on the Board and Moore was the fire chief, and if you look at the financials, and look at the repairs and pull them from the different agencies that don't have to have public records requests, you can see that there was a ton of fire equipment that was never serviced, maintained or corrected, and fire stations were not staffed; so bringing him back on the Board, what is that going to accomplish? The same, exact behavior.

While assigned to Valle Vista fire, Berg was disciplined by the Hualapai Fire Chief for insubordination and failure to follow instructions. That's not a very good example for a Board member.

**Board Clerk Collins:** What Fire Chief?

**Investigator Boone:** I believe it was Mr. Riccardi.

**Board Clerk Collins:** No, what Department you said?

**Investigator Boone:** Valle Vista. The Valle Vista station of the Hualapai ....

**Director Berg:** I never worked for Valle Vista. Maybe Hualapai? And I was never given any corrective action on that.

**Investigator Boone:** It says, ‘While assigned to Valle Vista, Berg was disciplined by the Hualapai Valley Fire Chief for direct insubordination and failing to follow instructions of somebody of a command rank.’ That was based on a statement I took. Berg has been disciplined as a cowardly firefighter and a risk to his fire crew. Example 1: During a structure fire at Bank and Northern, Berg panicked which could have put firefighter lives in danger. During a training exercise at Kingman Airport, Berg panicked again, which could have put firefighter lives in danger.

**Board Chair Bailey:** Who is actually making these allegations?

**Investigator Boone:** Firefighters within this District.

**Board Chair Bailey:** Who are they?

**Investigator Boone:** I don’t have to disclose my clients.

**Board Chair Bailey:** Well, then that’s just kind of hearsay.

**Investigator Boone:** Well, it will all come out to the public here pretty soon in a courtroom.

**Director Berg:** I certainly hope so, because none of that is accurate.

**Investigator Boone:** OK, on 1/4/15, the fire department responded to a fire at 2285 E Caliente in Kingman [passed out photographs to the Board]. According to firefighters on scene, Mr. Berg, while in his capacity as a Board member, responded to that fire call. He was obviously intoxicated; he was giving fire crews instruction on what to do and how to fight the fire until he had to be told not to. I have provided you a photo. It does not seem to be very professional for a Board member to be standing at an active fire smoking a cigarette.

I interviewed fire investigator John Holmes. Holmes provided me information and a declaration that on 2/26/15, he responded to Erik Berg’s father’s residence. During the investigation, Erik Berg attempted to have Holmes write a favorable report as to the cause of the fire.

**Board Clerk Collins:** How come you’re disclosing Holmes that you talked to but you’re not saying any of the other ones? Just out of curiosity, you just told us you don’t have to disclose it, but ...

**Investigator Boone:** I have the declaration right here.

**Board Clerk Collins:** OK, but why are you exposing that one but not the others?

**Investigator Boone:** Because I don’t want you to go firing these people before I get them in front of a deposition.

**Board Clerk Collins:** Oh, gotcha, gotcha.

**Investigator Boone:** That seems to be the way things are done.

**Board Chair Bailey:** So you actually think the Board is responsible for hiring and firing personnel?

**Investigator Boone:** I don’t know what you’re responsible for because based on what I have...

**Board Chair Bailey:** We have absolutely nothing to do with hiring and firing of personnel.

**Investigator Boone:** It crosses a lot of lines.

**Board Clerk Collins:** Oh my goodness.

**Investigator Boone:** So he [Berg] tried to get Holmes to alter the fire report for the insurance company benefit. That's a violation of insurance code 441220 and A.R.S. 13-2310. Berg's record of attendance when he previously served as a Board member shows he had missed 17 meetings in...

**Board Clerk Collins:** In how many years?

**Investigator Boone:** It says "Record of Attendance".

**Board Clerk Collins:** Eight years, just so you know. Seventeen. That's what? Two a year? I'm just giving you some information.

**Investigator Boone:** It's cool. I know you guys' history and I don't want to be confrontational, I'm just getting stuff on the record.

**Board Clerk Collins:** OK, well, just tell the whole story.

**Investigator Boone:** OK, let's go into open meeting. Apparently over the last two or three weeks, you guys had a meeting with you [Board Clerk Collins], Mr. Bailey and Mr. Berg and it's kind of well known knowledge floating around in both Havasu and here that you guys had a meeting to discuss the termination of Chief Eder. And to me, that seems like an Open Meeting Law violation and if nothing else, creates a hostile workplace for Eder.

**Board Chair Bailey:** I haven't met with anybody in the last two or three weeks. That's just completely false. You're just making that up.

**Investigator Boone:** Well, you can investigate what I'm telling you. As far as Mr. Hays is concerned, I find him a very pleasant and nice man; however, his residence doesn't meet according to Mohave County Planning Department definition of residence.

**Board Chair Bailey:** Does the County have a problem with where Carl lives?

**Investigator Boone:** If you let me finish, I'll get to that. It's not deemed a residence, there have been no permits pulled to build caretaker quarters within that location, and in talking with Mr. Hays, he even told me that he has no kitchen facilities and he eats out.

**Board Chair Bailey:** I have a kitchen and I eat out. What's the difference?

**Investigator Boone:** I spoke to the planning department. Mr. Sabey [sp?], there's your name. He's the one that pulled the permits, pulled the property and said that property is not deemed a residence. And he's the one that told me that there were no permits to have a residence within there. So if there is a residence in there, the County knows nothing about it.

**Board Chair Bailey:** So how long ago was the County made aware that Carl lives out there?

**Investigator Boone:** I was there within the last three weeks talking to the County.

**Board Chair Bailey:** And they haven't done anything to follow up with anything?

**Investigator Boone:** I don't know what they've done.

**Board Chair Bailey:** If they don't have a problem with it, why do you have a problem with it?

**Investigator Boone:** It doesn't meet the criteria. If you're going to follow the rules...you two gentlemen are big on following rules from what I understand. Follow the rules.

**Board Chair Bailey:** Well, everything we've said, done, and looked at for the last ten years has been investigated and we haven't done anything wrong.

**Investigator Boone:** Well, it depends on who's doing the investigation.

**Board Chair Bailey:** Well so far there has been two counties to actually do it and we still haven't been found with...

**Investigator Boone:** This entire report has been submitted to Mohave County Attorney's Office. You're welcome to get it. I'm sure Mr. Watson and Mr. Auld know about it. It's also been submitted to the F.B.I. and the Department of Justice. So we'll see if we can get an unbiased investigation. But you can't keep dancing around and not answering questions because there's a lot out there. Thank you, I appreciate the time.

**Board Chair Bailey:** I'll tell you flat out if you want to talk to me I'm not going to talk to you.

**Investigator Boone:** I don't want you to talk to me.

**Board Chair Bailey:** That's fine.

**Investigator Boone:** That's what they have a deposition for.

**Board Chair Bailey:** Playing arrogant, "I don't want to talk to you," I don't want to talk to you.

**Investigator Boone:** You don't have to. Deposition. So based on that information, there's a term called "Deliberate Indifference". You may want to look that up; when you become deliberately indifferent to public safety and the people you represent.

**Board Chair Bailey:** That's fine. Is that it?

**Investigator Boone:** That's it.

**Board Chair Bailey [to Board]:** Does anyone have comments or questions?

**Director Hays:** I don't think we're supposed to ask.

**Board Chair Bailey:** That's only during call to public.

**Director Hays:** You did not include me in this alleged meeting. I was going to say if you did, that's absolutely not true, and anybody who told you that knows that it's untrue.

**Board Chair Bailey:** Well, it is completely untrue. I haven't talked to Erik or Mike in a meeting.

**Investigator Boone:** No, I talked to him and he said he wasn't part of it, but you're going to put somebody on that can't keep clandestine secrets. He's out talking to everybody. Personnel matters. Talk to your lawyer. Those are civil, chargeable things when you start discussing personnel matters, especially when you're threatening to fire somebody. Thank you for your time and I appreciate it.

**Director Berg:** I was present at that fire scene because the homeowner told me/requested I come down from my own residence. That's a person that's a friend of mine, and they called me and requested I show up.

**Board Chair Bailey:** OK, anything else, Erik?

**Director Berg:** No.

**Board Chair Bailey:** OK.

## 6. NEW BOARD MEMBERS:

- A. Notarized Oaths of Office
- B. Swearing in of new Board Members

**Board Chair Bailey:** We've never done anything like that. Actually, I was told by the County Attorney that as soon as they [new Board members] file the paperwork at the [Mohave County] Recorder there is a 24-hour waiting period and they are instantly Board Members. And when we were actually came on as Board members there was no official swearing in, it was just filing the paperwork. So I didn't have no idea. I just wanted to see if you [Chief Eder] wanted to expand on that at all, because I'm not familiar with your....

**Chief Eder:** We reviewed previous Board minutes when Board members were added to the Board in the last eight years, and there were official swearing-ins by Charlotte Wells, Attorney.

**Board Clerk Collins:** We signed Oath of Office Paperwork, that's all we had.

**Chief Eder:** I'm just telling you what the minutes say.

**Board Chair Bailey:** Yeah, it's actually, like I never, I was never, actually like raised a hand and swore to anything. Like we just signed the Oath of Office, and that's all we did. Erik, do you have your paperwork in?

**Director Berg:** Yes.

**Board Chair Bailey:** Wayne said they were down at the recorder's office yesterday and the elections department doesn't have anything on your paperwork.

**Director Berg:** It was turned in several weeks ago. The gal in there said she would turn it in; she was just filling in for [Evelyn?] who was up in the Colorado City area. I do have a copy of it that is notarized and as for what they did with it in there I'm not 100% sure.

**Board Chair Bailey:** Is the notarized copy that you have, was it recorded, do you know?

**Director Berg:** Yes, I don't know if they recorded it, the lady said she would hand it to Allen when he got back. I believe I turned it in on Thursday or Friday. He wasn't due back until Monday. But the copy that I have is a notarized copy and I do believe it has the date in which it was turned in.

**Board Chair Bailey:** OK. How soon are you coming back to the city?

**Director Berg:** I will be back in the States on Sunday.

**Board Chair Bailey:** Are you going to be able to follow-up on that Monday to be sure it's done?

**Director Berg:** Absolutely.

**Board Chair Bailey:** OK.

**Director Hays:** Did you find mine?

**Board Chair Bailey:** Actually, I believe all three of ours are on record.

**Director Hays:** I went to the same clerk who told me the same thing.

**Chief Eder:** I think there is a question on two of your...we do not have records.

**Board Secretary Berry:** The last Oath of Office I have for Mr. Collins and Mr. Bailey is 2008. Those are the last ones I can find. Would it be possible for you to go down there and get a copy of your 2016 Oaths?

**Board Clerk Collins:** Sure.

**Board Secretary Berry:** That would be great. And I still don't have a copy of Mr. Berg's Oath, but I do have Mr. Hays'.

**Board Chair Bailey:** OK. I'll go down tomorrow also. [To Board Clerk Collins] Are you in town?

**Board Clerk Collins:** Yeah.

**Board Chair Bailey:** Will you call them?

**Board Clerk Collins:** Yeah.

**Board Chair Bailey:** OK.

7. **REPORTS AND CORRESPONDENCE:** The governing body may not propose, discuss, deliberate or take legal action on this matter unless the specific matter is properly identified on the agenda. Therefore, action taken as a result of the reports listed may be limited to

directing staff to study the matter or scheduling the matter for further consideration and decision at a later date.

**A. Correspondence and/or other information of importance.**

The Fire Chief read a memo from himself to the Board:

It is my responsibility as Fire Chief to point out that there is a continued strained relationship between the board and myself. Board members continue to spread gossip and false statements, undermining my authority as Fire Chief. The following are being brought to your attention to demonstrate the continued duress I am facing as Chief of this district:

1. Directors Bailey and Collins filed questionable statements against me to obtain a criminal indictment through the Grand Jury. This dubious information then was perpetuated by the Mohave County Attorney's Office, and the Deputy County Attorney to secure the indictment. This is a violation of ARS-2907.01. These actions have placed undue stress on both my family and myself. I have had a financial loss based on this indictment in the form of legal fees which I would not have been subjected to if a thorough investigation had been completed by MCAO investigators. I have documentation to support these facts.
2. Director Hayes advised me on 5/3/18 that a resident of one of my properties was known to be the "fire setter" in our community, and implied that I was harboring this individual. I passed the information on to the NACFD1 Fire Investigator Mike Atchison who investigated the "complaint" and found these statements to be false. This is a serious allegation, and I refuse to be the target of additional false criminal complaints by this board.
3. Director Hayes advised me on 5/3/18 that former Director Riccardi had received a \$400,000 retirement settlement from the board after the merger between HVFD and VVFD in 2007. I am unaware of this agreement and believe this accusation to be false.
4. I have been informed by Battalion Chief Jason Scott that Director Bailey offered him the position of Interim Fire Chief. As my contract does not expire until December 6, 2018, I consider this a threat against my employment and livelihood and a continuation of the hostile work environment perpetuated by Directors Collins and Bailey since my appointment in March of 2018.
5. Neither Directors Bailey or Collins will meet with me, nor initiate any contact with me to discuss district business. Battalion Chiefs King and Scott report that these Directors continually contact them to attempt to obtain information regarding the district. As I report to the Board, and not the Battalion Chiefs, I feel that you as directors are circumventing my position, creating a morale issue in this organization. As outlined in 1 and 2 above, continuous unsupported

statements by the directors have lead to an unsubstantiated report, and criminal indictment.

6. Based on this continuous, unwarranted assault by the directors listed above, I have filed a Workers Compensation claim for stress against the District. Due to HIPPA requirements, I will not discuss the results of my initial visit(s) with the medical practitioners to make them public.
7. I have personally witnessed multiple open meeting law violations by Directors Bailey and Collins, which certainly does not help the morale issue.
8. The continued unwarranted attacks by members of the PFFK including Brian Grant and Chris Simpson are violations of Federal labor laws. Mr. Grant believes that he will be filling the seat of Fire Chief of the District and has been preparing budgets and policies while on duty, all the while being ineffective in his position of Captain. It is no secret that the PFFK supported the previous elections of Directors Bailey, Collins and Berg.

Your actions are disappointing as I have continuously worked to improve the service delivery and firefighter safety since my return. I consider myself an effective Fire Chief, working in the best interest of the board and our community. I am a property owner and district resident. The eight years I was absent resulted in multiple failures by this district, through its Board and former “chief” including but not limited to:

- Misuse of public monies
- Lack of training
- Lack of vehicle maintenance and repair
- Failure to address life safety and firefighter safety issues
- Decreased staffing
- Failure to meet IGA requirements for the State of Arizona resulting in lost income for the district
- Nepotism in hiring

As an elected official, one can be held criminally and civilly liable for their actions. I request that your continued obstructions against me cease immediately. I also respectfully request that directors inquire about District operations through me alone, so that I can perform the duties that I was hired to perform and serve this community.

**Board Chair Bailey:** Anything else?

**Chief Eder:** That’s it.

**Board Chair Bailey:** Well, regarding your memorandum from you to the Board, I propose that the Board we sit down and have a special meeting, hopefully next week, lets make it later in the week, if everybody can, and we’ll discuss the memo and the related circumstances and I’ll prepare the agenda for the meeting, and for the administrative staff to post as required by law. It will be posted within the legal time and I think we should have on there “Discussion and possible action regarding continued employment of Wayne



Eder, number 2: Discussion and possible action regarding appointment of new Interim Chief, and Discussion and possible action regarding retention of legal council” and if you guys want to do that, it’s up to you all.

**Board Clerk Collins:** When could we have the meeting? When are you back, Erik?

**Board Chair Bailey:** Sunday.

**Board Clerk Collins:** Sunday?

**Director Berg:** Sunday.

**Board Chair Bailey:** And then we go down Monday or – I’m going to go down tomorrow and see what happened with the paperwork for the Oaths of Office and all that stuff we did.

**Board Clerk Collins:** I’d be all for a meeting

**Board Chair Bailey:** Erik can go down Monday and check on his and see if it still has to be recorded and the 24-hour waiting period also, so it will probably be Wednesday or Thursday probably.

**Board Clerk Collins:** I’d be all for a special meeting on Wednesday.

**Director Hays:** I’m available.

**Board Chair Bailey:** Erik?

**Director Berg:** Yes.

**Board Chair Bailey:** What day?

**Director Berg:** It doesn’t matter to me. I’m available.

**Board Chair Bailey:** How about Wednesday?

**Board Clerk Collins:** Yeah, Wednesday.

**Director Hays:** At 6:00 then?

**Board Clerk Collins:** Yeah.

**Board Chair Bailey:** OK, do we have a motion and a second to discuss these three items that I mentioned along with a special meeting on Wednesday, May 23 at six o’clock?

**Director Berg:** I make a motion.

**Board Chair Bailey:** You want to make the motion, Erik for the date of Wednesday, May 23?

**Director Berg:** Wednesday the 27<sup>th</sup> – err- 23<sup>rd</sup>?

**Board Chair Bailey:** Yeah, 23<sup>rd</sup> at six o’clock?

**Director Berg:** Yeah.

**Board Chair Bailey:** OK.

**Director Berg:** Yep, that’s fine.

**Board Chair Bailey:** Do we have a second?

**Director Hays:** Second.

There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

**Board Chair Bailey:** Also, just for the record, any attempt to destroy District Property or Public Records, including financial or personnel records will be held accountable up to and including charges so please don’t actually attempt to try to destroy anything, don’t take anything out of the office. We’ll work it all out next week. Unless you have any questions or anything else.

**Chief Eder:** No questions.

## **B. Fire Chief’s Report.**

The Chief gave his report. (see attached).

**C. Presentation of Financial and Claims Report – April 2018**

Board Chair Bailey asked if everyone had a chance to review the financials and if there were any questions. Board Clerk Collins asked about the Hall-Parker Credit. For income, we have \$224,100. But we only paid out on the expense side \$177,000. Board Secretary Berry stated that she will ask our accountant about that. Board Chair Bailey asked for a motion and second to accept the financial report as written. Board Clerk Collins so motioned. Seconded by Director Hays. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

**D. Budget Committee Report**

Chief Eder spoke to Board Clerk Collins this evening. We had requested some numbers from Mohave County Assessor's office that were supposed to be here last week that did not arrive until this afternoon. Chief Eder had the Assessor's office break out districts 31, 32, and 33 based on our run card maps. He pointed out that district 31's total tax revenue will be \$774,000, district 32 is a little over \$1.1 million, and district 33 is a little over \$233,000. Chief Eder also had them break out the airport industrial park. In the event we lost it, how much we would lose? It works out to approximately \$652,000 from our budget. That would leave the district 32 budget right around \$500,000. This gives us a better starting point of knowing where the money is coming from in the District.

Chief Eder and Board Clerk Collins had talked earlier in the evening and discussed possibly having two budgets, one for regular income and one in the event we lose the industrial park. Board Chair Bailey asked what a line item on the spreadsheet was - called, "Cannot be located" for \$158,000. Chief Eder explained those are Centrally Assessed Properties (CAP), and the Assessor can't tell exactly where those properties are. We don't know if they are in the industrial park or in other parts of the District. It's an income that we get, but we don't know exactly what district it falls under. Board Chair Bailey asked if these properties were in the industrial park, then we would potentially lose that income? Chief Eder answered yes. Board Chair Bailey clarified that the potential loss is \$652,000 to \$800,000? Chief Eder said yes.

Director Hays asked if this was something the Assessor has done already or is something they are going to do. Chief Eder answered that this is information he requested and received at 3:30 this afternoon. [tape change] Director Hays asked Chief Eder if he considered the information complete or if they will complete the information and get it back to him in a month. Chief Eder responded that he met with the Assessor's office this afternoon, and this is the most accurate information they believe they can provide. They are confident these numbers are spot on. Board Clerk Collins stated, "Until they annex it." Director Hays stated to the Chief that he [the Chief] had indicated to him [Director Hays] that it was illegal for them [the City] to annex the industrial park from the District. Chief Eder stated no, he told Director Hays that they can't take the entire District. The entire District cannot be annexed. They can take pieces, but not the entire District. That would be against Arizona Revised Statutes, because of water service boundary lines. The City of Kingman is not allowed to cross a water boundary line, because they are a proprietor water provider. We went through this

same issue with the City of Kingman in 2003. Director Hays stated there is really nothing holding them back, if they decided to take that section of land on the other side of the railroad tracks. Chief Eder confirmed no, there is nothing holding them back. The limited information we have received from the Kingman Daily Miner and the county officials today indicated that the City is only interested in annexing the area around the airport.

Director Hays said he's had discussions over many years with the City about this. There's no development in the land Chief is speaking of. That will all be built out by developers. They expect to get a lot of commercial activity there which will generate sales tax and there will be little in the way of street maintenance. They would have to provide fire and police. But the airport is a whole different story. They have to take care of all the roads and police and the fire and they get nothing for it. The taxes levied at the airport now to this District would go away as a tax item; the City wouldn't get it. They would pick up a huge liability to take over the airport. When they look at that, they don't want any part of it.

Water Boundaries for the different areas of the District were discussed. Director Berg stated that he would like to know exactly where the boundaries are. Director Hays indicated this is all several steps down the road.

## 8. DISCUSSION AND POSSIBLE ACTION:

- A. Discussion and Possible approval of Monthly Financial and Claims Report for April 2018.** (completed in Item 7C)
- B. Discussion and possible action re: Acceptance of resignation of Board Member Lewis** – Board members were directed to Ms. Lewis' resignation letter in their Board packets. Director Hays moved to accept Ms. Lewis' letter of resignation. Board Clerk Collins seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.
- C. Direction to staff regarding filling vacant seat (election year 2018)** – Board Secretary Berry was directed to advertise for Ms. Lewis' seat like we did for the other two seats earlier this year: Advertise in the Miner for a minimum of two Sundays and promote on our website and Social Media. Deadline is June 20.
- D. Discussion and possible action re: Authorization for Fire Chief to proceed with SAFER grants.** – Chief Eder stated we applied for two SAFER grants this year. The first one is for three firefighters to staff station 33. Chief provided the costs to the District for the firefighters (wages and benefits) over three years. FEMA requests that the Board Chair sign a letter stating that the Chief has explained the grant to the Board. Director Hays asked about the status of the grant. Chief explained that the grant application window has closed, but our grant team (Chief Eder, Battalion Chief King, and Captain Rick McShea) worked on the grant and applied for it during the open window. If the grant is awarded, the Board has the option to accept or deny that grant. Director Berg asked what the projections are. Chief Eder stated that the Assessor's office told him that for the next five years, we are on track for a 10% growth year over year. Board Chair Bailey asked if there was a law that stated you're only allowed to gain 5% increase per year. He'd like

to explore that. Director Hays asked if this projection was based on existing property values increasing. Chief Eder answered yes. Board Chair Bailey stated he would check with the county Finance Director about the 5% maximum limit. Director Hays asked if there was a penalty if we do not accept the grant. Chief Eder answered that if we do not accept the grant there is no penalty. There is an acceptance window in which we could have a special Board meeting to decide whether we can accept the grant or decline it. Director Berg motioned to have the Chief proceed with the SAFER hiring grant. Director Hays seconded. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

The second SAFER grant is a 100% grant for four years for a Volunteer Coordinator of Volunteer Recruitment, training, and retention. There is no way the District could return to the staffing levels of 2008-2009, so a volunteer program is absolutely the only way we are going to be able to do that. FEMA recognizes that, and they have a 100% program for four years to provide money for departments to develop their programs. Information has been provided to the directors. The Volunteer Coordinator is a full-time civilian (non-PSPRS) position, and the person in the position cannot fight fires, however, they can function in a support role at fires. For four years, the salary and benefits of this position would be \$345,000 so that equates to \$68,000 per year with a 3% Cost of Living Increase every year. By the end of the four years, the position would be making up to \$74,000 per year. It's a forty-hour week with a variable schedule, responsible for recruiting, retaining, training, documentation, grant management, training materials, videos, and tuition assistance. This would allow volunteers to be trained up to the firefighter II level and eventually up to the EMT level. This grant would also provide a sort of supplemental workman's compensation policy to protect their livelihood in the event of a work-related injury. There is also a length of service award program, incentives, and as volunteers complete their training, they are eligible for structural protective clothing and wildland protective clothing. All of this is calculated into the grant. There is no requirement on the Board at this time, Chief is just advising that we have applied for it.

Board Clerk Collins asked what our current requirements are for volunteers. Chief Eder answered that we have three level of volunteers, which follows NFPA standards. The first is a "support" volunteer, where the firefighter comes to the scene and doesn't fight fire, but does support the firefighters at the scene, changes air bottles, etc., and learns safety and incident command systems. Board Clerk Collins asked if this is in our SOPs. Chief Eder stated this is not in our SOPs, those need to be updated, this is contained within our training program. The second is an "exterior" volunteer, which is a wildland firefighter. You have to have that training before you get Firefighter I. Then there is an "entry-level" volunteer, which prepares them to begin Firefighter I and II training. This allows all the volunteers to respond to fire scenes, and we have EMR training plugged into that.

Director Berg asked, "You said this will eventually help our staffing on engines, but they're not able to go interior or respond to medical calls until they have their

EMT, so how does that actually help?” Chief Eder responded that there is no requirement to have EMT. Our hospital allows us to respond both at the first aid level and EMR level. Once the volunteers start going through the training process, we can utilize a wildland or exterior firefighter, we can use them for support on structure fires. Once they complete their driver training complete, we can use them to drive apparatus or water tender operators, and a lot of times we’re able to pick up people with training and experience, and they may have Firefighter I and II or their EMT. This program gives us the flexibility to do many different things with our volunteers to operate safely.

Director Berg asked if this program covers our insurance costs. Chief Eder said, “Absolutely.” Director Berg asked if it was just workman’s comp until they go full time. Chief Eder answered no. They get group term life, supplemental workman’s comp, and some other benefits (not health care). Director Berg asked what the cost was per volunteer. Chief Eder stated he’d have to look that up.

**E. Discussion and possible action re: Approval of Resolution 2018-008 for the purpose of complying with Section 125 pre-tax rules for medical benefits**

Board Secretary Berry explained that during the open enrollment for medical benefits, it was discovered that we didn’t have a current I.R.S. Section 125 document. This resolution functions as that amendment and authorizes the District to take pre-tax medical premiums from full-time employee paychecks. Board Clerk Collins motioned to approve Resolution 2018-008. Director Hays seconded the motion. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

**F. Discussion and possible action re: declaration of surplus property –**

**i. 1992 Chevy Water Tender**

**ii. 1980 Mack Water Tender**

**iii. 1994 Pierce Pumper**

[tape change] Motion by Director Hays to declare the above apparatus surplus property. Seconded by Board Clerk Collins. Board Clerk Collins asked if the motion should be amended to include that the 1980 Mack Water Tender cannot be used for emergency response. Motion so amended. Vote was unanimously in favor. Motion carried.

**G. Discussion and possible action re: direction to staff regarding surplus property**

Chief Eder recommended that the District sell the 1992 Chevy and the 1994 Pierce vehicles. Both have been problematic. Chief has received an \$8000 quote from Fire Trucks Unlimited for the 1994 Pierce. The 1980 Mack was the first new vehicle purchased by the Fire District, and as such it’s a true Arizona fire truck and has significant history. Chief recommends the District donate the truck to the Hall of Flame museum in Phoenix, if interested. Chief is waiting on further detail from that museum. Chief will get back to the Board at a later date with more information on quotes and value of the vehicle. Director Hays asked

how the surplus vehicles would be sold. Chief Eder answered there are different ways to go about that. Director Hays asked if it was possible to jump on a County option. Chief said yes, this item is “Direction to Staff”, so the Board can Direct the Chief on how they would like to proceed.

**H. Discussion and possible action/direction to Fire Chief re: IGA for automatic aid with City of Kingman**

Motion from Board Clerk Collins to table this item. Seconded by Director Hays. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

**I. Discussion and possible action re: fire and emergency services to Kingman Airport and Industrial Park.**

The District had an IGA agreement with Kingman Airport Authority to keep an engine at the airport. Now that the City has taken over, that agreement is null and void so we no longer have a facility at the airport. This has an impact on our ISO rating. Chief Eder is waiting on a call back from the BLM to see if we can utilize the BLM hangar to store the vehicle. Chief recommends the Board table this item until he hears back from BLM. Motion to table this item by Director Hays. Seconded by Board Clerk Collins. There was no discussion on the motion. Vote was unanimously in favor. Motion carried.

**9. CALL TO THE PUBLIC**

Resident Arthur Garnica was called to speak.

**Arthur Garnica:** My name is Arthur Garnica. And I just wanted to say to the public and your camera crew that the last meeting you guys weren't a quorum and you [indicating Director Hays] accused me of being an arsonist.

**Director Hays:** No I didn't.

**Arthur Garnica:** Yes you did.

**Director Hays:** No I didn't

**Arthur Garnica:** Yes you did.

**Director Hays:** No I didn't.

[Director Bailey attempts to interject.] **Arthur Garnica to Board Chair Bailey:** I'm not talking to you, I'm talking to him [Director Hays].

**Board Chair Bailey:** Actually, you can watch your mouth or I'll have you removed.

**Arthur Garnica** [to Director Hays]: You don't even live in our District. You can't live in an airplane hangar because you store fuel in there. You don't live there. This is an illegal Board meeting going on right now.

**Director Hays:** [laughs] OK.

**Arthur Garnica:** Then Erik Berg is...he [Investigator Boone] already said AMR, which I'll talk about later. Isn't that a conflict? And I said, “Thanks for telling me.” But I just want to say, [to Director Hays] are you trying to take me away from my children? Is that what you're trying to do?

**Director Hays:** If I knew that anything like that was true, I'd go right to the police. I do not know that it's true and I did not make that allegation.

**Arthur Garnica:** You went to the Chief.

**Board Chair Bailey** [to Director Hays]: You can't discuss it with him.

**Arthur Garnica:** You went to the Chief and told the Chief and the Chief told me I have to go talk to an investigator because you're trying to talk me away from my children.

**Director Hays:** No, no, I didn't say that.

**Arthur Garnica:** I don't want you on this Board because you're not in our District. You don't live in our District. So this is illegal. And you guys ran a quorum last time, and you guys been doing quorums over and over again. So this is an illegal meeting. And I just want to say 'Thank you'. I'm trying to figure out legal actions against you.

No other persons on the sign in sheet.

**10. FUTURE AGENDA ITEMS AND STAFF TASKS**

**A. Mrs. Berry to place resolution for "Call for Elections" on June agenda.**

**11. ADJOURNMENT** – Motion from Director Hays to adjourn. Motion seconded by Board Clerk Collins. There was no discussion on the motion. Vote was unanimously in favor. Motion carried. Meeting adjourned at 7:21 P.M.

These minutes were prepared by Nikki Berry this 22<sup>nd</sup> day of May, 2018.

  
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Jim Bailey, Board Chair

  
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Mike Collins, Board Clerk