

**MINUTES OF THE REGULAR MEETING OF GOVERNING BOARD OF THE
NORTHERN ARIZONA FIRE DISTRICT
THURSDAY, FEBRUARY 18, 2021**

NOTICE: Due to Coronavirus/COVID-19, Arizona Executive Order #2020-18, and CDC recommendations on social distancing, the building is closed to the public and this meeting will be conducted electronically. Members of the public may call in to hear the live audio by joining the Zoom meeting. Public comment or audio is not allowed during the meeting and attendants are to listen only, per the guidance published by the Attorney General for the State of Arizona.

The Governing Board of the Northern Arizona Fire District met via Zoom from remote locations this 18th day of February 2021, at 6:00 p.m. for its regular monthly meeting. The Zoom meeting website, meeting phone number and meeting ID were all listed on the Agenda that has been provided and posted.

1. **CALL TO ORDER** – The meeting was called to order by Board Chairman Jim Bailey at 6:00 p.m.
2. **ROLL CALL OF BOARD MEMBERS** – Board members present: Board Chairman Jim Bailey, Director John Bryant, Director Mike Collins, Director Sue Wilkin, and Director Sue Brown, were all present via Zoom from remote locations.

Chairman Bailey advised the board members that the board packet has been modified a little to save on paper. Agenda items that have no attachments will no longer have a divider since there is nothing behind the divider. Going forward, only the agenda items that have attachments will have a divider to keep the attachments separated.

3. **APPROVAL OF MINUTES** (for approval by unanimous consent after corrections/additions)
Chairman Bailey moved to approve the Regular Meeting minutes of January 28, 2021 and the Non-meeting posting of January 21, 2021, as submitted. Director Wilkin seconded the motion. Passed by unanimous decision. Motion carried.

4. **REPORTS AND CORRESPONDENCE**

A. Chief's Report – Chief Rhoades gave his report in accordance with his memorandum and the Monthly Performance Report, both in the board packet. Our structure fires were down a little bit, which is always good news. Vehicles: Our fleet is catching up on its regular maintenance, we do have E-321 with a foam system issue – we are trying to get the best diagnosis. It doesn't hinder anything, but it is a costly repair. Our apparatus maintenance focus is whittling that list down over the last several months. Staffing: We made offers to four firefighters, some good candidates, I'm really excited about those four. They start on the 22nd. 2600 Northern: We are running under budget on this, which is always good news. It is still projected 45 to 60 days and things are looking good. Equipment: The new portable radios are in service and on primary trucks. We were in dire need of portable radios, just with age and condition, and we received these from a grant. Training: Live Fire Training in the Flashover Chamber was a big focus this month. Rebranding: Chief had the new logo that the firefighters had chosen for the board to see. We had a lot of firefighter attention on this. Revenue: Chief clarified that when a firefighter went out on wildland deployment, any overtime compensated by the state will show as income rather than as an off set on the overtime expense side. There has been approximately \$20,000 to \$30,000 in overtime that has been collected. Total incidents for January were 464, which is a little up for us. If you start multiplying that out, we could hit that 5000 mark pretty quickly.

B. Financial Report – No discussion

5. **DISCUSSION AND POSSIBLE ACTION RE:**

- A. Approval of the January Financial Report.** Motion was made by Chairman Bailey to approve the January financial report. Director Bryant seconded the motion. Passed by unanimous decision. Motion carried.
- B. Discussion and distribution of Budget Timeline** Chief Rhoades explained this identical to the timeline that we have used in the past. Chief asked if Director Collins would be interested in serving on the Budget Committee again this year. Director Collins said he had no problem with being on the committee again. If this timeline is acceptable, Chief will move forward with this timeline. There were no questions or comments.
- C. Discussion and update regarding the Request for Qualifications for Appraisal Companies and Commercial Realtors for the sale of the property on Northern and Butler – which is our existing Fire Station 31 and Administration Office.** Chief Rhoades explained that we did send out the RFQs today in a blitz to both the appraisers and realtors, working from a good distribution list from those groups. The attorney did review the RFQs. We set the deadline for March 3rd. If the board chooses, we can set a special meeting shortly after that deadline to review them. Chief suggested setting the meeting at the first of the next week following the deadline in order to give copies to the board members to review and evaluate prior to the special board meeting.

At this point, the meeting was suspended as we had someone who was having difficulty logging into the meeting and had contacted Rhonda via email. She responded to the email with an invite to help them log into the meeting via Zoom and they did join the meeting shortly after.

- D. Discussion of letters received regarding Clarification for Boundary Change / New District Formation Valle Vista Area and the response letter from Chairman Bailey.** Chairman Bailey explained that Donna had drafted the letter. They were concerned that Donna was trying to act as their representative. We clarified that although she was willing to provide them bullet-points on steps that needed to be made, Donna represents the District, so she is not able to represent them in the de-annexation effort. The people of Valle Vista will need to hire their own attorney if they think they need one or consult with one and do it on their own. Donna added that she had a conversation last week with Ryan Esplin with Mohave County Attorney's Office and he has also received the correspondence that you did and responded as well. Likewise, the County cannot represent the de-annexation effort since they represent the County and the Board of Supervisors. But he is willing to help, facilitate, and coordinate to the extent that he can. They had a very productive conversation. But, again, neither our attorney nor the County attorney can represent those individuals, but they certainly do not intend to be a hinderance and to the extent that they can facilitate people getting together, they are happy to do that. There were no questions or comments.
- E. Discussion regarding Automatic Aid with Golden Valley for the Chloride area.** There were no attachments because the Golden Valley Fire Chief Cunningham has been out of the office. They have set a date next week to meet. The draft IGA has been reviewed by Donna and is very similar to our other IGAs. The initial discussions were all positive. What it comes down to is where is the division of how much are we going to pay and divide out for the first response verses administration. If they are able to wrap this up in time, it may be included in the special meeting or the regular meeting next month. There were no questions or comments.
- F. Discussion and possible approval of the new Part-time Office Assistant Job Description, HR A-009.** Chief Rhoades explained that the current Administrative Assistant job description was scaled down to fit this role. Director Bryant asked about the Knowledge, Skills and Abilities section. Chief Rhoades addressed that section and stated that it is entry level up to knowledge. They will be required to know this, but there is no timeframe on that. Some of this will be on-the-job

training that they will be required to know, and their performance evaluation will be based on that. In the hiring process, they will be required to meet and/or exceed the Minimum Qualifications section. Chairman Bailey added that it is tough to find anybody out there that has fire district knowledge. Chairman Bailey made the motion to approve the Part-Time Office Assistant position and the Job Description HR A-009. He further moved that the Fire Chief start advertising for the new position. Director Collins seconded the motion. There was no discussion. Passed by a majority vote, with a 4 to 1 vote. Director Wilkin cast the “no” vote. Motion carried.

- G. Discussion and Information Only – Status of Open Meeting Law complaints filed with the Arizona Attorney General Office Open Meeting Law Enforcement Team (OMLET).** Donna let the board members know this is on the agenda, so they know what is going on. She noted the first letter in their packet is from the OMLET Attorney dated January 28, 2021 raising two issues and with Rhonda’s help she was able to get the documentation to respond and coordinate that with the information that is on the website – the videos and the audios. The letter dated February 11, 2021 addressed to Ms. Jessen is Donna’s response letter along with attachments. When Donna was in contact with Ms. Jessen, she already had some of this information off the District website. Donna just got confirmation today from Ms. Jessen that she has all the documentation that she needs to complete her review of this matter. If she hears something before the Special Meeting, then she will ask to have it on the agenda for that meeting. There were no questions or comments.
- H. Discussion, review and possible action on current procedure in handling Call to the Public and any updates to the procedure.** Donna stated that, “There have been some complaints from the public about how the District is handling Call to the Public. We have talked about this multiple times and it is set forth on your agenda how we currently handle it. But, after our last meeting, towards the end of that meeting, it was suggested that maybe we have this as an agenda item so the board members can discuss if you’re satisfied with the way we are conducting Call to the Public right now or if you want to implement some change. If I may make one additional comment, I have told you before and I have provided the statutory citation that the board is not required to have a Call to the Public and there is an Attorney General Agency Handbook and the Ombudsman Office as well, they’re all consistent with the statute. However, we had a mention early in the meeting about the budget timeline. Now, when you adopt your budget, that requires a Public Hearing. Public Hearing you will need to have access to the public in some manner. That can be electronic, it does not necessarily have to be in person. So, there are times when the board must have the ability to take comments from the public at a Public Hearing – that is not required for your regular meetings. I just wanted to make that distinction clear.”

Chairman Bailey asked, if we are not in regular open sessions by the time we do a Public Hearing for the budget adoption, then do we need to include Public Comment on the Zoom meeting? Donna said yes, and we will be able to figure out how to do that – the logistics of having members of the public who log on to have the ability to give a statement. We have time between now and then to figure out the logistics of how all that is going to work.

Director Bryant asked if the board had the authority from the government to not have the Public Comment section, but we do have to at the budget process period? Donna told him yes. He went on to state that we hear the same stuff every month and he is tired of it. Donna went on to say, there is nothing preventing people, members of your District or members of the public, from submitting their written concerns to you. Members of the public can do that at any time. It is on the agenda, that this how you have established this process for the time being. If you want to completely eliminate it, you can but that is a decision for the board to make.

Chairman Bailey stated that for the last four years, we have just been attacked by the same small group of people who use the Call to the Public to attack us personally or try to accuse us of

ridiculous carrying on and stuff. It's old. I wish they would use the Call to the Public for something constructive that would benefit our fire district.

Director Collins stated that there have been claims that we have violated civil rights because we haven't read their letters in the meetings. Director Collins asked, "It is not a violation of civil rights not to allow them to speak in a meeting?" Donna answered, "that is correct, sir." Director Collins, "Thank you."

Chairman Bailey asked for clarification as to infringing on their 1st Amendment right and taking away their right to free speech. Donna stated, "Yes, sir. So, the statute requires that the public be able to observe your meetings, and the Attorney General has clarified that that can be including electronically, to observe either through audio or through video but the public does not have a right to speak at your meetings." Call to the Public is something that is up to every board.

Director Collins stated that when he first got elected back in 2008, they didn't have a Call to the Public on the agendas. That was brought in later. He is not a fan of that, pre-2008 that was a big issue that the public was complaining about. Chairman Bailey's biggest concern is that people have the wrong idea about the whole thing. It's not a forum to just spread hate and make nasty comments to board members or about the fire district. He feels it should be used for constructive suggestions that move the district forward. Director Collins thinks we need to leave it just as it is – the public speaking part of it – but unfortunately a select few are using it for their personal agendas that is not helping the District. Chairman Bailey said it was put back on the agenda back in December of 2008 or early 2009 because we are interested in constructive comments from the public to help us move the District forward and to address a specific concern. We never intended it to be just a bunch of hate and ridiculous comments being thrown at us personally. But I do like having Call to the Public because I don't want to silence anybody.

6. **CALL TO THE PUBLIC** – The District may, but is not required to, give the public an opportunity to speak to any issue. A.R.S. §38-431.01(H).

Call to the public has been suspended due to the guidance of the Center for Disease Control (CDC) and the recommendation and approval of the Attorney General's Office, letter dated March 13, 2020, due to the impact of the COVID-19.

Public comments can still be submitted by the public in writing – including your name and address – to the NAFD Fire Administration office either through email, dropped off at the Admin office, or by mail. Comments must be received by 9:00 am on the morning of the meeting. All comments will be shared with the Board of Directors and made a part of the public record. Members of the public are welcome to watch or listen to the meeting via Zoom.

We received one comment from Pauline Eder that has been shared with the Board of Directors prior to the meeting and is part of public record.

7. **ANNOUNCEMENTS** – There were no announcements.
8. **ADJOURNMENT** – Chairman Bailey moved to adjourn the meeting and Director Collins seconded it. Passed by unanimous decision. Motion carried. The meeting was adjourned at 6:35 p.m.

These minutes were prepared and posted by Rhonda Johnson on February 22, 2021.

James Bailey, Board Chairman

Mike Collins, Board Clerk