



**FOREST LAKES FIRE BOARD  
REGULAR SESSION MEETING MINUTES  
OCTOBER 15, 2022  
DRAFT**



*The Board and Chief Rodriguez have concluded that enough progress has been made in controlling the pandemic that we now feel it is safe, while still maintaining CDC recommended safety protocols, to reopen the station and to resume holding in person meetings. We began that process with the May 15, 2021, board meeting, and will continue until further notice.*

- 1 Call to Order. The meeting was called to order in the main equipment bay of the fire station by Chairman Tom Cummiskey at 10:02 am.
- 2 Pledge of Allegiance. Chairman Cummiskey led the gathering in the pledge of allegiance.
- 3 Roll Call of Fire Board Members. In addition to Chairman Cummiskey, Clerk John Hennessey, Treasurer Pete Batschelet, Member Dennis Massion and Member Israel Torres were in attendance at the fire station. Chief Dave Rodriguez attended telephonically. Also in attendance was Admin. Asst. Julie Mattila, newly elected but not yet seated board member Julie Swanson and Communications Specialist/Public Information Officer John Nelson. For the record, we had a quorum of the board.
- 4 Chairman's Welcome and Activity Report. Chairman Cummiskey welcomed all to the meeting. He noted we have some rather weighty topics on the agenda and that we will be having our second STRAP Update session following this meeting, and a short break for lunch.
- 5 Call to the Public/Audience Comments. There was only one comment, which Chairman Cummiskey recommended be referred to the county assessor, who has visited Forest Lakes many times and with whom we have a very good relationship.
- 6 Review and Approve the Minutes for the September 17, 2022, Regular Board Meeting. Member Massion made a motion to approve the minutes as presented. Treasurer Batschelet seconded, and the motion passed unanimously.
- 7 Review and Approve the Financial Statements for September 2022. Treasurer Batschelet reviewed the General Fund financial report for the previous month and provided a brief summary report. We are 25.0% through the year. In relation to our published Not-To-Exceed (NTE) budget, YTD revenue is at 9.9% while YTD expenses are at 30.5%. The end of the month cash balance was \$190,907.09. The projected year-end cash balance is \$353,480.09. Expenses are higher than projected and tax revenues are lower than projected due to being in the tax trough. We are not yet seeing entries related to T1211/DB Trucks (~\$74K issue). It was suggested they be shown in the monthly projected cash balance as being resolved in December. For estimating purpose, use a 50% chance at getting our money back. Based on our cash flow projections, we are not concerned financially but remain diligent for future expenses. There was a brief discussion related to the need for a replacement water tender. Chief stated we need a water tender before the new fire season, with an estimated cost of roughly \$120K. This rough estimate will be explored further in the upcoming STRAP session. In response to a question, Chief Rodriguez stated there was a detailed FLFD procurement specification used for the DB Trucks replacement water tender. He took an action to email said document to all the board members. Treasurer Batschelet made a motion to approve the financial report as presented. Member Torres seconded, and the motion passed unanimously.

In accordance with the statutory requirements of A.R.S. 48-807, by virtue of accepting the entire detailed financial report the Board certified that:

- a) The District has reconciled all balance sheet accounts for the preceding fiscal month, and the Board has reviewed them.
- b) The District has produced a financial report for the preceding fiscal month, including a register of all checks, warrants, and deposits; a statement of the District's financial activities; and a statement of the District's net assets.
- c) The District has produced a cash flow projection report for the current fiscal year and said report has been updated to include the actual revenues and expenditures for the preceding fiscal month.
- d) The Governing Board has reviewed the financial reports, the updated cash flow projection report, and all month end fund statements and reports of the preceding month, including any reports provided by the County Treasurer and each of the financial institutions in which the District maintains an account.
- e) The District is in compliance pursuant to A.R.S. 48-807 (N) & (O) and no reports indicate an adverse impact on the ongoing operations or liquidity of the District.



**FOREST LAKES FIRE BOARD  
REGULAR SESSION MEETING MINUTES  
OCTOBER 15, 2022  
DRAFT**



8 Business

- a) Discussion and possible action re: Water Tender Activities and Next Steps. The following files from our attorney formed the basis of the ensuing, wide-ranging, extensive discussion:



Amendment to Purchase Agreement      DBTrucks ltr re Water Tender Reimburseme

In summary, the Board spent considerable time reviewing the Letter and Amendment sent by Todd Behere, on behalf of Bill Whittington, see attached. With only two relatively minor exceptions, we are in agreement with the verbiage and strategy those documents contain as written.

The changes the Board requires include: 1) we need the letter to include a sell by date for the new water tender of November 15, 2022, and 2) we would like for the Amendment to be signed by both Howard and Sara.

Treasurer Bastchelet made a motion to approve the document with changes as noted. Member Torres seconded, and the motion passed unanimously.

Relevant discussion points:

Regarding the sell by date, Bill Whittington told Chairman Cummiskey that DB Trucks said they have a ready buyer for \$69,000. FLFD has no confidence that they will move this along in a timely fashion or that it is even true. So, unless they were untruthful about this buyer, there should be no reason for them not to be able to do this, especially if our attorneys return the title to them post haste. Furthermore, if they adhere to this schedule, it will wrap the whole matter up more quickly.

Regarding the signatures, the subject documents include language about piercing the corporate veil. But if required, it should be pierced for both of them to minimize their ability to maneuver out of this agreement. We are open to further discussion about this requirement if our attorney has strong logic why we should not include both.

We consider the sell by date to be non-negotiable.

For the record, Board Member Israel Torres, a practicing attorney, stated that in board related discussions on this or any other matter, his comments are not to be construed as legal advice to the district. Such advice, if needed, is to be provided by our legal counsel, Bill Whittington.

- b) Annual Audit Status Update. Kay Green has begun the audit prep work. There is concern with the T1211 issue we may end up generating an audit finding, which could reflect negatively on the district. Julie, our admin assistant, acting on behalf of Chief Rodriguez, has been designated to be part of the audit team, which includes Kay Green, Angela Bertram, and Julie. She stated that Kay has been made completely aware of the T1211 issue and its relevance to FLFD. Kay has taken this under advisement and will include its impact to the district in her annual report.
- c) Status update re: Grant activities. Grant specialist John Nelson reported we have been awarded a new Hazardous Fuels grant for 2023-2024 in the amount of \$153K to treat 40 one-acre properties. The current grant expires December 31, 2022. It is expected we will complete treatment of all 50 properties as proposed. The new FEMA grant cycle opens in two or three months. Chief Rodriguez took an action to provide John with recommendations for candidate items to pursue.
- d) Status update re: Governmental Advocacy Committee. Israel reported that Prop 310 is going well at this point. We can use more signs on resident properties. He and Chief Rodriguez gave a presentation to FLOA on Prop 310 at last month's meeting that was well received.



**FOREST LAKES FIRE BOARD  
REGULAR SESSION MEETING MINUTES  
OCTOBER 15, 2022  
DRAFT**



- e) Status update re: Master Planning Committee Activities. Chief reported there has been no progress on the FEL action items from last month's meeting. There has been no progress on the ancillary item list due to weather constraints. Work should resume in the next week or so, weather permitting.
  - f) Discussion and possible action re: ODS Mileage Reimbursement/Average Price Check. Chairman Cummiskey noted gas prices in Maricopa County are in excess of \$4.00 per gallon. Per agreement, subject to board approval at monthly board meetings, the recommended ODS reimbursement is 62.5 cents per mile, one way. Member Massion made a motion to approve the new rate. Treasurer Batschelet seconded, and the motion passed unanimously.
  - g) Discussion and possible action re: National Special Districts Coalition. Israel reported he has been in contact with Cole Karr, Federal Advocacy Coordinator, National Special Districts Coalition to explore the coalition and how we can exploit its activities to the benefit of FLFD. It is a venture that should be of interest to AFDA and John Flynn, which he will explore this further.
  - h) Status update re: Suggestions for updating Policy 18 – Procurement. Clerk Hennessey stated that based on the discussion for agenda item 8a) it is obvious that our procurement policy, #18, does not have adequate internal controls to ensure the organization is protected. Since these controls include financial issues, it was agreed that the Finance Committee should be involved in any proposed changes to the policy. Clerk Hennessey took an action to draft a proposed revision to policy 18, submit it to review by the Finance Committee for changes and comments and submit the proposed revision to the Policies, Procedures and Bylaws Committee for preparation for approval by the board, with a target for completion by the November board meeting. Clerk Hennessey further stated no procurement activity be launched prior to the completion of updated policy 18.
- 9 Fire Chief's Report.
- Chief reported call volume is down this year, and that means EMS receivables are also down. Both R1211 and B12 are down for needed repairs and maintenance. He reported he is still testing positive for COVID, with the most significant side effect being fatigue.
- 10 Call to the Public/Audience Comments. There were none.
- 11 Fire Board Comments. Clerk Hennessey reminded everyone that Pete, Dennis, and Julie will have their oaths of office administered by Chairman Cummiskey at next month's board meeting. They will need to complete the OML Certificates of Compliance by then as well.
- 12 Adjournment. There being no further business before the board, the meeting was adjourned at 11:45 am.

Notes:

In order to promote openness and transparency, all materials presented at the board meeting are available to be viewed on the FLFD Web Site: [flfdaz.com](http://flfdaz.com) and following the web site prompts; or by going directly to the URL, [flfdaz.com/board-meeting-minutes](http://flfdaz.com/board-meeting-minutes).