



LAKE MOHAVE RANCHOS

FIRE DISTRICT

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MINUTES OF REGULAR MEETING OF THE LAKE MOHAVE RANCHOS FIRE DISTRICT GOVERNING BOARD

*The Governing Board of the Lake Mohave Ranchos Fire District met in regular session on **08-27-2018** at **1:30 p.m.** The meeting was held at the **The Meadview Civic Center, 247 E. Meadview Blvd. Meadview, AZ.** The Board may vote to go into executive session on any agenda item, pursuant to A.R.S. §38-431.03(A)(3) for legal advice with the District's attorney on matters as set forth in the agenda item. The following topics and any variables thereto, will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.*

MINUTES

1) CALL TO ORDER.

- Director Cass called the meeting to order at approximately 1:28 p.m.

2) ROLL CALL OF BOARD MEMBERS.

- Mike Karash, Deb Cass, Charlotte Kiffer and Eric Terrill were present.

3) APPROVAL OF MINUTES.

- Executive Minutes 6/25/18
 - Director Kiffer noted there was no charge on the Attorney's invoice for these minutes, which have not been received. The Chair explained that the recording sent to the Attorney was not clear and complete minutes couldn't be created. Director Kiffer was asked if she had a tape of these minutes which could be sent to the Attorney. Director Kiffer advised she would have to check to see if she had the recording. Item tabled.
- Regular Minutes 7/23/18
 - Director Kiffer had two revisions: pg. 2 #5 B add "on credit statement," and pg. 6 #10 "Chief's letter of reprimand." Director Terrill motioned to approve those minutes with those corrections, Director Kiffer 2nd. All in favor, motion carried.
- Executive Minutes 7/23/18
 - Director Kiffer motioned to approve the minutes, Director Terrill 2nd. All in favor, motion carried.

4) PLEDGE OF ALLEGIANCE.

- Recited.

5) REPORTS.

- July 2018 Financial Report(s). *(The financial report(s) are to be reviewed and approved by the Board).*
Mr. Buldra reported the following:
 - Revenue for the month of July was \$44,442 which was \$17,831 over budget.

- Mohave County Revenue for July was \$18,944 which was \$17,138 over budget; this variance is due to timing on tax revenue; prior year tax was \$2,470.
 - Non-Tax Revenue for the month of June was \$25,497 which was \$692 over budget.
 - Ambulance revenue was \$1,740 over budget.
 - Expenses for July totaled \$80,662 which was over budget by \$490.
 - Vehicles and equipment expenses were over budget by \$3,366 due to maintenance from Anderson Ford.
 - Director Kiffer inquired about the differences reported with the Treasurer's Office report for last year compared to this year, as well as the Payroll account. Mr. Buldra stated the payroll account is funded to make payroll and that's the only time money goes in there and the levy account is cash on hand. Noting he totals the accounts to show total cash amount on hand. Director Kiffer inquired about the payroll liabilities difference from last year to this year. Mr. Buldra stated it was the liability accruing from Hall/Parker last year and this year it isn't accruing. Director Kiffer inquired about building and lands amount being over. Mr. Buldra stated, it's due to total utilities noting it will be over in summer and under in winter. Director Kiffer inquired about the grant with the monies being spent and reimbursed. Mr. Buldra confirmed it's spent but will be reimbursed from Firehouse Subs when entered. Director Kiffer inquired about payroll \$20,000 for a July payroll deposit, asking "is that a carryover from June?" Mr. Buldra stated, the July 12th is the transfer from the County account and on July 11th payroll services were expended along with liabilities noting it's moved over to cover expenses. Director Kiffer asked Mr. Buldra why the numbers for 2018 and 2017 on the P&L statement were the same. Mr. Buldra indicated it was a glitch in the software program. Director Kiffer noted the deposits for Ambulance Revenue, and Mr. Buldra stated those are private pays and those funds are used to pay payroll, also noting it won't cover all of payroll, additionally noting that is why transfers occur.
 - Director Terrill inquired about the fuel charges wanting clarification regarding the budget amount vs. actual for Fiscal Year to Date. Mr. Buldra noted that \$24,000 for June expenditures was recorded for fuel. Mr. Buldra indicated this includes additional months built into that total expenditure, noting it's not for one month of fuel charges; it was clarified, the actual fuel expenditure was \$2,600.00 for that month.
 - Director Terrill motioned to approve the July 2018 financial reports, Director Karash 2nd. All in favor, motion carried.
- b. Fire Chief's Report (*The governing body may not propose, discuss, deliberate or take legal action on this matter unless the specific matter is properly noticed for legal action. Therefore, action taken as a result of the Chief 's report will be limited to directing staff to study the matter or scheduling the matter for further consideration and discussion at a later date. (A.R.S. 38-431.02.K.)*)
- Run Report for July 2018:
 - EMS/Fire:
 - Total transports were 39; No Contact refusals 6, Other refusals 5, Billed refusals 2, AirEvac 2. Fire 4, Good intent 7, False alarms 9, and HWY 93 total calls were 16.
 - Meadview Scheduled Coverage for September 2018: 24 out of 30 days.
 - Roof bids are still in process, 1 quote has been received. An additional quote is pending, and a 3rd is being sought.
 - Credit Card points are being converted into cash and credited to the account, approximately \$900 (not an exact figure, round figure).

- Meetings attended: Prehospital Care, Run Review, Mohave County Abatement, MCFO, Building & Code Enforcement.
 - Trainings attended: Hand Tubby (Pediatric) – personnel will additionally be trained.
 - WACEMS grant in process; 2 more grants in process for this year; and reviewing more for the District.
 - Stop-the-Bleed; classes for groups of people (churches, MCA, etc.) these will be put on for free and assist with emergency awareness/help. Tentative winter classes upcoming.
- Director Cass read aloud the preemptive for Executive Session section; Director Terrill motioned to enter executive session, Director Cass 2nd. All members present in favor, motion carried.
 - Director Cass recessed public session at approximately 1:50 p.m. to enter Executive Session.

6) EXECUTIVE SESSION.

1. *Board of Directors may vote to go into Executive Session for legal advice pursuant to A.R.S. §38-431.03(A)(3), for possible direction to legal counsel pursuant to A.R.S. §38-431.03 (A)(4) and for personnel matters pursuant to A.R.S. §38-431.03 (A)(1) for the following matters:*
 - c. Discussion regarding: Karen Jackson personnel matter. (Kiffer)
 - d. Discussion regarding: Personnel Matter; possible letter of reprimand. (Terrill)
 - e. Discussion regarding: Letter of Complaint re: Director Cass; ethics issues. (Board)
 - f. Discussion regarding: Personnel Matter; Interim Fire Chief Contract. (Board/Administration)
 - g. Discussion regarding: Board vacancy issue; Karash documentation. (Board)
 - h. Discussion regarding: travel reimbursement for Board Members. (Kiffer)
 - i. Discussion regarding: legal fees re: annexation issue. (Kiffer)
- Chairperson Cass stated that Agenda items T and U would be moved up for the meeting, for the Board Attorney (Bill Whittington) to address the audience by phone.

7) REGULAR BUSINESS.

- j. Discussion and possible action regarding: Karen Jackson personnel matter. (Kiffer)
 - Director Kiffer noted based on the information provided by legal counsel the Board can choose to or not to, direct the Chief to have the AA return to the office and work there full-time. Director Kiffer motioned to order the Chief to have the Administrative Assistant return to the Administrative Office to work full-time, effective 2 weeks from August 27, 2018. Director Terrill 2nd. Director Cass called for the vote. Directors Kiffer and Terrill voted “aye.” Directors Cass and Karash voted “nay.” Motion died on the table; 2-2 vote. Director Kiffer stated for months and months and months and months this couldn’t happen for various reasons and now we get a legal opinion we can do this, and we looked

at what we could do in case something happened to the AA, which was presented. She noted the concerns the Chief had, also noting that the big issue is not having the AA in the office full-time. Director Kiffer stated, "I appreciate Karen, this is not a personal thing, this has to do with business and having the Administrative Office staffed and getting those functions done by the Administrative Assistant." Director Kiffer noted, "hopefully she returns to work." Director Karash wanted to know if 2 weeks was enough time to find someone. Director Cass stated, "that's only if she resigns." Chief DeMaio noted there's only so much to farm out, noting there will be a gap in duties such as someone to do the Agenda's, Minute's and Website. Chief DeMaio asked the Board if they were to move forward with a demand letter to return to work, that it be for more than two weeks, additionally noting that he/Board speak with Mr. Whittington regarding the medical issues, noting before the District could face any liabilities, those things are looked at. Director Kiffer noted the invoice indicated Mr. Whittington reviewed and came back with a ruling. Chief DeMaio noted he wasn't allowed to ask the attorney questions and Director Kiffer replied, "he works for us." Director Kiffer noted that Mr. Whittington understood all the parameters, and whether it fell under the ADA or not, noting that's what he came back with. Director Cass stated, he's never looked at her medical paperwork, adding how can he say yes or no. Director Kiffer asked, "so there's an issue of whether he had all the information or not before he made his ruling?" Director Kiffer noted the Board has not seen this documentation, it's all been with the Chief and his review and interpretation. Director Terrill motioned for Director Cass to follow up with Mr. Whittington regarding the information and bring it back to the next meeting. Director Karash 2nd. Director Karash asked if the medical documentation had been sent to the attorney, Chief DeMaio advised it has not. All members present in favor, motion carried. Director Kiffer stated, "I think a component of that is if the Administrative Assistant will give permission for the attorney to review that." Director Kiffer motioned to direct the Chief to inquire with the Administrative Assistant to see if she will authorize the medical information that the Chief has, to be apart of the attorney's review and that be done prior to Director Cass's follow up information with the attorney. Chief DeMaio asked, "if that is properly ajenized to make that motion?" The Directors ensued in discussion stating it's a follow up. Director Terrill 2nd. All members present in favor, motion carried.

- k. Discussion and possible action regarding: Personnel matter; possible letter of reprimand. (Terrill)
- Director Kiffer motioned to accept the Letter of Reprimand as written by Director Terrill and it be placed in the Chief's personnel file. Director Cass 2nd. Chief DeMaio noted his concern with not being able to respond to Letter of Reprimand, before it goes into his file. An amendment to the motion was added by Director Terrill adding at next month's meeting the Board and Chief

enter executive session to review the letter with the Chief before it goes into his personnel file. All members present in favor, motion carried.

- l. Discussion and possible action regarding: Letter of Complaint re: Director Cass; ethics issues. (Kiffer)
 - **NOTE:** This was a Board matter/item, not directly Director Kiffer that asked for the item to be on the Agenda.
 - Ms. Bower spoke regarding the letter of complaint she filed, regarding concerns over the July 23, 2018 meeting about the interim open vacancy. Ms. Bower indicated her concern was there were 2 people, at the meeting, to volunteer for that position, that were at the meeting and they were shut down, noting that Director Cass mentioned she had 1-2 people in mind and was putting it back out there. Ms. Bower reviewed past incidents where this has occurred and the precedence set. Director Kiffer assisted with the explanation to save time, summing up Ms. Bower's concerns. Director Cass apologized for the misunderstanding. Director Kiffer noted the Board received an Information Only email from the AA which incorrectly stated that precedent had been followed, allowing the Agenda to read that there was a Board vacancy, but it would be filled at the next Board Meeting. No action.
- m. Discussion and possible action regarding: Interim Fire Chief Contract. (Board)
 - Director Terrill motioned to extend the interim Fire Chief Contract through December 31, 2018. Director Cass 2nd. All members present in favor, motion carried.
- n. Discussion and possible action regarding: Board vacancy issue; Karash documentation. (Board)
 - Director Cass noted the Attorney reviewed the material and Director Karash is legal as a Board Member and all requirements were met. Director Kiffer asked and Chair Cass affirmed that was based on current information provided by the Board's Attorney. No action.
- o. Discussion and action regarding: Travel reimbursement for Board Members. (Kiffer)
 - Director Kiffer noted that legal counsel reviewed the matter and the Board Members are eligible for mileage reimbursements. Director Cass stated, we ran for the Board knowing we weren't getting reimbursed. Mr. Buldra noted there is \$2500.00 for Board training at AFDA and mileage to and from AFDA, etc. Noting that very little was spent from that line last year. Director Karash noted he was reimbursed for mileage last year to and from a PSPRS training in Phoenix. Mr. Buldra confirmed that if the amount for the line item exceeded it could be covered from monies moved within the Budget. The Chief suggested that a Board Policy be written for mileage reimbursement for Board Members. Director Kiffer motioned to reimburse LMRFD Board Members from Dolan Springs to Meadview meetings and Meadview to Dolan Springs meetings, round-trip and any meeting relating to LMRFD business. Director Terrill 2nd.

Directors Kiffer, Terrill and Karash voted “aye.” Director Cass voted “nay.” Motion carried. Mr. Buldra noted the AA will process at the IRS rate, he will supply a form for the Members to fill out and turn in. Chief DeMaio suggested a policy being drafted for this. Mr. Buldra also noted that a Board Member can’t sign their own check.

- p. Discussion and possible action regarding: Annexation charges and possible search for alternate legal counsel. (Kiffer)
- Director Kiffer motioned to direct the Chair to contact the Attorney regarding the annexation charge. Director Terrill 2nd. All members in favor, motion carried. Director Kiffer stated that if something were to happen to Mr. Whittington the LMRFD needs a back-up attorney. Director Kiffer motioned for the Chair to contact other legal counsels that handle Fire Districts for their services and get information. Director Terrill 2nd. All members present in favor, motion carried.
- q. Discussion and possible action regarding: Renewal of Positive Pay (Fraud Protection) with Mohave County or switch/cancel. (Buldra/Administration)
- Mr. Buldra explained the County sent out a letter in renewal with their bank and are taking extra measures for security. He explained the current process of warrant upload and the new process, advising it’s an extra measure for fraud protection. He explained the alternative is going with a low volume bank and warrant uploads wouldn’t be performed. He suggested the District switch to the new process that starts Oct. 1, 2018. Director Cass motioned to accept the renewal with the new positive pay process, Director Karash 2nd. All members present in favor, motion carried.
- r. Discussion and possible action regarding: RFP for Ambulance Billing. (Buldra/Administration)
- Mr. Buldra explained our cost for ambulance billing is on the highest end, he noted that he previously mentioned RFP and has supplied that information to the Board. Mr. Buldra noted we are currently budgeted to collect \$28,000 in ambulance collection fees, he noted an anticipation of that being cut in half at around \$14,000 savings. Director Terrill motioned to accept the RFP, Director Kiffer 2nd. All members present in favor, motion carried.
- s. Discussion and possible action: Possible appointment of new Board Chairman. (Kiffer)
- Director Kiffer asked Chairwoman Cass if she would resign as Chair; and Chair Cass said, “I am not resigning”. Director Kiffer explained she was very concerned about things that have occurred over the last several months, noting there are times that the Chair has not followed procedure running a meeting, that her bias is more demonstrated than before, that her bias is costing the District financially, and in reviewing the Attorney’s recent invoice, Director Cass had conversations with the Attorney, unbeknownst to Director Kiffer & the rest of the Board. These weren’t a directive provided by the Board. This is regarding efforts on Chair

Cass's part to have censure/lawsuits against Director Kiffer. These conversations cost the District hundreds of dollars. Director Kiffer pointed out that any problems with a Board Member should be handled by the Board and her past efforts to discuss the differences between them has failed. Director Kiffer motioned that Debra Cass be removed as the Chair of the LMRFD Board of Directors. Director Terrill raised issues about information in the Board packet that were not on the Agenda to discuss; things that were done without the Board's knowledge and that have cost the District money that were not directed to be done. Director Terrill seconded the motion. Directors Kiffer and Terrill voted "Aye," and Director Karash and Cass voted "Nay." Director Kiffer questioned if Chair Cass can vote, which Chair Cass had claimed the Attorney said she could. Director Kiffer noted she wanted to hear it from the Attorney and requested that it be put on next month's Agenda for legal advice. Tabled. No action.

- t. Discussion and possible action regarding: Possible reconsideration of prior vote to appoint Ms. Koeppen to fill Board vacancy. (Cass)
- By phone, Mr. Whittington explained there are two rules that need to be applied when determining if someone is eligible to fill a Board vacancy. They are: 1. Residency 2. How to determine if a candidate's property is in District. Mr. Whittington advised that under #2, Arizona Law states that a property is annexed in 30 days after a Board has approved the initial annexation request, whether it shows on the County tax-rolls or not. Under #1, if a candidate is seeking to fill a vacancy by election, then they must live in the District for 1 year. If the vacancy is filled by appointment, the 1-year residency doesn't apply. Director Kiffer asked if what Mr. Whittington just stated was immortalized in his 8/23/2018 email to the Chief, AA and the Board. Mr. Whittington noted that date sounded right and yes. Discussion ensued if Ms. Koeppen was eligible to be seated for this meeting, since the Board voted her onto the Board at the June Regular Meeting. Mr. Whittington informed everyone that the OML training had to be completed and Ms. Koeppen would need to sign the Certificate of Compliance, before the Oath of Office was administered. Ms. Koeppen confirmed she completed the OML training, the Chief didn't have the Certificate of Compliance or the Oath of Office with him, therefore, Ms. Koeppen wasn't able to be seated this meeting. Further discussion occurred regarding the steps that need to be completed for Ms. Koeppen to be seated by the next Board Meeting. Pending Certificate of Compliance and Oath of Office. Tabled. No action.
- u. Discussion and possible action regarding: Possible appointment of alternate to fill board vacancy created by Mr. Sherwood's resignation in the event Ms. Koeppen is not eligible. (Cass)
- No action; item handled with Item T.
- v. Discussion regarding: Determination at July Board Meeting to postpone the appointment of a Board Member to fill vacancy created by Mr. Sherwood's

resignation; discussion relating to the OML requirements pertaining to the obligation to agendaize those items. (Kiffer)

- No action; item handled with Item T.

w. Discussion and possible action: Possible communication with the AZ Transportation Commission regarding safety concerns relating to HWY 93 and Pierce Ferry Road; possible direction to Fire Chief to attend October meeting of the AZ Transportation Commission. (Kiffer)

- Director Kiffer motioned to direct the Chief to write the letter with the statistics of the calls and to have that presented at the hearing. Director Terrill 2nd. All members present in favor, motion carried.

x. Discussion and possible action: Availability of monthly P&L and monthly Agenda's. (Kiffer)

- Director Kiffer motioned to have the agenda, minutes and P&L be available at the meetings. Director Terrill 2nd. All members present in favor, motion carried. Director Terrill thanked the Chief for having that information available today for the public as well.

y. Discussion and possible action: Possible approval of Resolution 2018-006, relating to annexation request from Jacky Lee Stufflebeam, 70 E Galloway Dr. Meadview, AZ. (Administration)

- Director Karash motioned to approve Resolution 2018-006 for annexation into LMRFD, Director Cass 2nd. All members present in favor, motion carried.

z. Discussion and possible action regarding: New Cardiac Monitors to be purchased. (Administration)

- Chief DeMaio explained the Phillips monitors are going out of service, altogether. He explained there is a pool by Goodyear Fire District to purchase new monitors to get in with the pricing deal, and to keep us up with up-to-date monitors. Noting that KFD and GVFD have also joined in with Goodyear on this as well. He explained the pricing is \$30,000 for base model but our price is \$24,000 with a trade in of our monitors at \$6,000. Total cost would be \$135,712.33 (tax, shipping included) for 4 new monitors, with monthly payments of \$2605.65 per month for 60 months with \$21,000 in interest. Mr. Buldra explained it's an unbudgeted item and this money comes from reserve funds in the amount of approximately \$31,000 a year. Chief DeMaio stressed the urgency to make this decision because the cost could go up quickly also noting next year, the payments could be budgeted. Mr. Buldra also noted that with the RFP savings, there is monies for this, but a determination for next year would need to be reviewed to determine if to use reserve funds or find monies from other line items. Chief DeMaio noted these are for the first out ambulances in Meadview and Dolan and the second out ambulance in Dolan and the Brush Truck, which is the Chief's vehicle. Director Terrill motioned to table this item until next month for the accountant to review. Director Karash 2nd. All members present in favor, motion carried.

- aa. Discussion and possible action regarding: Update on quotes/bids for possible alarm/surveillance system for LMRFD properties. (Terrill)
- Chief DeMaio explained he has received one quote and is expecting a 2nd a bid to be emailed and is still awaiting a 3rd bid. No action/postponed until next month's regular meeting.

8) CALL TO THE PUBLIC & CORRESPONDENCE. *(Consideration and discussion of comments and complaints from the public. Those wishing to address the Lake Mohave Ranchos Fire District Board need not request permission in advance. The Fire District Board is not permitted to discuss or take action on any item(s) that are not on the Agenda that are raised in the call to the public. However, individual Board Members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct that staff review the matter or that the matter be placed on a future agenda. The Fire District Board cannot discuss or take legal action on any issue raised during the Call to the Public due to restriction of the Opening Meeting Law.)*

- Walt Kiffer; suggested with the RFP the Board decide the information provided in reports. Also inquiring about the cardiac monitors pricing lasting until next meeting, suggesting a special meeting if needed. He also noted Costco sells security systems.
- Ellen Reh-Bower; noted that in prior years two cardiac monitors were only needed, not one on every vehicle. She also stated the brush truck usually isn't in District. Ms. Bower wanted to know if the mileage reimbursement applied to the Local PSPRS Board as well. Ms. Bower also is concerned with the AA working from home and the transmission of material (medical and personnel documentation). Chief DeMaio stated there is no medical or personnel information being transported in/out of the office. Chief DeMaio stated everything is done remotely, and medical information (i.e. Explanation of Benefits) is sent with a copy of the check to Medclaim from the office, additionally stating he deposits the checks in office.
- Theodora Koeppen had a question presented to her from a Meadview resident regarding a "wellness check." She inquired about a phone call for people who sign up for it, for wellness checks. She wanted to know if this could be run through the fire station.
- Pat Kelley-Staab reiterated her comments from prior regarding finding out about annexations done in previous without approval/improperly done.

9) CONSIDERATION OF FUTURE AGENDA ITEMS.

- All tabled items will automatically move to following month's Regular Meeting, unless noted otherwise and/or pending more information.
 - Executive Minutes 6/25/18
 - Item aa follow-up
 - Item z follow-up

- Compliance Form/Oath of Office
- Item c follow-up
- Item d follow-up
- Item f follow-up
- Item p (legal counsel) follow-up
- August 2018 emails from Elections Dept. to the Fire Chief re: Elections Dept. reversal and lead up emails to August email. Emails from Chair in Feb. to Elections Dept.
- Attorney/Chair contact on invoices
- Board Chair nomination

10)NEXT REGULAR BOARD MEETING DATE & LOCATION.

- September 24, 2018 at the Dolan Springs Chamber of Commerce, Dolan Springs, AZ.

11)ADJOURNMENT.

- Director Kiffer motioned to adjourn the meeting, Director Karash 2nd. All members present in favor, motion carried.
- Director Cass adjourned the meeting at approximately 4:45 p.m.

MINUTES prepared by: Karen Jackson

Date: 08/30/2018
Revised: 10/17/2018 & 10/22/2018
Board Approved: 10/22/2018