



# LAKE MOHAVE RANCHOS

## FIRE DISTRICT

16126 Pierce Ferry Road | P.O. Box 611  
Dolan Springs, AZ 86441  
Phone: (928) 767-3300 | Fax: (928) 767-3301  
Website: [www.lmrfd.org](http://www.lmrfd.org)



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

*The Governing Board of the Lake Mohave Ranchos Fire District met in executive session on **12-27-2018** at **12:00 p.m.** and regular session on **12/27/2018** at **1:30 p.m.** The meeting was held at **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.*

**\*\*\*NOTE: Executive session will begin at 12:00 p.m. | Regular Session (for the public) will begin at 1:30 p.m. – all items for action will be held during public session, no action will take place during Executive Session. \*\*\***

### EXECUTIVE MINUTES

#### 1) CALL TO ORDER.

- Director Cass called the meeting to order at approximately 11:05 a.m.

#### 2) ROLL CALL OF BOARD MEMBERS.

- Deb Cass, Charlotte Kiffer, Eric Terrill, Joe Campbell and Ellen Reh-Bower were present.

#### 3) 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:*
  - a. Discussion regarding: Status; re: discount for annexation matter. (Kiffer)
  - b. Discussion regarding: Attorney services and invoice amount relating to service on 8/16/2018, 8/17/2018 and 8/24/2018 re: election matter re: possible resolution for invoiced amounts. (Kiffer)
  - c. Discussion regarding: Complaint re: ADA accommodations. (Kiffer)
  - d. Discussion regarding: EEOC investigation status update. (Kiffer)
  - e. Discussion regarding: Executive Session 3/26/2018 re: Minutes; email received from legal counsel; Administrative Assistant contact and clarification of Board's use of an Executive Session to discuss personnel matters. (Kiffer)

- f. Discussion regarding: Personnel Matter; re: Fire Chief Contract. (Board/Administration)
  - g. Discussion regarding: Personnel Matter re: Karen Jackson email dated 6/4/18 re: budgeted personnel costs. (Kiffer)
  - h. Discussion regarding: Legal Counsel review of current Administrative Assistant position; current legal research. (Kiffer)
- Director Terrill motioned to enter Executive Session, Director Cass 2<sup>nd</sup>. All Members present in favor, motion carried.

#### **4) ADJOURNMENT.**

- Executive Session adjourned for Public Session.
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### **REGULAR MINUTES**

#### **1) CALL TO ORDER.**

- Director Cass called the meeting to order at approximately 1:55 p.m.

#### **2) ROLL CALL OF BOARD MEMBERS.**

- Deb Cass, Eric Terrill, Charlotte Kiffer, Joe Campbell and Ellen Reh-Bower were present.

#### **3) PLEDGE OF ALLIANCE.**

- Recited.

#### **4) APPROVAL OF MINUTES.**

- a. Regular Session 11/26/2018
  - Director Kiffer noted on pg. 6 (Call to the Public-Walt Kiffer) should read Mohave Rancho (no S) noting that's how it's legally recorded. Director Terrill motioned to approve, Director Campbell 2<sup>nd</sup>. All Members present in favor, motion carried.
- b. Executive Session 11/26/2018 (Set 1-A3/A4-Items A, B, C, D, E and F, Set 2-A1-Item F, Set 3-A1 Items G, H and I)
  - Director Cass requested to table the Executive Minutes due to not having all the Minutes and needing to verify statements on Set 3. Director Kiffer inquired if Director Cass would get those changes to Director Reh-Bower for the Set 3 changes, Director Cass indicated she would. Item B (all sets of Executive Minutes) tabled.

#### **5) REPORTS.**

- a. **November 2018 Financial Report(s).** *(The financial report(s) are to be reviewed and approved by the Board).*

Mr. Buldra reported the expenses for November 2018 as follows:

- Revenue for the month of November was \$166,153 which was \$47,239 over budget.
- Mohave County Revenue for November was \$116,935 which was \$22,827 over budget.
- Non-Tax Revenue for the month of November was \$49,217 which was \$24,411 over budget.
- Expenses for November totaled \$89,061 which was over budget by \$18,131.
- Personnel expenses were \$26,629 over budget. This was due to a three-pay period month.
- Managerial expenses were \$5,789 under budget.
- Year to date Revenue is \$540,680 which is \$91,008 over budget.
- Ambulance revenue is at \$175,050 which is \$57,688 over budget YTD.
- Year to date Expenses are \$381,235 which is \$703 under budget.
- Legal Fees are at \$17,850 YTD which is \$13,683 over the budget for the year.
- Total cash is \$610,940 which is \$34,231, more than November 30, 2017.
  
- Director Kiffer inquired about the parcels that LMRFD owns and if Mr. Buldra had checked into that. Mr. Buldra advised he has not followed-up on that inquiry yet, also stating that when he's at the District he will check the files to see if there is a lease agreement between the Library and Chamber of Commerce for the use of that land.
  
- Director Terrill inquired about the Audit being completed and turned into the County in meeting statutory requirements/law and inquiring if there was an Auditor selected for the Board to vote on. Mr. Buldra noted the Audit is due to the County on 2/28/19 and that the Auditor performed the audit 2 weeks ago, noting the report should be available by the January Meeting and if not, by the February Meeting. Mr. Buldra also noted Brian Richards (Auditor) has a 3-year Contract with LMRFD.
  
- Director Reh-Bower inquired about a break-down for Ambulance receivables and Tax receivables. Mr. Buldra stated, we do have a breakdown for that. Director Reh-Bower asked for a Personnel (Management & Shift) and Vehicles (Fire & EMS) cost breakdown, noting primarily the fuel and repairs/maintenance cost for each. Mr. Buldra reiterated the request for clarification and agreed to gather the reports. Director Reh-Bower asked what the \$4k was for Managerial Costs, Mr. Buldra explained those are legal, Medclaim, CPA, etc. Director Reh-Bower requested these be included in the regular monthly reports, Mr. Buldra stated he would look into revising the reports.
  
- Director Terrill motioned to approve the November 2018 financials, Director Reh-

Bower 2<sup>nd</sup>. All Members present 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 November 2018:
  - Total Calls: 54; AMR 0, Transports 26, Refusals 9, Refusals Billed 2, Fire 6, Service 3, Good Intent 6, False Alarms 2 and HWY 93 total 11.
  - Meadview: January coverage 19/31 days scheduled.
  - Meetings/Other for November: Run Review, Pre-Hospital Care Committee, Community Meeting.
  - DHS inspection on A-1186 (no violations).
  - PIO class (Public Information Officer); online pre-requisite taken with a follow-up 8-hr in class course.
  - Homeland Security grant seminar was attended and attended Mohave County Emergency Management Planning Meeting as well.
  - CPR training with Dolan Springs Trail Group.
  - Cardiac Monitors (new) are all in service and training has been completed. Increases capabilities with cardiac monitoring and provides the ability to send information remotely from EKG's to the hospital ED department, as part of the base hospitals criteria that LMRFD send any and all 12 EKG leads that are taken within 10 minutes.
  - 2 FT FF resignations received; both will remain as POC's for LMRFD.
  - Performed a property check on the land LMRFD owns, researching through County and finding information related to properties (deeds, etc.) to follow-up on along with a title search through the title company.
    - Director Kiffer advised that the one indicated "Rancho" and the other indicates "Dist"; in researching to make sure the name is accurate and if that's how they are listed, how to correct those. Chief DeMaio stated he will follow-up with legal name information as well.
    - Director Terrill inquired about the resigning FT FF transferring to POC status and if that will affect the services. Chief DeMaio indicated some rearranging of scheduling/coverage has been done/will take place, also noting that Meadview coverage has now decreased slightly, noting in order to cover the main District, employees have to be pulled from Meadview to Dolan Springs. Director Terrill requested on the Chief's Report an "actual" number of coverage days for Meadview also be reported for month prior and continue with tentative coverage for upcoming month, also include how many calls Chief responds to after hours.

**6) 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 – Inquired about ambulance revenue declining Statewide last year vs. current year it's reporting as an increase, noting that the Run Report is only showing approximately 26-30 runs a month. Mr. Kiffer wanted to know why/how the ambulance revenue is increasing, asking if the collection rate is better.

**7) BUSINESS.**

- i. Discussion and possible action regarding: Status re: discount for annexation matter. (Kiffer)
  - Director Kiffer noted additional information was received by the Attorney regarding the type of discount to be received for the annexation matter. Director Kiffer motioned for the Board to accept the discount offered, of 25%. Director Reh-Bower 2<sup>nd</sup>. All Members present in favor, motion carried.
- j. Discussion and possible action regarding: Attorney services and invoice amount relating to services on 8/16/2018, 8/17/2018 and 8/24/2018; re: election matter re: possible resolution for invoiced amounts. (Kiffer)
  - Director Kiffer noted that everyone thought they agreed to not have the Attorney perform any work regarding this matter, but the invoice reflected work done. Director Kiffer noted that the former Board Chair (Director Cass) advised the Board she had not authorized this through the Attorney, the Attorney advised he had received authorization from Director Cass. Director Kiffer stated, she feels this charged amount should be a Board decision, also noting that there is no charge indicated on the invoice for said call to the Chair. Director Cass had acknowledged the call took place, and the Attorney indicated that was one of the calls he didn't charge for. Director Cass stated that she spoke to Chief DeMaio regarding the matter and the Chief indicated he handled the matter, she noted that was relayed to the Attorney that nothing further needed investigated. Director Cass advised that's what she had told Mr. Whittington, and Mr. Whittington is stating she advised for the work to be done. Director Cass adamantly denies advising the Attorney to perform the work. Director Kiffer wanted to know if the Board should have that portion of the bill paid or negotiated. Director Cass and Director Terrill agreed a follow-up email regarding the conversations with the Attorney be documented going forward. Director Reh-Bower asked how much

emails are to the Attorney, it was indicated they are \$20. Director Kiffer motioned to pay the invoice, and that any future contact between the Chair and Mr. Whittington be documented in an email between the Chair and Mr. Whittington. Director Campbell 2<sup>nd</sup>. All Members present in favor, motion carried.

k. Discussion and possible action regarding: Complaint re: ADA accommodations. (Kiffer/Terrill)

- Director Kiffer noted there's been problems with information within Director Terrill's packet regarding the documents and how they aren't blown up enough to where he can read it, due to his visual impairment. Director Kiffer noted perhaps it's due not having the proper printer and that we are trying to find ways to make the accommodation. Director Kiffer noted the Board wants to show that it's proactive in trying to meet those requested accommodations by Director Terrill. The Board reviewed the discussion had regarding possible options of a laptop, printer (that can print 11x14 paper, etc.) also noting that font size needs to be within 14-16 pt. on documents and emails along with bolding and not using light colored tones. Director Terrill stated printing it off in bigger form would work for him, also figuring out how to make the emails work better, or also a laptop, adding whatever is easiest for the Staff and on the District, stating he didn't want to cost the District anything extra, just a little accommodation so he can read the information. Chief DeMaio suggested the District getting a laptop and placing the packet material on there for Director Terrill with the capability of blowing the documents up as needed, Director Terrill was agreeable to this suggestion. Mr. Kiffer offered his printer, for services to temporarily try before the District expends monies, Director Cass agreed with this suggestion. The Board ensued in discussion regarding the printer vs. laptop agreeing there are pros/cons to each option and having Personnel input regarding laptop training for documents/use. Director Kiffer motioned to test the Epson printer to resolve the issue and if that doesn't work to look at Plan B, Director Reh-Bower 2<sup>nd</sup>. All Members present in favor, motion carried.

l. Discussion and possible action regarding: EEOC investigation status update. (Kiffer/Terrill)

- Director Terrill explained the investigation report has been completed. Director Terrill motioned to release the report to Chief DeMaio. Director Terrill motioned release the report to the public. Director Reh-Bower agreed and 2<sup>nd</sup> the motion for both motions, explaining in her discussion that it's favorable to the Director it's towards and it would serve as public exposure to exonerate some pre-judgments that are going around about this Director that it was aimed at, also stating that she agreed the Chief should have a copy as well and the public as well. Director Terrill called for the vote on the first motion. Director's Terrill, Reh-Bower, Cass and Campbell voted "aye" to release the report to Chief DeMaio. Director Kiffer abstained. Motion carried. Director Terrill called for the vote on the second motion to release the report to the public. Director's Terrill, Reh-Bower, and Kiffer voted "aye," Director's Campbell and Cass voted "nay." Motion carried 3-2.

Director Cass had an extra copy of the report and provided it to the Chief in the meeting, Director Terrill advised Ms. Jackson to place the report on the LMRFD website.

- m. Discussion and possible action regarding: Executive Session 3/26/2018 re: Minutes; email received from legal counsel; Administrative Assistant contact and clarification of Board's use of an Executive Session to discuss personnel matters. (Kiffer)
  - No action.
- n. Discussion and possible action regarding: Personnel Matter; re: Fire Chief Contract. (Board/Administration)
  - No action.
- o. Discussion and possible action regarding: Personnel Matter re: Karen Jackson email dated 6/4/18 re: budgeted personnel costs. (Kiffer)
  - No action.
- p. Discussion and possible action regarding: Legal Counsel review of current Administrative Assistant position; current legal research. (Kiffer)
  - Director Kiffer stated they have been unable to make a decision based on ADA with the information received, advising they've been given the go-ahead to obtain an independent medical review of the Staff person. Director Kiffer noted the question was, who do we refer to and that we refer to the appropriate person for the medical evaluation. Director Kiffer asked (due to mention) if the Chief knew of anyone, Chief DeMaio stated he did not know of anyone for this specific issue and could research. Director Terrill requested the Chief research for someone local and get back to him with the information or she may have to be sent to Phoenix. Director Reh-Bower asked if a referral from General Practitioner was needed and then they refer based on where your supposed to go, she stated, you don't just refer yourself to a specific doctor. Director Terrill stated, in this instance, I think it's different. Chief DeMaio noted when he does his research that information would come out. Director Kiffer stated, the District is paying for this. Item tabled for further information.
- q. Discussion re: Nomination of Board Chair and Clerk not listed as items for possible action on Special Agenda. (Kiffer)
  - Item not addressed.
- r. Discussion and possible action regarding: Nomination of LMRFD Board Chair. (Board)
  - Director Kiffer motioned for Director Terrill for Board Chair, Director Reh-Bower 2<sup>nd</sup>. All Members present in favor, motion carried.
- s. Discussion and possible action regarding: Nomination of LMRFD Board Clerk. (Board)
  - Director Kiffer nominated Director Reh-Bower for Board Clerk, Director Terrill 2<sup>nd</sup>. Directors Kiffer, Terrill, Campbell and Reh-Bower voted "Aye," Director Cass abstained. Motion carried.
- t. Discussion and possible action regarding: Review and notice of Gabriel & Ashworth

invoices and payments. (Cass)

- Director Cass provided a brief description, noting another invoice for final payment would be on the way and she would send that to Director Terrill once received, also stating the \$2500.00 retainer fee was not included on this invoice, it will be deducted from the final amount on the second invoice. No action.
- u. Discussion and possible action regarding: Payroll discrepancy matter re: update. (Terrill)
  - Director Cass advised this matter was turned over to County Attorney Wayt, for review and that she has reached out with messages, no contact has been made back from Mr. Wayt. Director Terrill will be receiving information from Director Cass to do a follow-up on the matter as the new Chair. No action.
- v. Discussion and possible action regarding: LMRFD Personnel Evaluation Policy; draft for possible approval. (Terrill)
  - Director Kiffer stated on pg. 1 (from last copy) there was A, B, C and under Suppression Staff they were adding Part-Time and there is D & E now with “Part-Time” and “Mechanic,” asking why the 2 were added in. The Board ensued in discussion and agreed to place POC and Part-Time (i.e. Mechanic) under Suppression and eliminating D & E. Director Kiffer noted changing “for” to “form” off of pg. 2. Item tabled for revisions.
- w. Discussion and possible action regarding: LMRFD Credit Card Policy; draft for possible approval. (Terrill)
  - Director Kiffer stated, she noticed the word “current” repetitively in the policy, noting they discussed talking about who the current card was through, she stated we basically don’t need to say that, just have “the card.” Director Terrill advised Director Kiffer that was her idea, Director Cass agreed. Director Kiffer questioned her revision in using the word “current” throughout and apologized for not recalling that revision. Director Cass motioned to approve the LMRFD Credit Card Policy. Director Kiffer 2<sup>nd</sup>. All Members present in favor, motion carried.
- x. Discussion and possible action regarding: LMRFD current Board By-Laws review; possible adoption of draft revised LMRFD By-Laws and Rules of Procedures. (Cass)
  - Director Cass advised the basic 3-page current By-Laws are out of AFDA and the draft Policy is more detailed. Director Cass stated the draft Policy is 25 pages and lengthy to read, Director Kiffer requested more time to read it through. Director Cass stated, the draft Policy contains material from the smaller current Policy version and things the Board has spoken about before. Item tabled for review.
- y. Discussion and possible action regarding: LMRFD Grievance Policy; draft for possible approval. (Cass)
  - Director Kiffer requested for consistency wherever in the Policy it states, “the District” or “the Board” that it has LMRFD instead and if needed placed with Board behind it. Director Kiffer inquired about when the Policy goes into effect if past grievances can be brought forward. Chief DeMaio stated, typically anything prior to a Policy going into effect is grandfathered in. Director Kiffer inquired about Contract



employees and if the Policy applies to them, Director Cass noted their Contract would define that. The Board and Chief ensued in discussion about removing Administrative Assistant and just having “next level” and adding a disclaimer for Contract employees within the Policy. Item tabled for revisions.

- z. Discussion and possible action regarding: LMRFD Disciplinary Appeals Policy; draft for possible approval. (Cass)
  - Director Kiffer and Cass agreed these Policies should go to the Attorney for review before approval. Director Kiffer asked why on pg. 3 there is an extensive level of review of dismissal when AZ is a Right to Work State and any appeal should come to the Board. Director Cass explained the step process for appeals to the Chief. The Chief said, “So in my Contract, you’re trying to take away my rights to a jury trial, in this dismissal Policy you’re taking away the jury trial.” Chief DeMaio stated he’s seen this in other District policies as well and that Legal Counsel would probably agree with it, but that’s for the Board to discuss with him. Director Cass motioned to direct Director Terrill to have Mr. Whittington review 3-5.1 for legalities, Director Kiffer 2<sup>nd</sup>. All Members present in favor, motion carried.
- aa. Discussion and possible action regarding: LMRFD Sexual Harassment/Harassment Policy; draft for possible approval. (Cass)
  - Director Cass stated this is an update to the old Policy that LMRFD had, Director Terrill didn’t know there was an old Policy. Director Cass advised Ms. Jackson could possibly locate the old Policy, Director Kiffer requested it be reviewed and compared through Mr. Whittington. Director Reh-Bower had an inquiry on pg. 7 regarding the part where an employee could feel uncomfortable, stating it’s nebulous asking for it to be struck from the Policy, Director Kiffer suggested comparison and more detail related to “visual,” also on pg. 3 noting “prohibiting by EEOC regulations;” she requested define or attach. The Board and Chief ensued in discussion about placing the website for EEOC on there for current information and other website addresses that may apply. Audience member, Ms. Kelley-Staab noted the compliance posters have those websites listed. The Board and Chief ensued in other examples of behavior related that issues that could apply outside of the workplace. Director Cass stated she could bring an old Policy for comparison. Item tabled for revisions/comparisons.

**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).*

- NONE.

## 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.
  - Any tabled items/policies.
  - Chief Contract.
  - Chief evaluations for January (Ms. Jackson emailing forms to Board Members).
  - Other avenues as public notice.
  - Siren Act 2018; grant monies for rural areas related to EMS/research.
  - A.R.S. 48-805; Clerk to have access to read-only QB.

## 10) NEXT REGULAR BOARD MEETING DATE & LOCATION.

- 1/28/2019 in Dolan Springs at the Chamber of Commerce at 1:30 p.m.

## 11) ADJOURNMENT.

- Director Cass motioned to adjourn the meeting, Director Kiffer 2<sup>nd</sup>. All Members present in favor, motion carried.
- Director Terrill adjourned at 3:20 p.m.

MINUTES prepared by: Karen Jackson

Date: 12/28/2018

Revised: 1/21/2019

**Approved: 1/28/2019**