



# 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 **4/22/2019** at **12:00 p.m.** and Regular Session on **4/22/2019** at **1:30 p.m.** The Meeting was held at **The Meadview Civic Center** located at **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) is scheduled to 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 Reh-Bower called the Meeting to order at approximately 1:42 p.m.

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

- Joe Campbell, Deb Cass, Ellen Reh-Bower and Charlotte Kiffer 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: Update re: reimbursement for Private Investigator related to EEOC matter and Attorney Jeff Matura contact with LMRFD Legal Counsel. (Administration/Board)
  - b. Discussion regarding: LMRFD's Legal Counsel invoice(s) re: review of Statement #48344 and requested documents related to Statement #48344; dates of documents 11/14/18, 11/15/18 and 11/21/18. (Kiffer)
  - c. Discussion regarding: Review of Legal Counsel Invoice(s) processing and submission to LMRFD. (Kiffer)
  - d. Discussion regarding: Payroll discrepancy matter; update and clarification regarding LMRFD speaking to the general public about matter as related to

LMRFD. (Reh-Bower/Administration/Kiffer)

- e. Discussion regarding: Prior LMRFD Board By-Laws relating to Appointment of Board Member re: Section 1.4 (D), (E) and (G); re: draft set of By-Laws section relating to Appointment of Board Member. (Reh-Bower/Kiffer)
- f. Discussion regarding: Exact number of employees calculated for ADA matter. (Kiffer)
- g. Discussion regarding: Personnel Matter: Chief DeMaio re: Annual Evaluations process and review of Evaluations. (Cass)
- h. Discussion regarding: Administrative Assistant referral for Fitness for Duty Evaluation; re: Board involvement with/for referral. (Cass)

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

- Director Reh-Bower adjourned Executive Session at approximately 1:33 p.m.
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### **REGULAR MINUTES**

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

- Director Reh-Bower called the Meeting to order at approximately 1:42 p.m.

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

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

#### **3) PLEDGE OF ALLIEGANCE.**

- Recited.

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

- a. Executive Minutes 3/25/2019 (Set 1 Items A-L, Set 2 Item M)
  - Director Kiffer noted Set 1 Items A-L had changes sent to Administrative Assistant, those are pending. Director Reh-Bower motioned to approve Executive Minutes 3/25/19 Set 2 Item M, Director Kiffer 2<sup>nd</sup>. Directors Reh-Bower, Kiffer, Cass and Campbell voted, “aye.” Motion carried, unanimously.
- b. Regular Minutes 3/25/2019
  - Director Kiffer motioned to approve the Regular Minutes for 3/25/19, Director Reh-Bower 2<sup>nd</sup>. Directors Kiffer, Reh-Bower, Cass and Campbell voted, “aye.” Motion carried, unanimously.
- c. Special Minutes 3/29/2019
  - Director Kiffer motioned to approve the Special Minutes of 3/29/19, Director Cass 2<sup>nd</sup>. Directors Kiffer, Cass, Reh-Bower and Campbell voted, “aye.” Motion carried, unanimously.

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

- a. **March 2019 Financial Report(s).** *(The financial report(s) are to be reviewed and approved by the Board).*

Mr. Buldra, the CPA reported the March 2019 financials as follows:

- Revenue for the month of March was \$68,284 which was \$9,098 over budget.
  - Mohave County Revenue for March was \$50,038 which was \$15,658 over budget.
  - Non-Tax Revenue for the month of March was \$16,619 which was \$8,187 under budget.
  - Expenses for March totaled \$80,424 which was over budget by \$6,494.
  - Managerial expenses were over budget due to legal fees.
  - Year to date Revenue is \$799,859 which is \$107,365 over budget.
  - Ambulance revenue is \$36,503 over budget YTD.
  - Year to date Expenses are \$687,505 which is \$7,299 over budget.
  - Total cash as of March 31, 2019 is \$497,592 which is \$15,531 less than March 31, 2018.
- The Board ensued in discussion regarding the delayed Ambulance Billing, the start date of the new Billing service and recovery of outstanding billing. The Board ensued in discussion about fixed assets, MediClaim payments and legal fees expenses. Director Cass inquired about 2 credit card charges, the Administrative Assistant explained the one was for vehicle and maintenance and the other was the printer. Discussion ensued regarding returning the printer and Staples return policy, noting it's past the return window. Director Kiffer motioned to approve the March financials, Director Cass 2<sup>nd</sup>. Directors Kiffer, Cass, Reh-Bower and Campbell voted, "aye." Motion carried, unanimously.

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.)*

○ *March 2019 LMRFD Run-Report*

- AMR 1, Chief-After-Hours Calls 4, HWY-93 15 (3 canceled / or not responded to), Transports 29, Refusals 7, DOA 3, Refusals Billed 3, Service 15, Fire 3 and False Alarms 4. Total Calls: 65
- *Meadview Schedule (March actual, April to-date and May tentative)*
  - March scheduled was 13 and actual ended up being 14
  - May tentative 6 days coverage in Meadview
  - Crow's Nest Fire occurred on Easter weekend, press released was provided regarding incident, approximate time of fire/call in was 12:19 a.m. and 1<sup>st</sup> unit arrived approximately 20 minutes after dispatch. The building was full-involved, and the structure was a complete loss. Mutual Aide response: GVFD, NACFD and KFD. Chief DeMaio extended the District's thoughts to those affected; the owner and those employees who lost their jobs due to the fire.
- *Chief After-Hour Calls*

- 4 for March 2019
- *Meetings/Conferences/Trainings*
  - Run-Review, Prehospital Care Committee, Dispatch Meeting, ADEQ, Air-Way Lab.
- *District Properties*
  - None.
- *District vehicles/apparatus*
  - T-438 electronic control module ECM being ordered, Chief-401 in for maintenance and bad oil sending unit.
- *Projects in the works*
  - Personal Protective Equipment and other equipment from a Wildland Grant received and will be put into service, repair of SCBA fill stations on the schedule.
- *Other*
  - Administrative Assistant does not plan to leave at this time.

**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.)*

~Phyllis Aitken; noted her support for Mike Karash for Board Member. She noted the cost of the damages being done cannot be replaced.

~Supervisor Jean Bishop; summary of a Memo given to the Board last July, review of what the BOS can/can't do with involvement in the Fire District. She noted the BOS can't take over the District, unless they have financial issues or quorum issues. She thanked the volunteer who was first on scene for turning the propane off and saving the adjoining buildings. She noted this is a large Fire District with a low population and tax revenue. She asked if there was anything, she can legally do within the boundaries of the BOS to help with anything regarding this fire.

~Theodora Koeppen; Crow's Nest fire questions for the Chief for clarification – questions regarding time frame of fire truck arrival due to what she has heard. Chief DeMaio noted dispatch records the times and he reviewed the information, due to the media posts regarding the fire. She noted she heard it was double the time than what the Chief stated; he assured that dispatch doesn't lie. He noted all the posts were untrue on media, he noted the engine came from St. 43 and was manned by a volunteer who lives in Meadview. She questioned the 1 person and 20 minutes. He advised that doesn't count when the call was received, adding dispatch is very quick in getting those out in less than 1 minute. She asked about the pump pressure and if the fire engine was up to code/standards. Chief DeMaio responded, "absolutely." He explained; it is a 2010 Pumper Tender that hold approximately 3500 gallons of

water with a 1500 GPM pump. She asked what the final report was and if the 20 minutes gave enough time to save the building. Chief DeMaio explained, the original dispatch report was heavy smoke and flames coming from the kitchen area, noting that was at the time of dispatch, he noted between that 10 to 15-20-minute window the entire building was consumed. She asked about 'saving' the building and he explained it depends on the phase of the fire and the building had an attic, noting the flames were coming through the roof, stating it had probably traveled through the attic. He explained that the fire was significant, and he can't provide a definitive answer as to speculation. He explained he wasn't going to put people's lives in danger to go interior. He explained it was well advanced with a roof collapse. He explained there are 2 volunteers currently in Meadview and one did not answer the phone and the other one is the one that responded in the truck. Chief DeMaio noted there was no coverage the day of the fire, there was coverage the day before and the day after.

- Laurel Jarquet-Mabis; asked how many engines the District has. Chief DeMaio advised, 1 engine, 1 pumper tender in the station in Meadview and 1 ambulance.
- Walt Kiffer; noted his understanding about 3500 gallons of water at 1500 GPM is approximately 2.5 minutes per water. Chief DeMaio advised, if you're flowing 1500 GPM of water per minute and nobody can hold a hose flowing 1500 gallons of water. He asked what the pump pressure is, and Chief DeMaio explained usually 110-125 PSI for one person on a hose line and depending on the nozzle 125-300 gallons per minute. Mr. Kiffer inquired about the 20-minute response time with the call to the volunteer, him going to the station to get the unit and respond to the fire. Chief DeMaio confirmed Mr. Kiffer's inquiry.
- Ken Dougherty; inquired about the decisions/responsibility the Volunteer had on the fire being alone and Chief DeMaio noted he pulled a short-line, and he went defensive attack. Mr. Dougherty inquired about the loss of structures in the area, noting he's only seen them burn down. Chief DeMaio advised, you have to look at the structure itself (stick built, fire load in the home, construction of the house), noting out in Dolan Springs, Golden Valley, Kingman-Butler area are older mobile homes and statistics show they are fully involved in 5-10 minutes. Chief DeMaio noted the owner of the business (Crow's Nest) was receiving phone calls 4 minutes before the 911 calls were made to dispatch, Chief stated he reviewed the owner's calls compared to Dispatch. He added people were trying to call her, instead of 911. Chief DeMaio advised call 911 first, not social media, not Facebook, not a friend. Inquiry regarding taxes being paid into the District and who pays what was questioned.
- Christine Baker; inquired about how someone can un-consolidate, and Supervisor Bishop explained she'd have to ask the LMRFD Board that question for an answer. She asked where the video to the last Meeting was, Chief DeMaio provided the information regarding the LMRFD You Tube channel, also noting the link is on the Website. Chief DeMaio noted he is working to get software to compress the videos,

for faster upload.

Ms. Baker stated that the Chief and Administrative Assistant sued her, Chief DeMaio explained she was not sued, it was for an order of protection. \*Outburst by Chief DeMaio occurred during this discussion, Chief DeMaio stated Ms. Baker did not push him out. Order was attempted by Director Reh-Bower, and at least twice Director Kiffer requested Chief DeMaio to leave the room because of his out of control behavior. He eventually left the room while still yelling at Ms. Baker. Upon his return, Chief DeMaio apologized for his outburst and losing his temper.

- Member of the public Douglas Bratten; calls regarding 911 from a cell phone and routing system. Chief DeMaio explained, it depends on your service provider and the cell tower that it pings. Chief DeMaio noted; many local agencies are working to address the tower issues. Questions regarding Meeting times, dates, location were asked as well. It was explained Notice is posted on the Website; continued work is being done on updates.
- Mike Karash; inquiry into Mr. Buldra noting in 5 years the District would be broke, Director Reh-Bower noted it's 3 years, the District is working on getting someone in the office and restructure. Chief DeMaio explained those are projections based on trends, figures, etc. Mr. Karash noted what Chief Martin had stated in a Meeting regarding personality issues and he extended his concern for Chief DeMaio leaving, he also thanked Mrs. Aitken for acknowledgement. He noted that after Reh-Bower and Terrill, Aitken came in with the next most votes and he wanted them to consider her for the Board seat.

## **7) BUSINESS.**

- a. Discussion and possible action regarding: Update on FY 19/20 LMRFD Budget preparation. (Buldra/Board)
  - Mr. Buldra advised that Copperpoint and Dispatch costs were still pending and there was a 5-year projection supplied as well. It was noted that with the addition to the Budget of a Part-Time Office Assistant, the projection changed. Director Kiffer inquired about the Budget timeline and Mr. Buldra advised at the May Meeting a tentative adoption and posting of the tentative Budget for 20-days at the posting locations would occur. He explained at the June Meeting a public hearing on the Budget would occur and then an adoption of the Budget. No Action.
- b. Discussion and possible action regarding: Pension Policy and posting to LMRFD Website. (Buldra/Board)
  - Mr. Buldra explained he has revised a template that specifically fits the needs of LMRFD and asked that the Board fill in the blank line, as this will go into effect 7/1/19 for the Unfunded Liability with PSPRS. Item tabled by Board consensus for Director Campbell to review, until the May Meeting.
- c. Discussion and possible action regarding: Update re: reimbursement for Private Investigator and Attorney Jeff Matura contact with LMRFD Legal

Counsel. (Administration/Board)

- No action.
- d. Discussion and possible action regarding: LMRFD's Legal Counsel invoice(s) re: review of Statement #48344 and requested documents related to Statement #48344; dates of documents 11/14/18, 11/15/18 and 11/21/18. (Kiffer)
- Documents to be sent to the Board to review. No action.
- e. Discussion and possible action regarding: Review of Legal Counsel Invoice(s) processing and submission to LMRFD. (Kiffer)
- Discussion ensued about receiving monthly billing, which has not occurred to date. No action.
- f. Discussion and possible action regarding: Payroll discrepancy matter; update and clarification regarding LMRFD speaking to the general public about matter as related to LMRFD. (Reh-Bower/Administration/Kiffer)
- Director Reh-Bower noted the Prosecuting County Attorney is moving forward against the former LMRFD employee who embezzled \$24,000 + and it is now recorded as 12 felony charges; 1 fraudulent schemes and artifices, 1 theft, 10 forgery. 4/8/19 the complaint was filed, and a summons was issued Director Reh-Bower noted the information is public record and on the Kingman Justice Website, she provided the case number #J-0801-FR-201900380. No action.
- g. Discussion and possible action regarding: Prior LMRFD Board By-Laws relating to Appointment of Board Member re: Section 1.4 (D), (E) and (G); re: draft set of By-Laws section relating to Appointment of Board Members. (Reh-Bower/Kiffer)
- Director Reh-Bower explained that learning through Legal Counsel they are still operating under the original By-Laws for LMRFD in 1994. It was noted nominations for the Board vacant seat would be taken at the Meeting today. No action.
- h. Discussion and possible action regarding: Exact number of employees calculated for ADA matter. (Kiffer)
- Director Kiffer stated the Attorney was reminded again, to send this information to the Board. No action.
- i. Discussion and possible action regarding: Personnel Matter: Chief DeMaio re: Annual Evaluations process and review of Evaluations. (Cass)
- Discussion ensued about Director's concern about the timing and outcome of Chief DeMaio's recent Annual Evaluation. No action.
- j. Discussion and possible action regarding: Administrative Assistant referral for Fitness for Duty Evaluation; re: Board involvement with/for referral. (Cass)
- Director Reh-Bower stated; the Chief has the authority on this item. No action.
- k. Discussion and possible action regarding: Referral for Fitness for Duty Evaluation of the Administrative Assistant and expenses associated. (Cass)

- Discussion occurred about what expenses the District will pay for the employee to obtain a Fitness for Duty Evaluation. It was agreed to place this item on the next Agenda to consult with the Board Attorney. No action.
- l. Discussion and possible action regarding: LMRFD Board By-Laws re: draft By-Laws set; re: draft Social Media/Correspondence/Communication Rule and draft Appointment of Board Member Article V included within. (Cass/Reh-Bower)
  - Director Reh-Bower combined Items L, M and O together, noting they couldn't vote on those until they have a full Board. Items tabled.
- m. Discussion and possible action regarding: LMRFD Personnel – Social Media/Correspondence/Communication Policy draft. (Cass/Reh-Bower)
  - (see item L)
- n. Discussion and possible action regarding: Appointment of LMRFD Board Member. (Cass)
  - Discussion ensued about how to advertise the Board Member vacancy. Nominations that were made for the vacant seat: Phyllis Aitken, Mike Karash and Theodora Koeppen. No action.
- o. Discussion and possible action regarding: Nomination of LMRFD Board Chair. (Cass)
  - (see Item L)
- p. Discussion and possible action regarding: LMRFD Interim Fire Chief/Fire Chief hiring process and possible update regarding IGA with GVFD. (Reh-Bower)
  - Director Reh-Bower tabled this item, pending the 5/1/19 Meeting.
- q. Discussion and possible action regarding: Volunteer Application overview/revisions and posting to LMRFD Website. (Reh-Bower)
  - Discussion ensued about a Volunteer Application for a Volunteer Program, including requirements and costs. No action.
- r. Discussion and possible action regarding: Retirement Party for Chief DeMaio. (Reh-Bower)
  - Director Reh-Bower proposed May 18, 2019 for a Retirement Party for Chief DeMaio. Chief DeMaio respectfully declined a Retirement Party. No action.
- s. Discussion and possible action regarding: Status of Records Retention; update. (Reh-Bower/Administration)
 

Discussion ensued about the type of records to retain how they should be retained and the Board's responsibility of records. No action.
- t. Discussion and possible action regarding: Review of Gabriel & Ashworth invoice(s) and payment(s). (Kiffer)
  - Item tabled; miscommunication with email and receiving information.
- u. Discussion and possible action regarding: Update on information regarding COBRA benefits through LMRFD. (Administration)
  - Karen reported that the District does not currently provide COBRA benefits.. No action.



- v. Discussion and possible action regarding: A.R.S. 48-805 Section A (1), (2) and (3) re: Board Member powers & duties re: expenses associated with replacement of current Fire Chief. (Administration)
  - This item was in reference to a Call to the Public from the March Meeting. Scott Aitken (granted permission to speak) wanted clarification regarding cutting costs and how they were going to get someone cheaper and start the Volunteer Program with the monies saved. Discussion ensued. No action.
- w. Discussion and possible action regarding: LMRFD Station 42; update. (Administration)
  - Chief DeMaio stated he needs to write a letter to the Sherriff proposing a Deputy be stationed at Station 42. Chief DeMaio noted, it's an exchange of services, the District can't make money off that land and can't charge rent, he noted there are stipulations with BLM Contracts. No action.
- x. Discussion and possible action regarding: LMRFD Station 43; information re: future expectancy of coverage. (Administration)
  - Chief DeMaio explained that coverage is hard to find, as he stated in his Chief's Report, Meadview has currently 6 days covered for May. No action.

#### **8) CONSIDERATION OF FUTURE AGENDA ITEMS.**

- Specified tabled items will move to following month's Regular Meeting, unless noted otherwise and/or pending more information.
  - Gabriel & Ashworth Invoice
  - Possible IGA (GVFD)
  - Additional expense for Fitness for Duty

#### **9) NEXT REGULAR BOARD MEETING DATE & LOCATION.**

- TBD/TBA due to Holiday.
  - 5/1/2019; Special Meeting 2:00 p.m.
  - 5/29/2019; Executive Session 1:00 p.m. & 2:30 p.m. Regular Session due to Holiday and Attorney scheduling.

#### **10)ADJOURNMENT.**

- Director Kiffer motioned to adjourn, Director Cass 2<sup>nd</sup>. Directors Kiffer, Cass, Reh-Bower and Campbell voted, "aye." Motion carried, unanimously.
- Director Reh-Bower adjourned at approximately 3:50 p.m.

MINUTES prepared by: Karen Jackson

Date: 5/3/19, 5/6/19 & 6/7/19

Revised: 6/17/2019

**Board Approved: 6/24/2019**