CENTRAL YAVAPAI FIRE DISTRICT FIRE BOARD REGULAR SESSION

January 20, 2015

MINUTES

1. CALL TO ORDER / ROLL CALL OF BOARD MEMBERS

Chairman Rutherford called the Fire Board meeting to order on Tuesday, January 20, 2015 at 2:00 p.m. at Prescott Valley Public Library Auditorium, 7401 E. Civic Circle, Prescott Valley, Arizona.

Members Present: Board Chairman Steve Rutherford, Board Clerk Bob Page,

Board Members, ViciLee Jacobs, Darlene Packard, and Tom

Steele

Members Absent: None

Staff: Fire Chief Scott Freitag, Assistant Chief of Administration

Dave Tharp, Administrative/IT Assistant Laura Mowrer

Others in Attendance: Attorney Nick Cornelius

2. PLEDGE OF ALLEGIANCE

Chairman Rutherford led the recitation of the Pledge of Allegiance.

3. PRESENTATION

A. Prescott Valley Town Council Report

Prescott Valley Town Council Member Whiting provided the Fire Board with updated building permit information.

B. Audit Report for Year Ending June 30, 2014

Certified Public Accountant Mark Frost from HintonBurdick CPAs & Advisors presented the year ending June 30, 2014 audit to the Fire Board. He stated that the financial records of the District look very good; everything has passed. There is a clean opinion. He explained that a clean opinion in auditing is an unqualified opinion. The Independent Auditor's Report can be located on Page 3 of the audit. Another significant report is on the last two pages of the audit that references the District's internal control. From everything the auditors reviewed, the internal controls for the District are in very good order.

Mr. Frost highlighted a couple other important items. Page 5 of the audit consists of management's discussion and analysis. The first bullet point indicates that the assets of the District exceed liabilities by \$21 million at the end of June. That is the equity in the Fire District. Of that \$21 million of net assets, \$11 million is capital assets.

The second bullet point indicates a decrease in net position of \$1,062,000. This means that the expenditures for the year end June 30, 2014 exceeded revenues by \$1,062,000. The decrease in net position also reduced the overall net assets of the District from \$22 million to \$21 million. Page 15 of the audit shows these changes, revenue and expenses. The total revenue was \$14,160,000 and the expenses including depreciation and interest on debt total \$15 million. That is what generated the change in net position. Chairman Rutherford pointed out that \$1.2 million was depreciation (non-cash expense). Mr. Frost explained that depreciation is added back in, because it is not a cash number and that puts the District in the black on this statement.

Mr. Frost referenced Page 39 showing revenue and expenses as they relate to budget. The District budgeted revenue at \$12,161,000; actual revenue was \$12,400,000. Revenues were \$300,000 higher than budget. The District budgeted \$17,053,000 for expenditures; actual expenses were \$14 million. Therefore the District saved just under \$3 million of what was budgeted. Both of those are very positive.

Mr. Frost mentioned there was a decrease in net assets that was budgeted of \$3.5 million. The Board had budgeted that the expenses would exceed revenue by \$3.5 million. That was not the case. Part of that was due to the decline in property values and the restrictions on budgets that the District is subject. The expenses did exceed revenue, but it was not to the extent that was budgeted.

Mr. Frost also highlighted management's presentation of revenues on Page 9 indicating the charges for services, primarily wildland firefighting revenue, from June 30, 2013 was \$518,000 and the most recent year was \$756,000. Property taxes continue to decline from \$13,590,000 in 2013 to \$13,062,000 in the most recent year. Mr. Front mentioned that property values have declined by 46% over the past few years, and tax levels to help make up that difference are delayed. This in part causes the expenses to be in excess of revenue in this year. Page 11 indicates the percentage of change in assessed valuations. Property values have dropped from \$906 million in 2008-2009 to \$489 million in 2013-2014. Mr. Frost mentioned this makes it very difficult to have the property tax revenue coming in to support operations with the decline in values.

Mr. Frost mentioned that a bond was refunded (Page 31). The District issued a bond in the current fiscal year of just under \$6 million at an interest rate of 2.69%.

That will retire or refund \$5.4 million of outstanding general obligation bonds that had interest rates that ranged from 4%-5%. That was a very good move with saving approximately 2% in interest on \$5.5 million.

Mr. Frost also noted the construction-in-progress on the Glassford Hill tower which is shown in the fixed asset additions. There were a few minor fixed assets that were retired. Most of the effect to the fixed assets was an addition of a new truck and the construction of the tower.

Mr. Frost thanked Chief Tharp and his staff for their assistance during the audit. He stated that his company audits a number of municipalities, fire districts, and other organizations. Central Yavapai should be complimented; it is in very good condition.

Chairman Rutherford asked if there were any recommended changes. Mr. Frost stated that he had communicated a few minor procedural concerns with Chief Tharp and would discuss those with the Fire Board if they wanted. Chairman Rutherford stated that if he had discussed then with staff that was good.

C. 2015 Annual Goals

Chief Freitag provided an overview of the 2015 Annual Goals for the Fire Board. He mentioned that the detailed document is available on the District website in the January Board packet if anyone wants to review it.

Chief Freitag reviewed the following goals:

Strategic Goal: Seek innovative and diversified revenue sources to support future responsible financial planning and needs of the community.

One of the highlights this year was the implementation of the Joint Management Agreement with Chino Valley Fire District. That agreement was signed and began on July 18, 2014. He stated that was a very significant accomplishment as it was developed within 6 months. We have recognized additional cost savings and efficiencies that had not been anticipated. Staff is working on additional steps towards greater efficiencies.

Joint purchasing (GYPC) has been completely dissolved and no longer accepting orders as of December 15, 2014 and everything continues as planned. We have more people who have signed up, more districts, than what was there under GYPC. The warehouse is very successful with our joint purchasing activities; we are saving money for the District and many other entities.

Rutherford asked if the Articles of Incorporations for GYPC have been dissolved. Chief Tharp mentioned that the Board of Directors of GYPC voted to dissolve the

corporation; however, until the accounts are reconciled, the company cannot be dissolved. Once all financial matters are resolved, the termination documents will be processed. Chief Tharp will update Attorney Cornelius once all the accounts have been resolved. Chief Tharp mentioned that there are four companies that have balances. Chief Tharp will provide an update to the Fire Board once everything is resolved.

Strategic Goal: Continue to maintain/enhance positive public perception and relationships with the communities we serve through education and interaction.

Chief Freitag stated that staff and the Board have been very involved in the community including events with the Chambers, Rotary, Republican groups, any groups that we have had an opportunity to speak with, schools, Town of Prescott Valley, the Town of Dewey Humboldt, etc. showing that we are a true partner. Chairman Rutherford recommended that Board Members be included in the goal as they are also getting involved with the communities.

Board Member Steele said that he hoped the public is taking advantage of the televised Board meetings and asked if staff could provide bullet points related to their Division Reports.

Strategic Goal: Identify and remain proactive regarding legislative issues that may have an impact on the District and the communities we serve.

Chief Freitag stated that through the Joint Management Agreement we have been able to go the extra mile attending legislative session. Chief Tharp and Chief Freitag have been attending Arizona Fire District Association (AFDA) meetings and keeping up on legislative activities through the lobbyist. Thanks to Mrs. Packard, Chief Freitag was invited to the opening to the 52nd Legislature at the State Capitol for the swearing in. That gave him the opportunity to speak with a number of our elected officials and representatives at the State level. It is very beneficial for this area to be represented. Chief Freitag stated that he and staff are planning on attending monthly legislative meetings. He stated this is an increase of about 100% of what it was before. Chief Freitag also mentioned that he is asking John Flynn, Executive Director of AFDA, if he needs us to attend or provide information for upcoming legislative hearings. Chief Freitag mentioned that he also attended a meet and greet for the LD1 Representatives that was held in Black Canyon City. We received very positive feedback from our legislators, and they are asking that we continue to be involved.

Strategic Goal: Analyze and create a staffing plan for future attrition and growth of operation and support services personnel.

Chief Freitag mentioned this is still in process. We should have either all or a majority of the succession plans for non-operations personnel completed for the

February Board meeting. This should include new job descriptions and associated wage scales. As the Board had asked at the previous meeting, the job description language has been reworked to allow for the best candidate for the position. We are still working on recruitment and promoting as necessary to fill both current and future staffing needs. In addition, we are taking a look at our processes for all to make sure we are following the best practice in any position.

Strategic Goal: Plan for future facility and apparatus needs while maintaining the quality condition and functionality of our resources and remaining fiscally responsible to our citizens.

Chief Freitag stated that everyone within the organization has been working diligently to ensure that we maintain the equipment that we have. The Board recently approved the capital replacement plan which is reviewed annually. Chief Freitag explained that even though equipment may be scheduled for replacement, it does not automatically get retired just because it is on the schedule. Every year the plan and associated equipment is re-evaluated so that the appropriate purchasing decisions are made.

Chairman Rutherford asked if there are any residents that are unhappy with the transfer of the Blue Hills property to the District. Chief Freitag stated that he does not believe the residents are unhappy with the transfer. However, they may be unhappy with the approach that was taken. There is still some work to be done on our part with easements. He does not believe anything negative is directed to the Fire District. Chief Freitag mentioned that Chief Bliss has done a great job in communicating with the residents.

Strategic Goal: Develop a succession plan and mentoring program for all divisions in CYFD.

Chief Freitag mentioned that the succession plans have not been completed and it has been difficult to develop a mentoring program if you do not know what the requirements for those positions. Chief Cordes and Captain Kelley have developed a template for the mentoring program that can be used moving forward once the succession plans have been completed on the non-operations side.

Strategic Goal: Continue to development human resources through support of positive recruitment, retention, and labor/management relationship.

Chief Freitag explained that we have continued the labor/management process and it is going very well for us working in partnership. We have involvement from the firefighter level which builds trust, and the relationship is very healthy at Central and Chino. It continues to build.

The succession plans will assist with new employee recruitment as it will provide them with direction if they want to advance. Staff is also reviewing the process of filling the higher level positions to ensure we are seeking and getting the best talent both internally and externally.

Strategic Goal: Continue to develop Central Yavapai Fire Regional Training Academy (CYRTA).

Chief Freitag stated that Chief Cordes, Captain Kelley, staff, and line personnel have worked very hard at bringing educational opportunities and training into CYRTA to make it the jewel that it is that only for Central Yavapai, but also for the region as well as the state in some cases. The Captain's Academy draws students from around the state which is a benefit to the local economy as well as the District.

Strategic Goal: Analyze and implement information technology systems that will enhance and create efficiencies in support of all functions of CYFD.

Chief Freitag stated that he will also add Chino Valley Fire District (CVFD) as we are working to bring them online for greater efficiencies in working between the two geographic locations. The Board has approved the fiber optic project that is currently under construction at CYRTA. Cable One's projection for the fiber optic installation was 30-45 days. Mobile Data Terminals (MDTs) were projected to be running this week; however, due to technical difficulties, it is delayed. Chief Freitag stated that this project will be completed. The anticipated completion date is about four weeks. Training also needs to be rescheduled.

Strategic Goal: Complete the VHF/Communications/IT system.

Chief Freitag informed the Board that part of this is in relation to the Glassford Hill town and for the most part this project is complete. It is up and functioning. There are a few items to be completed once warmer weather arrives.

Chief Polacek is working with Prescott Regional Communications Center (PRCC) on a frequency plan and the MDTs are coming along slowly. Chairman Rutherford asked for information regarding new frequency plan. Chief Freitag stated that this is an interagency plan. This relates to additional command channels and how they will get programmed.

Chairman Rutherford thanked staff for the progress they have made on these annual goals.

Board Member Steele commended Technical Services Manager James Ogden for all of his knowledge and dedicated work for the District.

Chief Freitag stated that James is one of the strongest technically-minded network engineers available. Chief Freitag stated that everyone in the organization is working hard to ensure that we meet and set attainable goals. He thanked the Fire Board for their support and community involvement to accomplish these goals.

4. CALL TO THE PUBLIC

Those wishing to address the Central Yavapai Fire District Board need not request permission in advance. The Fire District Board is not permitted to discuss or take action on any item raised in the Call to the Public due to restrictions of the Open Meeting Law; however, individual Board members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct the staff to review the matter or the matter be placed on a future agenda.

No comments.

5. CONSENT AGENDA

All matters listed under Consent Agenda are considered to be routine by the Central Yavapai Fire District Board and will be enacted by one motion. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately for discussion and possible action.

- A. Approval December 16, 2014 Regular Session Minutes
- B. Approve General Fund Financial Statements
- C. Approve Bond Debt Service Financial Statements
- D. Approve Fire Protection Agreement Judge
- E. <u>Approve Intergovernmental Agreement for Purchasing with Golden Shores Fire District</u>

Board Clerk Page made a motion to approve the consent agenda. Board Member Steele seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

6. <u>REPORTS AND CORRESPONDENCE</u>

A. Letters from the Public

Chairman Rutherford reviewed the letters that have been received over the past month and stated we have members participating in parades. Chief Freitag mentioned the certificate that we received from the Prescott Valley Chamber. This is a sign of our ongoing relationship with the Chamber which is very important and gives us an opportunity to network with community and business leaders. Chairman Rutherford mentioned a letter complimenting Captain Fields, Engineer Postula, and Firefighter Sims. We also received a couple letters from Sedona Fire District showing appreciation of the Honor Guard assisting with a funeral. Chief Freitag stated there were representatives from Central and Chino.

B. Monthly Division Reports-Report from the Fire Chief and staff in regard to current activities of the Fire District and the status and progress relating thereto

Chief Freitag mentioned the succession plans, annual goals, MDTs as they were already discussed earlier. He stated that District Board Members and staff attended the AFDA conference and completed mandatory training. He stated that he and Chief Tharp attended a class related to mergers, consolidations, and joint power authorities in which enlightened us on a lot of things we had not thought about.

Chief Freitag was at the State Legislature for the opening ceremonies and had an opportunity to hear the state of the State Address from the Governor and attended the Governor's reception. Chief Freitag and Chief Tharp will be attending the Greater Prescott Regional Economic Partnership (GPREP) dinner on Friday which will allow them to meet with community leaders. Chief Freitag stated that his goal, by the end of the year, is when community leaders think about community assets, one of the first things on their mind is Central Yavapai Fire District.

Chief Tharp stated that March 11, 2015 is Central Yavapai Fire District's 50 Year anniversary. There will be a big celebration at CYRTA on March 14 between 10:00 a.m. - 2:00 p.m. in which there will be demonstrations and displays for the community. It is impressive where we have come from. It is an attribute of the staff and many Board Members throughout the years.

Chief Freitag stated that he had the opportunity to meet former Fire Chief Curtis, and he and other retirees will be attending the main event. We are looking forward to everyone attending.

Chief Freitag mentioned that he had a conversation with Prescott Chief Light and Central will assist with maintaining the communications system while they are filling their IT position. We have offered to assist with their recruitment process in addition to a District member assisting with their interview process. Their plan is to fill a Communication/IT role, move that under their IT department for direct supervision for proper oversight and then discuss, in the future, a new network engineer position which would be very important with our partnership with PRCC. It is important to have open communications to allow for the building of the best system.

Darlene asked if Technical Services Manger James Ogden has a backup person. Chief Freitag stated that he has two, Dave and Tony.

Chief Tharp stated that he had a letter regarding the two items Mark Frost had mentioned during the audit presentation. He explained that these items were minor. There were a couple purchases made that exceeded the purchasing threshold and the Board was advised. This has been rectified to ensure it will not happen in the future. Additionally, we are moving towards a purchase order system which will also set parameters for authorizations. The secondary issue was also very minor in which payables were paid in fiscal year 2015 which should have been accounted for in fiscal year 2014. We did receive a follow-up letter from the auditor stating they were aware that the issues were being rectified.

Chief Tharp also mentioned that the Standards & Poor (S&P), the District is anticipating an A+ credit rating. We should all be very proud, because that is very difficult to accomplish these days, especially with the economic downturn. The official notification should be available in February.

Chief Bliss stated that there is a glitch in reporting system. The monthly call numbers were accurate; however, when requesting several months together, the totals did not balance. Therefore, we are adding the monthly numbers manually. Per Chief Freitag this information was provided to PRCC.

7. NEW BUSINESS

A. Approval of Fiscal Year Ending June 30, 2014 Audit

Board Clerk Page made a motion to approve Fiscal Year Ending June 30, 2104 audit. Board Member Steele seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

B. Approve Purchase of Scissor Lift and Tilt Trailer

Chief Freitag stated that there is a budget item for renting a scissor lift and at times personnel use ladders. He explained that it is more appropriate to have a lift available as needed instead of spending the time and money on renting a lift.

Chief Bliss indicated that Facilities Maintenance Coordinator Muniz will inspect the unit, and if it does not meet requirements, he would like authorization to purchase something comparable not to exceed \$13,775.76. He mentioned that safety issue is more of a concern than that cost of the equipment. Chief Bliss stated that since these are used lifts, they are probably do not have a warranty.

Chief Tharp mentioned that \$15,000 was budgeted for this purchase.

Board Member Steele made a motion to approve the purchase of a scissor lift and tilt trailer not to exceed \$14,000.00 contingent on a quality inspection by Facilities Maintenance Coordinator Muniz. Board Clerk Page seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

C. Approve Arizona Propane Gas Association CYRTA Facility Use Agreement

The certificate of insurance as required in the agreement has been received and presented to the Fire Board.

Board Member Steele made a motion to approve facilities use agreement with Arizona Propane Gas Association. Board Member Jacobs seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

Chief Freitag stated that these issues can be addressed in public session; however, should the Board feel that they would like additional information; it could then be moved into executive session.

8. VOTE TO GO INTO EXECUTIVE SESSION

- A. <u>A. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) and Instruction to District Legal Counsel Pursuant to A.R.S. §38-431.03(A)(4) Re: Training Center Drainage</u>
- B. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) and Instruction to District Legal Counsel Pursuant to A.R.S. §38-431.03(A)(4) Re: Yarnell Hill Fire Incident and Legal Claims
- C. <u>C. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Public Safety Personnel Retirement System (PSPRS) Membership Requirements Legislative Action</u>
- D. <u>D. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Prescott</u>
 National Forest Contract

Items were skipped.

9. OLD BUSINESS

A. <u>Discussion and Possible Action Related to Training Center Drainage Issues</u>

Attorney Cornelius explained that he had a meeting with counsel Blaise and Januszewski. They are reviewing the underlining facts and circumstance related to the ACE Hardware drainage issue. They are asking for additional authority from the Board for Engineer Len Erie to review all of the engineering documents which were previously prepared as this issue has the potential for litigation. They have asked for up to \$5,000 for Mr. Erie. Attorney Cornelius suggested that the Board approve up to \$5,000 to be paid to Mr. Erie for him to review the documents and be prepared to provide a formal written opinion if necessary. This would allow Mr. Erie to visit the necessary offices, gather the pertinent documents, and review approximately three banker boxes with of documents. This would allow for preparing the settlement offer as well as the actual draft complaint. Mr. Erie will provide the attorneys with his findings.

Attorney Cornelius stated there are some items to be discussed in executive session related to this issue.

Board Clerk Page made a motion to approve up to \$5,000 for Len Erie's time to review the construction and permit documents related to the Training Center issue. Board Member Jacobs seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

B. <u>Discussion and Possible Action Related to the Yarnell Hill Fire Incident and Legal</u> Claims

Attorney Cornelius explained that this matter was originally filed by the Yarnell Hill plaintiffs in state court. There were two different attorneys and two different sets of plaintiffs. Mr. McGroder was representing 12 plaintiffs and Mr. Knapp representing three. As a result of a motion to dismiss filed by the State of Arizona on behalf of the State Forester, there were amendments to the original complaint filed by the plaintiffs under section 1983 of the US Code. Those plaintiffs were moved to Federal District Court by a motion from the State. The other plaintiffs did not make those 1983 action statements so they are still in the State court and the motion from the State to dismiss the case is scheduled to move forward on January 27, 2015. As a result of negotiations with the various parties, there is mediation scheduled for March 2015; after the scheduled hearing date related to the motion to dismiss at the State court level. There was a stipulation to continue the January 27, 2015 hearing in state court. Therefore, the motion to dismiss will not be heard pending the results of the mediation.

Attorney Cornelius mentioned that there is a secondary matter. There was a separate pleading filed by the State in the Federal District court for an allowance to exceed the page limitation regarding the State's reply to the Plaintiff's response related to the motion to dismiss. The State has received authorized to exceed the page limitation.

Attorney Cornelius would also like to provide legal advice in executive session.

Chairman Rutherford asked if the move from State to Federal court pursuant to 1983 action is in reference to civil rights violations. Attorney Cornelius confirmed.

C. <u>Discussion and Possible Action Related to Public Safety Personnel Retirement System (PSPRS) Membership Requirements - Legislative Action</u>

Chief Freitag informed the Board that House Bill 2351 has been submitted as a technical cleanup with an emergency provision to correct some unintentional consequences related to House Bill 1609. That seems to be moving forward. He and Chief Tharp were able to speak directly with Senator Pierce and brief him on the issue. He expressed his support. Chief Freitag said he had a conversation with the head of the Appropriations Committee that Representative Fann introduced him. He received a brief and that will be followed up on with more direct communications, because the Bill will go directly through his committee at some point. We hope the technical correction can move through the process quickly as it is a fairly simple fix.

Attorney Cornelius mentioned that this process was started only a few months ago and to have a draft bill which has been vetted by various interested parties as well as agencies is super-fast and impressive.

Chief Freitag stated that he reiterated to Steve Mortell that he would be willing to support him in any of the meetings he has with the various representatives. Mr. Mortell stated that he had not needed to do that at this point. He had received positive feedback when he explained what the unintentional consequences were related to 1609 and fire chiefs specifically. There is a clear understanding that a technical cleanup is necessary so that agencies have the opportunity to seek the best talent for their highest level position.

D. <u>Discussion and Possible Action Related to Prescott National Forest Contract</u>

Attorney Cornelius stated that initially comments were generated comments and revisions were made. A revised contract was sent to the Forest Service and they agreed to some changes, but not all. Attorney Cornelius requested direct contact with their legal department and was advised that some that some of the language was "mandatory" and would not be changed, moved, or edited. Some of the language related to items that did not involve District activities.

8. VOTE TO GO INTO EXECUTIVE SESSION

- E. A. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) and Instruction to District Legal Counsel Pursuant to A.R.S. §38-431.03(A)(4) Re: Training Center Drainage
- F. B. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) and Instruction to District Legal Counsel Pursuant to A.R.S. §38-431.03(A)(4) Re: Yarnell Hill Fire Incident and Legal Claims
- G. C. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Public Safety Personnel Retirement System (PSPRS) Membership Requirements Legislative Action
- H. D. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Prescott National Forest Contract

Board Clerk Page made a motion to go into Executive Session. Board Member Steele seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

Board moved into Executive Session at 3:45 pm.

Board Clerk Page made a motion to reconvene in open session. Board Member Steele seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

Board reconvened in open session at 4:36 p.m.

9. ADJOURNMENT

Board Member Steele made a motion to adjourn. Board Member Jacobs seconded the motion. MOTION CARRIED

AYES: Jacobs, Packard, Page, Rutherford, Steele

NAYS: None

Meeting adjourned at 4:36 p.m.