

MINUTES

**Central Arizona Fire and Medical Authority
Central Arizona Fire and Medical Authority Board of Directors
Special Meeting
Tuesday, August 1, 2017, 2:00 pm - 3:00 pm
Central Arizona Regional Training Academy, 9601 E. Valley Road, Prescott
Valley**

In Attendance

Darlene Packard; Dave Dobbs; Dave Tharp; Jeff Wasowicz; Julie Pettit; Laura Mowrer; Matt Zurcher; Nicolas Cornelius; Scott A Freitag; Susanne Dixson

NOTICE OF MEETING

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Central Arizona Fire and Medical Authority Board of Directors and the general public that the **Central Arizona Fire and Medical Authority** will hold a meeting open to the public on **Tuesday, August 1, 2017 at 2:00 p.m.** The meeting will be held at the **Central Arizona Regional Training Academy, 9601 E. Valley Road, Prescott Valley, Arizona.** The Board may vote to go into Executive Session on any agenda item, pursuant to A.R.S. §38-431.03(A)(3) for discussion and consultation for legal advice with Authority'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.

1. CALL TO ORDER / ROLL CALL OF BOARD MEMBERS

Chair Pettit called the Special Central Arizona Fire and Medical Authority Board Meeting to order on August 1, 2017 at 2:06 p.m. Board quorum present. Attorney Cornelius attended telephonically.

2. PLEDGE OF ALLEGIANCE

Director Dobbs led the recitation of the Pledge of Allegiance.

3. CALL TO THE PUBLIC

Those wishing to address the Central Arizona Fire and Medical Authority Board need not request permission in advance. However, we ask that you complete a Call To Public Form for the record. The 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 may be placed on a future agenda. Individuals may be limited to speak for three (3) minutes with a total of 30 minutes allotted for Call to the Public per meeting.

Chair Pettit opened the meeting for public comments. There were no comments.

4. NEW BUSINESS

- A. Discussion and Possible Approval for the Fire Chief to Engage a Company to Seal and Paint the Exterior of the Property Located at 8603 E. Eastridge for the Purpose of Eliminating Water Wicking Through the Block. Cost Not to Exceed \$40,000**

Chief Freitag explained that the contractor had noticed significant water wicking through the block due to the recent monsoons. We received a credit from the seller for roof repairs, and have corrected several items adding additional protection. The previous owner had sealed the building prior. Staff has had contractors review the building and it has been determined that the building needs to be re-sealed and painted. As long as the paint is maintained in the future, there should not be future problems. We have received bids ranging from \$32,000 to \$40,000; the final bid should arrive today. Chief Freitag is asking for approval to accept the best bid, not to exceed \$40,000. Chief Freitag explained that contractors are scheduled out several weeks, and that we are not utilizing Haley Construction due to additional markup and their portion of work will be complete prior to this project.

Director Wasowicz confirmed that Chief Freitag is requesting all bids comply with the same process.

Chief Freitag confirmed that the initial water leaks were thought to be from the roof, windows, and door. He also explained that in order to reduce costs, the back of the building will be painted one solid color.

Chief Tharp explained that the funds will come from the contingency fund.

Motion to authorize Chief Freitag to entertain bids to seal the building with a \$40,000 cap and once the bid is approved, that money be moved from contingency fund to the capital asset fund to cover the cost.

Move: Jeff Wasowicz Second: Matt Zurcher Status: Passed

Yes: Dave Dobbs, Darlene Packard, Julie Pettit, Jeff Wasowicz, Matt Zurcher

- B. Direction from the Board to Attorney Cornelius for Him to Address New Allegations Against Chief Freitag by CYFD Director Jacobs Related to Employee Coercion**

Attorney Cornelius advised the Board that matters discussed in executive session are generally maintained as confidential to protect the attorney/client privilege with regard to advice that is given in the context of executive session. He explained that it is his understanding that Director Jacobs has implied that Chief Freitag may have coerced an

employee in connection with a document produced by that employee which was included in Chief Freitag's addendum to his complaint.

Attorney Cornelius advised that Board that there needs to be an investigation so that it is clear on record. He has issued correspondence to Director Jacobs and her counsel requesting information related to this matter, ie. names, dates, times, and documents; to date he has received nothing.

Attorney Cornelius advised that due to the nature of the allegations, he recommended the Agency be prepared to conduct its own investigation. He stated that at a minimum Chief Freitag and the employee that is involved should be issued a Garrity warning and request they provide a written statement. This is to protect the Agency, the Chief, and staff. This is to determine exactly what took place. The Board can determine the next step based on these results.

Attorney Cornelius requested guidance from Board. He explained that a Garrity warning is a signed document that ensures that the information provided by the employee cannot be used against them in a criminal proceeding; the information can only be used for the administrative process. He suggested a formal written notice of investigation, a formal Garrity warning, and then gather the documents and determine if anything further needs to be done.

Attorney Cornelius stated that he contacted Director Jacobs and her attorney Wednesday morning and followed up on Friday and Monday. He repeated that he has received nothing at this point.

Attorney Cornelius confirmed that he had asked for a transcript of the specific portion of the conversation, and he has reviewed it; he stated that he has not reviewed the audio recording.

Attorney Cornelius will expect to issue notices of investigation to the relevant individuals including Chief Freitag and take their written statements to determine whether there is a basis for any further inquiry. He may request or require this be handled by an outside private investigator to provide an extra layer of protection.

Chair Pettit stated that a formal internal investigation with a Garrity warning and getting signed statements from the individuals concerned is sufficient. She stated that if we do not hear from Director Jacobs, we need to close this loop. She explained that if someone makes allegations of coercion, they should expect to be required to present proof.

Attorney Cornelius stated that he will provide a deadline of the Tuesday prior to the next Board meeting, and he will provide an update to the Board.

Motion that we instruct Attorney Cornelius to move forward with a formal

internal investigation at this time to submit Garrity warnings to the parties in question internally, and that this be completed by the Tuesday prior to our next Board meeting.

Chief Freitag stated that he has not spoken with the individual involved prior to the last Board meeting, and because of who the person is the Labor/Management meeting had to be cancelled.

Move: Darlene Packard Second: Matt Zurcher Status: Passed

Yes: Dave Dobbs, Darlene Packard, Julie Pettit, Jeff Wasowicz, Matt Zurcher

5. ADJOURNMENT

Motion to adjourn meeting at 2:37 p.m.

Move: Dave Dobbs Second: Darlene Packard Status: Passed

Yes: Dave Dobbs, Darlene Packard, Julie Pettit, Jeff Wasowicz, Matt Zurcher

A handwritten signature in blue ink that reads "Darlene Packard" followed by the date "8/15/17".

Board Clerk / Date