

## MINUTES

**Central Arizona Fire and Medical Authority  
Central Yavapai Fire District Board of Directors  
Regular Meeting  
Monday, September 25, 2017, 5:30 pm - 6:00 pm  
Central Arizona Fire and Medical Authority, Administration, 8603 E. Eastridge Drive,  
Prescott Valley**

### In Attendance

Darlene Packard; Dave Tharp; Jeff Wasowicz; Laura Mowrer; Matt Zurcher;  
Nicolas Cornelius; Scott A Freitag; Susanne Dixson; Tom Steele; ViciLee  
Jacobs

### NOTICE OF MEETING

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Central Yavapai Fire District Board of Directors and the general public that the **Central Yavapai Fire District** will hold a meeting open to the public on **Monday, September 25, 2017 at 5:30 p.m.** The meeting will be held at **Central Arizona Fire and Medical Authority, Administration, 8603 E. Eastridge Drive, 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 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.

#### 1. CALL TO ORDER / ROLL CALL OF BOARD MEMBERS

**Board Chair Packard called the Central Yavapai Fire District Regular Session to order on September 25, 2017 at 5:37 pm.**

#### 2. PLEDGE OF ALLEGIANCE

**Chair Packard asked Todd League to lead the Pledge of Allegiance.**

#### 3. CALL TO THE PUBLIC

Those wishing to address the Central Yavapai Fire District 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.

**Board Chair Packard opened the meeting for public comments. There were no comments.**

#### 4. 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. Approve Executive Session Minutes - July 25, 2017
- B. Approve Regular Session Minutes - August 15, 2017
- C. Approve Executive Session Minutes - August 15, 2017
- D. Approve General Fund Financial Statements
- E. Approve Bond Debt Service Financial Statements
- F. Transfer August Revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the Amount of \$26,083.49

**Director Steele asked that Items D and F be removed from the Consent Agenda for discussion.**

**Motion to approve the amended Consent Agenda removing D and F.**

**Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed**

**Yes: ViciLee Jacobs, Darlene Packard, Tom Steele, Jeff Wasowicz, Matt Zurcher**

#### **D. Approve General Fund Financial Statements**

**Director Steele stated that the only thing in his packet for review was the signature page. Chief Tharp explained that there were 26 pages. Director Steele further stated that the signature page should be at the end of the financials that are being reviewed. Chief Tharp explained that this is the order we've had the documents in for the past three years; the signature page is provided to the Clerk and Chair per statute, however the signature page location could be changed if the Board Chair requests. Director Steele accepted half of the responsibility for not scrolling down to see the rest of the document and stated that he was comfortable with the order of the pages.**

**Motion to approved Item D.**

**Move: Matt Zurcher Second: Tom Steele Status: Passed**

**Yes: ViciLee Jacobs, Darlene Packard, Tom Steele, Jeff Wasowicz, Matt Zurcher**

#### **F. Transfer August Revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the Amount of \$26,083.49**

**Director Steele stated that he is growing increasingly angry about the lack of consideration that CYFD has. He explained that he's annoyed to make this monthly transfer as it seems that is the only thing they are considered qualified to do. He stated for that reason, he is voting no for the transfer of funds until we can get some of these issues brought to a more satisfactory conclusion regarding respect that's due for the CYFD.**

Director Jacobs stated that as elected officials they have a fiduciary responsibility representing CYFD taxpayers; that's why she suggested to the CAFMA Board that non-CAFMA Board members have input. She stated that she's been frustrated for a long time; all her and Tom do is pass the money up. She stated she was not allowed to have any input on anything else, and they are not privy to a lot of information. Director Jacobs stated that she is voting no on this transfer until they have more say on how the money is being spent. She stated that they did have an opportunity during the budget, but there are a lot of items on the CAFMA Board that they should still be allowed to have an input on. Director Jacobs stated from this point forward, until we start having better input, she is voting no on passing money up. She stated she realizes she is only one vote, but she wanted to make the point and she wanted it on the record.

Attorney Cornelius asked Directors Jacobs and Steele to send him emails about how they would like to see things done.

Director Jacobs suggested a larger Board and that she and Director Steele need to be on the CAFMA Board.

Attorney Cornelius explained the topic is beyond this agenda item.

Chair Packard informed that Board that upon reviewing the packet, if anyone has concerns, they could send them to her or Directors Wasowicz or Zurcher.

**Motion to approve the transfer August revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the amount of \$26,083.49. (Item F)**

**Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed**

**YES: Darlene Packard, Jeff Wasowicz, Matt Zurcher NO: ViciLee Jacobs, Tom Steele**

5. VOTE TO GO INTO EXECUTIVE SESSION

- 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
- B. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Director Steele's Concerns

**Motion to go into Executive Session at 5:49 p.m.**

Move: Matt Zurcher Second: Tom Steele Status: Passed

Yes: ViciLee Jacobs, Darlene Packard, Tom Steele, Jeff Wasowicz, Matt Zurcher

6. OLD BUSINESS

**The Board reconvened into Public Session at 6:21 p.m.**

- A. Discussion and Possible Action Related to Training Center Drainage Issues

**Attorney Cornelius stated that he has his instructions.**

- B. Final Disposition of Investigation Regarding Chief Freitag's Complaint

**Attorney Cornelius advised that he deems this matter closed. He explained that he reviewed documents and followed up with Director Jacobs and her attorney. They had nothing further that was relevant.**

**Attorney Cornelius stated that he issued correspondence to Director Jacobs and to the Board Chairs of CYFD and CAFMA. Both items are deemed to be public record, and he asked staff to make those available.**

- C. Final Disposition and Report Concerning Formal Investigation into Director Jacobs' Allegation Re: Possible Coercion of Staff by Chief Freitag

**Attorney Cornelius advised that he conducted a formal inquiry i.e. formal notice of investigation and Garrity Warnings. He also conducted in-person interviews and followed up to determine issues related to the promotion process to determine if the Chief had anything to do with that process. Attorney Cornelius advised that the Chief does not have anything to do with the process. The evaluations are conducted by outside third party agencies and they provide recommendations.**

**Attorney Cornelius advised that he determined there were no basis to the suggestion that there might have been some coercion, and he drafted correspondence to that effect. He advised that this should also be public record.**

**Attorney Cornelius advised there were no findings of any misconduct by the Chief, staff, volunteers on any agency Board, or any Board Member. There was no basis or finding of any kind of coercion or undue influence, and there was no quid pro quo with regard to Captain Merrill.**

## 7. NEW BUSINESS

- A. Direction for Providing Input for the Fire Chief's Evaluation

**Chair Packard asked the Board to provide comments related to the Chief's performance by October 9, 2017, and she will forward them to CAFMA Board Chair Pettit. She asked if anyone would like to have an outline.**

**Director Steele asked for an outline that states the areas of concern and a copy of the Chief's strategic goals.**

**Attorney Cornelius will work with Chief Tharp to compile a list and send it out as quickly as possible.**

- B. Discussion Regarding Director Steele's Concerns

**Director Steele expressed his continual concern regarding the lack of respect that the representatives of CYFD get from the taxpayers of the District. He took offense that Town Councilman Grossman addressed the CAFMA Board regarding Town development and not CYFD. He stated that the Town of Prescott Valley is entirely within the bounds of CYFD, and it is that tax base that provides the funds, through government action, through the County, to fund 80% plus of what goes to CAFMA. He was offended that Councilman Grossman made a presentation to CAFMA but did not stay to make the presentation to the CYFD Board; he also stated that the presentations used to be better because they gave us how many building permits were issued and how many millions of dollars of total growth was expected.**

**Director Steele stated that he understands that there hasn't been time to decorate the new administration building, but the reception area should reflect all 3 Boards as they all provide funding. He stated he was concerned that he didn't get the Division Reports in his packet as he believed they should be available to all Boards.**

**Director Steele stated he has hopes that we can work out, without going any further legally, to expand the Board so it more properly represents the tax base of Central Yavapai Fire District which is contributing more than 80% of funding for CAFMA; he's asking for a 7 member board. He would like that consideration made as soon as possible.**

**Director Steele stated that he will be reaching out beyond this body if we cannot come to more equitable terms on how it should be managed and respect distributed, particularly speaking as an elected official of Central Yavapai Fire District and the taxpayers there. He stated that he hopes these things can be accomplished in due course without any more circumstances beyond our control. He had asked for this item be placed on the public agenda; he didn't want it tucked away in executive session.**

**Director Steele further requested that the board clerk present his comments as called for in Arizona statute 48-431.01(B)(4) -- an accurate description of his spoken comments.**

**Chief Freitag advised the Board that the Board Member pictures will be displayed; however, they will need to be smaller than they were due to limited space. He stated that the Board should have received the Division Reports, and he requested staff to distribute those tomorrow; he apologized for the oversight.**

**Director Zurcher reminded the Board that the Division Reports are on the website under the CAFMA meeting, and stated he believes it is each individual's personal responsibility to check the website or iPad regularly.**

**Director Steele voiced frustration that the CYFD website directs him to the CAFMA website. Director Zurcher explained that CAFMA website is used because it's the Joint Powers Authority. He expressed frustration as all Board Members voted for creating the Authority. He explained that there are three CYFD Board Members as representatives on the CAFMA Board.**

**Director Jacobs stated that she and Director Steele were on the Board at the time of creation and Attorney Cornelius had indicated changes could be made at any time. Director Jacobs stated that based on items mentioned during the development of the JPA, there are some things that have not been followed. Director Jacobs stated that she has mentioned to Attorney Cornelius many times that they are elected officials and represent the taxpayers of CYFD and they should be allowed to have the agenda for CAFMA sent on their BoardPac and all of the reports including the city council report. She stated that it is respect to the other elected officials that are not on CAFMA. She stated that their autonomy has been taken away and in her understanding, that is not the way the JPA was intended.**

**Director Steele stated that he will do as he sees fit, but he is unhappy with the rights**

and privileges he has at this point. He stated that he will take those up with the Attorney and Chair.

C. Discussion and Possible Action Regarding CAFMA Update

**Chair Packard stated that she asked Director Zurcher to be the liaison between the CAFMA and CYFD Boards. Director Zurcher will bring pertinent items from the CAFMA Board back to this Board.**

**Director Zurcher confirmed that this will be a regular agenda item, and he will provide CAFMA meeting updates.**

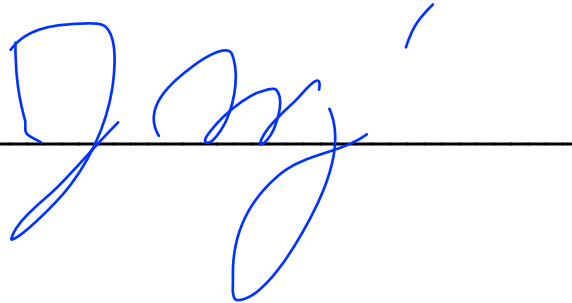
8. ADJOURNMENT

**Motion to adjourn at 6:38 p.m.**

**Move: Tom Steele Second: Matt Zurcher Status: Passed**

**Yes: ViciLee Jacobs, Darlene Packard, Tom Steele, Jeff Wasowicz, Matt Zurcher**

Board Clerk / Date

A handwritten signature in blue ink, appearing to be 'J. Zurcher', is written over a horizontal line. The signature is stylized and cursive.