

MINUTES

**Central Arizona Fire and Medical Authority
Central Yavapai Fire District Board of Directors
CY Regular Meeting
Thursday, December 21, 2017, 5:30 pm - 6:30 pm
Central Arizona Fire and Medical Authority, Station 61, 1133 W. Road 3 North, Chino Valley,
Arizona**

In Attendance

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

Not In Attendance

Dave Tharp

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 **Thursday, December 21, 2017 at 5:30 p.m.** The meeting will be held at the **Central Arizona Fire and Medical Authority, Station 61, 1133 W. Road 3 North, Chino 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

Board Chair Packard called the Central Yavapai Fire District Board of Director's meeting to order on Thursday, December 21, 2017 at 5:30 p.m. at Central Arizona Fire and Medical Authority, Station 61, 1133 W. Road 3 North, Chino Valley.

2. PLEDGE OF ALLEGIANCE

Captain Merrill led 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.

Chair Packard opened the meeting for public comments.

Director Steele called a point of order and asked that the speaker's time not be limited.

Attorney Cornelius advised that the public can present their issues to the Board within the three minutes; they can provide any other documentation that they have to the Board, and the Board can determine if it should be agendized. He did not believe a couple additional minutes would impact the Board's agenda; however, he did not know how long it would be. It's always been the Board's policy to limit speakers to three (3) minutes; the Board may discuss if they want to change that policy, but it's not on today's agenda.

Chair Packard stated she would give speakers five minutes.

Chris Kuknyo, President Citizens' Tax Committee (CTC), expressed his and the CTC's concerns related to last month's meeting. He stated that he believed CAFMA was created to save taxpayer money and Central Yavapai and Chino would share management and resources to provide better services. He stated that CAFMA does not share control and used the length of the meetings as an example. He stated that Central and Chino approve a budget; CAFMA spends the money. There is no election by the public for representation on the CAFMA Board; it's made up of members from the other two Boards. He asked how members could be removed without cause. He voiced concern regarding the direction Board members were given regarding voting at the last meeting. Mr. Kuknyo voiced his concern related to conflicts associated with the attorney representing all Boards. He stated that CTC is a watchdog for the tax payers and CYFD and Chino Boards are supposed to be also. He asked how they are supposed to do that if they have no authority or responsibility. He mentioned that a Board member was discouraged by the attorney when the Board member had asked to record the executive meeting even though the attorney couldn't find anything prohibiting the Board member from doing so. Mr. Kuknyo stated that the Board member would still be under the same open and executive session meeting laws. Mr. Kuknyo stated that the attorney should have assisted a Board member when he was having difficulty stating a motion. Mr. Kuknyo stated that the attorney said that CAFMA is legal, but it is the Board's responsibility to determine what is right. He expressed his opinion that Chino's tax rate should be lowered to Central's rate; dissolve Central and Chino and let the tax payers elect the Board of CAFMA. There would then be representation on how tax dollars are spent. He recommended forming districts so that large areas like Williamson Valley, that was almost wiped out by wild fire, would have representation on the Board. He asked if the savings was being used for growth or if they were passed on to the taxpayer. He stated many tax bills are increasing. He told the Board that they represent the public's best interest; they are not employed by the fire district. He asked where the money comes from to give pay increases when Chino's tax rate is maxed out. He asked if Prescott Valley was subsidizing Chino Valley. He stated that the new admin building was paid for by Central Yavapai; therefore, Chino Valley was getting the benefit, but paid nothing. He stated most importantly that 911 and our emergency services are second-to-none; CTC membership agree that the men and women in both districts are professional and well trained. He stated that there isn't anything broken that can't be fixed and that CTC would love to be part of fixing it. He stated that they are not against taxation; they just demand that their money be spent wisely and prudently and that they get representation for the tax base. He stated that they want integrity for those that are elected; asked the Board to use their discernment to analyze the difference between legal and right. He asked the Board to review how CAFMA was set up and ensure that taxpayers have representation.

Myrna Lieberman stated that the citizens respect the firefighters, and she asked that CAFMA respect the citizens. She asked that the Board conduct an election and let the voters decide. She voiced her disapproval of having to pay for raises that Chino Valley can't pay for. She asked the Board what they were afraid of and indicated they should let the voters decide if CAFMA should be created.

Larry Jacobs stated that he's a 20 year resident of CYFD and former police official in which he supervised high level investigations in the area of organized crime. He stated that as a board member of the Citizens' Tax Committee he was assigned as a liaison to fire districts due to efforts organized to create Central Arizona Fire and Medical Authority (CAFMA) to determine the effects it would have on the taxpayers. He stated that he started to compile documents through public records requests in July of 2016 and first obtained a copy of the Joint Powers Agreement to understand the structure of the organization and the effects it would have on the taxpayers. He stated that members of the CTC had a meeting in August 2016 with members of the CAFMA Board, Fire Chief, Administrative Assistant Chief, and Board Attorney. CTC asked questions regarding the purchase of the new administration building located at 8603 E.

Eastridge Drive during that meeting, and were assured that everything was in order. He explained that he did not feel comfortable with staff's explanation, so he started his own investigation regarding the April 18, 2016 CYFD check for \$50,000 to Pioneer Title for earnest money deposit on the new administration building. Mr. Jacobs stated that after submitting public records requests to several governmental agencies, he discovered that the check created on 4/18/2016 may have been forged since it is not the name that we were given by the Board Chair that was the second signature of the check. He stated that he contacted the Board member whose name was on the check and found that he did not sign the check or give permission for anyone to use the signature stamp for the check. Mr. Jacobs stated that he was alarmed to hear that CYFD utilizes a stamp machine to prepare checks as it invites the opportunity for criminal activity in the form of fraud. Mr. Jacobs stated that he has obtained an affidavit from the Board member involved which he had planned to present to the Board if he was placed on the agenda. Mr. Jacobs requested that he be placed on the next agenda in the form of a special meeting or the next scheduled CYFD Board meeting since the Board Chair and Fire Chief had chosen not to allow him to be on the agenda. He stated that he will provide evidence to the Board, and he requested the CYFD Board approve a resolution to approve and support an independent law enforcement investigation into this matter. Mr. Jacobs stated that the offense involved - document crimes - requires extensive expertise which the AZ Department of Public Safety Criminal Investigation Bureau has; it should be contacted to conduct the investigation. He stated that if the board fails to place him on the next agenda concerning the matter, he will ask for the investigation himself.

Al Gibbons, a Chino Valley resident, stated that he would like a vote on CAFMA. He stated that he has asked for a copy of the agreement and it was not provided. He stated that many people have lost trust in the organization. He voiced concern that Prescott Valley residents are subsidizing Chino Valley and stated he would be outraged if he was in the CYFD; as a Chino Valley resident, he is embarrassed that the CYFD taxpayers have to subsidize them like they're a welfare case. He stated that taxpayer money is being wasted and invited any Board member to contact him to discuss specific cases. He then stated it is obvious to everyone that district vehicles are being used by personnel for personal use, and stated it's not the guys' fault, it is Scott's fault; management allows those things, and employees will do whatever they are allowed. He further expressed dissatisfaction that Attorney Cornelius and Chief Freitag do not make eye contact with speakers, and stated they should have courtesy for the speakers as they work for them.

ViciLee Jacobs indicated she would stay in her seat by the microphone so Director Steele can hear what she has to say. Director Wasowicz asked for clarification if he needed to time a Board member; Director Jacobs answered no, you do not, and stated that if she had been put on the agenda she would have been able to explain, but she was refused, so as an elected official she was going to read a statement: "Tom Steele and I revoke any waiver of conflict of interest, if any, that you may have signed in the past as to Nicolas Cornelius, due to his multiple conflicts of interest in representing all three Fire District Boards which have different interests financially and otherwise and which are now starting to face challenges to the legality of the CAFMA structure that Mr. Cornelius created and sponsored along with Chief Freitag; he also has a conflict of interest as the Fire Chief for all three Fire Districts among other conflicts." Director Jacobs stated that she has a Revocation of Waiver of Conflict of Interest. She stated that Tom Steele's name and her name was on the document, and she read the document. "The undersigned hereby, if there is any signed waiver of conflict of interest of Central Yavapai Fire District Attorney Nicolas Cornelius, revoke any such waiver. Mr. Cornelius should cease from representing this Fire District in any matter involving either of us or either of the two fire districts or anything related to the complaints of the Fire Chief Freitag against Director ViciLee Jacobs. Signed Tom Steele and Director Jacobs." Director Jacobs presented a copy of the statement to Attorney Cornelius and Board Clerk Wasowicz.

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 Regular Session Minutes - October 23, 2017
- B. Approve Executive Session Minutes - October 23, 2017
- C. Approve Regular Session Minutes - November 27, 2017
- D. Approve Executive Session Minutes - November 27, 2017
- E. Approve General Fund Financial Statements
- F. Approve Bond Debt Service Financial Statements
- G. Transfer November Revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the Amount of \$1,362,262.22

Director Jacobs asked for Items A, B, C, D, and G be removed from the consent agenda for discussion.

Motion to approve Consent Agenda items E and F.

**Move: Jeff Wasowicz Second: Matt Zurcher Status: Passed
Yes: ViciLee Jacobs, Darlene Packard, Tom Steele, Jeff Wasowicz, Matt Zurcher**

Items A, B, C, D

Director Jacobs stated that she is objecting to approving these minutes because she went to the administration office to listen to the audio recording of the October and November meetings, but the quality of the recording was so poor that she could not understand what different people were saying during these meetings. She used an example of when Attorney Cornelius was speaking for seven minutes and there were only three lines of text. She expressed concern that there was language missing from the executive sessions when the attorney was giving legal advice. Director Jacobs stated that she does not believe that everything that was said was recorded perfectly. She stated that this is the same problem Director Steele had. As a result, she stated that she objects to any vote to approve these minutes until both she and Tom Steele have the opportunity to adequately hear and review the audio recordings of these meetings.

Motion to table the approval of these minutes until we are provided with the opportunity to review the audio and actually hear in a reasonable manner.

Move: ViciLee Jacobs

Director Steele stated that he has been wearing hearing aids for about four years and probably should have been wearing them for four years before that; they basically only amplify. He explained that when people are speaking fast, clipped words it's difficult to understand and comprehend what they are saying in it's entirety. He stated that the minutes need to be clear and concise; the minutes are much better than three months ago. However, he stated that his needs are still not met and he wants to support Director Jacobs' comments.

Direct Jacobs restated her motion to table the approval of these minutes until we are able to provide the opportunity to review the audio and actually hear it.

Motion: ViciLee Jacobs Second: Tom Steele

Director Wasowicz asked if the recording was good enough to be understood.

Director Jacobs stated the recording was horrible. She stated that she felt bad for staff trying to listen to the recording and type the minutes.

Director Wasowicz voiced concern that listening to the recording again wouldn't help if the recording is the problem.

Director Jacobs asked if there was another form of communication that is being used that would give a better audio for people to review to make sure the minutes are correct. She stated that it's important for the Board to consider purchasing better audio equipment so that it can be reviewed.

Director Wasowicz agreed; however, was concerned about past meetings.

Director Zurcher stated he is concerned about the audio, but there are video recordings.

Director Jacobs stated that she needed time to go to Prescott Valley to get the public record so that she can review it.

Attorney Cornelius stated there is a 90 day window to retain recordings. He mentioned that the microphones are new and the administration building has a new system that will allow for better recording. Directors Jacobs and Steele can view the video on the website. He stated that staff is working to address the equipment. He advised that the minutes are not supposed to be a transcript, but if there is something missing, that should be addressed.

Chair Packard asked for a vote for all in favor of tabling Items A, B, C, D

Status: Passed

Yes: ViciLee Jacobs, Tom Steele, Jeff Wasowicz

No: Darlene Packard, Matt Zurcher

Item G

Director Jacobs objected to approving the transfer of CYFD funds to CAFMA until this Board receives the legal advice from a qualified lawyer who does not have any conflict of interest. She stated that she plans to continue to vote no on these transfers of the funds to CAFMA until we receive legal advice from a qualified lawyer who has no conflict of interest and that lawyer needs to be chosen by someone other than Chief Freitag or Attorney Cornelius.

Director Steele stated that he supports the comments that were just made in its entirety.

Director Jacobs stated that she is voting no and she gave an explanation, because at prior meetings she was required to give an explanation.

Motion to approve Item G - transfer the November revenues from Central Yavapai to CAFMA in the amount of \$1,362,262.22

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

Yes: Darlene Packard, Matt Zurcher, Jeff Wasowicz

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

Motion to go into Executive Session at 6:04 p.m.

Move: ViciLee Jacobs Second: Tom Steele Status: Passed

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

6. OLD BUSINESS

Chair Packard reconvened into Public Session at 6:32 p.m.

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

Chair Packard confirmed that Attorney Cornelius has his direction.

7. NEW BUSINESS

- A. Appointment of the Fire Board Chairperson and Clerk

Motion to nominate Jeff Wasowicz as Chairman

Move: ViciLee Jacobs Second: Tom Steele Status: Failed

Clerk Wasowicz stated that he appreciates the nomination, but does not believe he has the time to commit to the job.

Director Jacobs nominated herself for the position of Chair

Motion: ViciLee Jacobs Second: Tom Steele Status: Failed

Yes: ViciLee Jacobs, Tom Steele

No: Darlene Packard, Matt Zurcher, Jeff Wasowicz

Motion to keep status quo with Director Packard as Chair and Director Wasowicz as Clerk

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

Yes: Darlene Packard, Matt Zurcher, Jeff Wasowicz

No: ViciLee Jacobs, Tom Steele

- B. Approve Budget Development Schedule

Chief Freitag explained that the budget schedule follows the standard protocol; there will be joint board meetings. We are asking the Board to approve the schedule.

Motion to approve Budget Development Schedule.

Move: Jeff Wasowicz Second: Matt Zurcher Status: Passed

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

- C. Discussion and Possible Approval of Request for ADA Accommodation for Director Steele

Director Steele stated that he previously filed an ADA complaint with the Attorney General's office regarding this Board's ongoing lack of cooperation regarding his long-term (several years) complaints about his inability to adequately hear what is being said at

the CYFD meetings. He stated he wants to do a good job as an elected official, and stated the Board, Fire Chief and Attorney should allow him the reasonable accommodation of: 1) increased microphone volume for all speakers; 2) having the meetings at the best available location for accommodating his hearing difficulty, specifically at our expensive new Administration building in Prescott Valley that has new sound equipment; and 3) speaking up during meetings instead of having private conversations.

He added that part of his complaint to the AG's office was related to the fact that he requested to make his own personal copy with his own personal machine and blank tapes so he could play them and listen to sections he was concerned about at home and at his leisure so to not take up staff time. That was his original request, and that is the accommodation we have failed to provide. He stated he is still waiting for clarification, and added that he is duty-bound to not release information from executive sessions; therefore it should be in order for the Board and Attorney to approve his recording the material on a monthly basis so he can properly report back and approve the minutes when they are sent out four (4) days after the meeting.

Director Jacobs read part of Board Policy 5.6 related to ADA requirements for employers. She then stated that Director Steele has mentioned during his time on the Board that he has a hard time hearing and sometimes asks people to repeat themselves. This has been a long period of concern and complaint about his inability to adequately hear what people are saying and his inability to hear the audio recordings, which she knows are bad, as she stated previously. She indicated this matter should not require discussion or a vote, that the Board should follow it's own policy and the ADA law.

Chair Packard agreed that the matter does not require a vote and asked staff to provide an update on the audio at our facilities.

Chief Freitag stated that we are using microphones this evening; however, we are moving to the Town of Chino Valley council chambers, and they have a microphone system including a podium with a microphone that should allow for better hearing. The administration building has been equipped with microphones; he included that the volume is controlled on each individual's microphone. He also reminded Board members that they have to speak closer to the microphone to be heard as they are directional microphones. Additionally, a podium has been repurposed for the new admin building; it will have a microphone attached as well. This should also help with improving the quality of the recordings. Chief Freitag thanked Chief Polacek for getting the sound system working for today's meeting in an effort to accommodate Director Steele in this venue.

Director Steele stated he thinks what was discussed will work for the meetings; what he wants is support for him to be allowed to make recordings at his own expense so that he can take them at home for those cases where he has had difficulty comprehending as much as hearing. He is asking for permission to make those tapes.

Director Zurcher stated that anyone may record public sessions; however, executive sessions are not allowed to be recorded by anyone other than staff.

Attorney Cornelius advised that he will re-visit the issue with the Attorney General's office on the basis of an ADA claim. He clarified his previous remarks: it isn't that there was nothing that said it can't be done; there was a series of pages indicating it needs to be maintained as confidential and that additional recordings should not be made, and the Attorney General's office has never seen an instance where that was allowed. He will revisit the matter on the basis of an ADA claim.

Director Steele stated that it shouldn't be an issue as he is sworn to secrecy as a Board member; he added that he would be glad to turn over the tapes when he is done for

proper disposal as he doesn't want to be caught in that liability. He further stated that he is furious with the Attorney General's office as it's been four weeks since he filed his claim and has not received a response.

Attorney Cornelius reminded the Board that the AG's office has previously stated that they do not represent fire districts, and they will not give legal advice. He will make a phone call and report back.

Director Zurcher asked Chief Freitag if he could research equipment for the hearing impaired similar to what is provided at the Prescott Valley Library. Chief Freitag deferred to Tech Services Manager James Ogden; he will look into it. Chief Freitag will check with Chino Valley to see if they have equipment.

Director Steele summarized his request as getting quality equipment for recording and that he receive permission to make his own audio recordings on such occasion as he needs it.

8. ADJOURNMENT

Motion to adjourn meeting at 6:52 p.m.

Move: Matt Zurcher Second: Tom Steele Status: Passed

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

Clerk / Date

Signature indicating approval on next page.

Signature Page For: 2017 12 21 Central Yavapai Minutes-Approved.pdf - Central Yavapai Fire District Board of Directors - CY Regular Meeting - 1/22/2018



Jeff Wasowicz , Board Clerk 01/23/2018