

MINUTES

**Central Arizona Fire and Medical Authority
Central Yavapai Fire District Board of Directors
CY Regular Meeting
Monday, April 23, 2018, 6:30 pm - 7:30 pm
Chino Valley Town Hall, 202 N. State Route 89, Chino 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, April 23, 2018 at 6:30 p.m.** The meeting will be held at the **Chino Valley Town Hall, Council Chambers, 202 N. State Route 89, 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

Chair Packard called the Central Yavapai Fire District Board of Director's meeting to order on Monday, April 23, 2018 at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Packard led the Pledge of Allegiance.

3. CALL TO THE PUBLIC

A.R.S. §38-431.01(H) states: A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

In accordance with A.R.S. §38-431.01(H) and as a matter of policy, the Central Yavapai Fire District Board has decided to allow public comments as time permits. Therefore, those wishing to address the Board regarding an issue within the jurisdiction of this public body may do so in an orderly manner that includes completing a Call to the Public Form and submitting it to staff for the record. If a written statement is being read, please provide a copy to ensure it is entered into the record accurately. Individuals will be limited to speak for three (3) minutes and Call to the Public shall not exceed 30 minutes per meeting.

Chair Packard opened the meeting for public comments. There were no public 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. Any item may be removed by a Board member and will be considered separately for motion, discussion and action.

- A. Approve Regular Session Minutes - February 26, 2018
- B. Approve Regular Session Minutes - March 26, 2018
- C. Approve Executive Session Minutes - March 26, 2018
- D. Approve General Fund Financial Statements
- E. Approve Bond Debt Service Financial Statements
- F. Transfer March Revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the Amount of \$644,720.60

Director Zurcher asked that Item F be removed from the Consent Agenda.

Director Jacobs asked that Item A be removed from the Consent Agenda.

Motion to approve Items B through E on the Consent Agenda.

Move: Matt Zurcher Second: Tom Steele Status: Passed

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

Item A

Motion to approve Regular Session minutes of February.

Move: Jeff Wasowicz Second: Matt Zurcher Status: Passed

Director Jacobs stated that she reviewed the recording of the February 26th meeting, and she believes there was a lot missing from the minutes. She suggested that staff review the recording and be more accurate.

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

No: ViciLee Jacobs

Item F

Motion to approve the transfer of the March revenue from Central Yavapai Fire District to Central Arizona Fire and Medical in the amount of \$644,720.60.

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

Director Steele explained that he maintains his position as he still believes that Central Yavapai Fire District is heavily subsidizing CAFMA and at some point that is a violation that the taxpayers will have to resolve. He stated for that reason, he will not vote to transfer the funds to CAFMA.

Yes: Darlene Packard, Jeff Wasowicz, Matt Zurcher

No: Tom Steele, ViciLee Jacobs

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 Legal Advice to the Board Regarding Recent Acts and Omissions of Directors Jacobs and Steele

Motion to adjourn into Executive Session at 6:36 p.m.

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

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

6. OLD BUSINESS

The Board reconvened into Public Session at 7:14 p.m.

A. Motion, Discussion, and Action Related to Training Center Drainage Issues

Attorney Cornelius confirmed that he has his direction.

B. Motion, Discussion, and Action Regarding Modifying CYFD Board Policy Manual Related to Placing Items on the Agenda

Motion to review the request by Director Jacobs and Tom Steele for the two additions of the agenda for the agenda policy.

Moved: ViciLee Jacobs

Chair Packard tried to clarify the motion.

Director Jacobs stated, "a motion has been requested by Director Jacobs and Tom Steele for two additional items on the agenda policy additions - make the changes - make to the policy regarding adding meeting agenda items."

Move: ViciLee Jacobs Second: Tom Steele

Director Jacobs explained that this was brought back to allow all Board members time to review the suggested changes.

Director Wasowicz asked how this item fits into the policy review process.

Attorney Cornelius advised that we are looking for these types of proposals; the Board does not have to wait for the entire manual review.

Director Jacobs stated that this is based on adding new language to the Board Policy Manual on the Board Member Code of Ethics to require additions to agenda on the request of two board members.

Chief Freitag explained that reviewing the policy manual is a large process and it was decided that one would be reviewed at a time. We're waiting on the CAFMA Board to review their Policy Manual. Reviewing two manuals at the same time causes confusion for Board Members, staff, and is very time consuming for staff. He recommended continuing with the original plan of completing the CAFMA manual first.

Director Jacobs stated that CAFMA has adopted the CYFD Manual; the CYFD Board can make these changes and if CAFMA wants to adopt them, they can. The core of the policy comes from CYFD and Chino.

The Board discussed whether the three Boards could have different policies; during the joint management agreement process, prior to the JPA, all policies were combined. There was also a discussion regarding the number of members required to place an item on the agenda and concern that the Board Chair or Fire Chief could opt not to add an item.

Attorney Cornelius advised the Board that the Chief does not approve what goes on the agenda; he's the focal point for items to be submitted to alleviate the possibility of an open meeting law violation. Attorney Cornelius advised that there are also issues with regard to legal considerations, timing, and jurisdictional issues that have to be considered. He advised that he has not seen an automatic right to have something placed on the agenda.

The Board discussed reviewing the entire CYFD Board Policy manual after the CAFMA Board completed theirs. The majority of Board members were in agreement that they wanted to review the manual as a whole; however, they were concerned with the timeline.

Director Jacobs commented that CAFMA is using CYFD's Policy, so if they are still using the CYFD Policy and even though they are working on CAFMA policy, she thinks that CYFD can do something prior to CAFMA, because they are functioning on CYFD Policy. She believes CYFD is the priority, because CAFMA works under the policy of CYFD.

Chief Freitag clarified that CAFMA is utilizing CYFD Policy; they do not work under CYFD Policy; those are CAFMA Policies. He solicited a timeframe from the CAFMA Board members.

Chair Packard and Director Wasowicz have completed their review and Director Zurcher is almost done with his review.

Chief Freitag stated that three to five months is a reasonable timeframe; however, the budget also takes time.

Chair Packard suggested a possible deadline of October for CAFMA Policy to be complete.

Chief Freitag suggested that the CYFD Board could review the revised CAFMA Policy Manual and determine what works for CYFD.

Director Steele asked that these changes be considered. There should be a legal method whereby a majority of the Board or members other than the chair could provide an item for the agenda for the next meeting with proper timing.

Chief Freitag advised the Board that there is already a process in place - the items were pulled due to legal reasons. He provided the documents to the Chair and legal counsel, and then he followed their direction.

Chair Packard asked Director Jacobs to repeat her motion.

Director Jacobs restated her motion: Director Jacobs and Director Tom Steele jointly request the two alternative items be placed on the agenda of alternative options for a way to add items to the agenda in addition to what is being done as a practical matter under the current CYFD Policy.

Move: ViciLee Jacobs Second: Tom Steele Status: Failed

Yes: ViciLee Jacobs, Tom Steele

No: Darlene Packard, Jeff Wasowicz, Matt Zurcher

7. NEW BUSINESS

- A. Motion, Discussion and Action Regarding Waiver of Conflict of Interest with the Yavapai County Attorney's Office for Election Services

Attorney Cornelius advised that this letter generated by the Yavapai County Attorney's office and sent to all agencies whether they are currently represented by their own legal counsel or not. By law, they are required to represent fire districts if they do not have legal counsel, and there is a potential for a conflict as they represent agencies that the District does business with. He advised that there is no current conflict. This is similar to Attorney Cornelius' letter for CYFD and CVFD for the creation of CAFMA.

By law they are required to request a waiver. This allows the Yavapai County Attorney's office to assist this agency with election matters. He advised that Board to strongly consider an affirmative vote.

Motion to accept the Waiver of Conflict of Interest with the Yavapai County Attorney's Office for election services.

Director Wasowicz asked what would happen if it wasn't signed.

Attorney Cornelius advised that if it is not signed, the Yavapai County Attorney's office would not be able to assist this agency with regard to matters related to conduct of elections. He advised that it is something he could assist with; however, he stated that the County does a lot of work with elections. We would not have that resource available without the waiver.

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

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

- B. Motion, Discussion, and Action Regarding Annexation and Resolution 2018-02 Harshberger 11405 E. Indigo Road Parcel 401-01-111Q**

Attorney Cornelius advised that this is a standard annexation.

Motion to approve annexation and Resolution 2018-02 Harshberger 11405 E. Indigo Road Parcel 401-01-111Q.

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

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

- C. Discussion and Possible Action Regarding Recent Acts and Omissions of Directors Jacobs and Steele**

Attorney Cornelius advised that he has his guidance and no motion is necessary at this time.

Director Jacobs requested that this item be discussed in open forum to let people know why Tom Steele and her were not in Executive Session. She stated that it was at the advice of the attorney that they could not be in the room.

Attorney Cornelius confirmed that is correct. It was legal advice of counsel that Directors Steele and Jacobs have a direct conflict of interest with regard to the issues that he was required to discuss with the Board. He advised that as a matter of law and a matter of ethics, he was required to ask them to step out of executive session for that conversation.

8. ADJOURNMENT

Motion to adjourn meeting at 7:48 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: 2018 04 23 Central Yavapai Regular Minutes Approved.pdf - Central Yavapai
Fire District Board of Directors - CY Regular Meeting - 5/24/2018**



Jeff Wasowicz , Board Clerk 05/25/2018