

MINUTES

**Central Arizona Fire and Medical Authority
Central Arizona Fire and Medical Authority Board of Directors
CA Regular Meeting
Monday, November 25, 2019, 5:00 pm - 6:00 pm
Central Arizona Fire and Medical Authority, Administration, 8603 E. Eastridge Drive,
Prescott Valley, Arizona**

In Attendance

Darlene Packard; Dave Dobbs; Dave Tharp; Jeff Wasowicz; Julie Pettit;
Kathy Goodman; 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 **Monday, November 25, 2019 at 5:00 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 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 meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Pettit led the Pledge of Allegiance.

3. PRESENTATIONS

A. Prescott Valley Town Council Report

Prescott Valley Town Council Member Don Packard shared permit and construction updates including housing starts of two multiple-family permits, two mobile home permits, and 35 single-family homes - 12 of those in Granville. He shared a status update on new Prescott Valley businesses, including that the Circle K on 69 and Navajo will be completed late January, and there will be a new station at Glassford Hill and 69. He believes The Iron Cook by the ED is open now and the Colt Grill will be opening soon. The Ocean Blue Car Wash has not been dedicated yet but appears busy, and the new Ocean Blue Car Wash off of Glassford Hill is still in process. Construction at Spouse and Viewpoint is now complete, but has to go across state land and is experiencing normal time constraints related to that process. Council Member Packard shared that Yavapai County had six mobile home permits, but he did not have a housing update from County.

B. Board Members' Reports

i. Prescott Regional Communications (PRCC)

Director Wasowicz reported that everything is on track and seems fine at PRCC. The new director is doing a good job.

ii. Public Records Requests

Director Zurcher had nothing more to add.

iii. Legal Fees

Director Zurcher noted that legal fees are coming to an end for the ACE lawsuit.

iv. Labor/Management

Director Dobbs stated that Labor Management had met and there are no glaring issues and nothing of significance to report. He expressed that he is excited about new leadership.

C. Letters from the Public

This item was skipped.

D. Monthly Division Reports from the Fire Chief and staff in regard to current activities of the Fire Authority and the status and progress relating thereto. Any item discussed in the Division Reports is subject to discussion and direction by the Board; no action will be taken.

Chief Freitag reported that he is excited about implementing leadership training for management staff over the next year, and that he is looking to the City of Westminster, Colorado as they have a robust in-house training program and positive track record for improving leadership qualities. Westminster has shared many of their programs with CAFMA and he is looking forward to continuing the relationship.

Chief Freitag stated that he is still on the ad-hoc committee that is looking at ways to reduce firefighter cancer-causing exposures. Local 3066 President Ben Roche will attend the next meeting. Chief Freitag has scheduled a January visit with a leading cancer doctor at her research center. This center is able to diagnose cancer earlier, even before blood tests. He shared a success story from the center.

Chief Freitag informed the Board that he has been asked to serve as state-wide liaison for the International Fire Chief's Association's (IAFC) Fire-Rescue International (FRI) Conference and Expo scheduled in Phoenix for August 2020. It will be the first time this conference has been held in Arizona.

Chief Tharp stated that he had attended the Public Safety Personnel Retirement System (PSPRS) Board meeting. There has been a 2.2% increase across the board, all agencies. The Actuary may have the individualized CAFMA report to us by the first week of December, which is quick.

Director Wasowicz noted that good progress is not going to change what we owe and wondered if changes are going to cost CAFMA less money.

Chief Tharp responded that PSPRS recognizes there is an issue and are working to rectify it. How PSPRS manages funds and how CAFMA pays what we owe may change, which is positive. We may have to pay more upfront, but PSPRS is looking at individualizing the accounts even more and reducing the assumed earnings rate. He compared ASRS and PSPRS and explained that ASRS is giant pool, as opposed to PSPRS as individual accounts, so if ASRS invests well then then the group does well. With PSPRS, a small agency may do better than, say, the City of Phoenix.

On behalf of Fire Marshal Chase, Chief Freitag thanked Local 3066, and specifically Mike Kontz and Director Packard, for donations for Safe Trick or Treat. He also reported that Dewey-Humboldt received a grant for residents to place reflective address markers on their home as part of the 'If They Can't Find You, They Can't Help You' program.

Chief Bliss had nothing further to add to his report.

Chief Polacek did not submit a report, and so presented that Operations has been busy with testing, including Captain, Engineer, and a just-completed Firefighter Academy. There will be upcoming testing for Battalion Chief and Assistant Chief. There are a lot of promotions on the way due to upcoming retirements. He reported that PRCC is still moving forward with EMD dispatching, and we are working with TriTech to iron out the bugs. CAFMA engine companies are doing sit-alongs with Dispatch to see what they go through on a daily basis. He commended Captain Niemynski for submitting CAFMA as a premier EMS agency, sharing that we earned the award.

Director Wasowicz asked if while out at the training center Chief Polacek had noticed work on the drainage occurring.

Chief Polacek responded that he doesn't believe they are working yet and is not sure if we had received a plan. Chief Bliss will meet with Director Wasowicz to discuss.

Attorney Cornelius stated that he has exchanged emails with their attorneys and they are working through local permitting issues. It appears that they are backing off from acting as the general contractor on the project.

Director Wasowicz inquired as to a performance clause and whether or not they have a deadline via a contract.

Attorney Cornelius replied that he did not believe so, but he is keeping an eye on the progress.

Chief Feddema was not present.

4. CALL TO THE PUBLIC

In accordance with A.R.S. §38-431.01(H) and as a matter of policy, the Central Arizona Fire and Medical Authority 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.

There were no public comments.

5. CONSENT AGENDA

All matters listed under consent agenda are considered to be routine by the Central Arizona Fire and Medical Authority 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 - October 28, 2019
- B. Approve General Fund Financial Statements
- C. Approve Fire Protection Agreements: McCarty, Wulf (Two Properties)

Motion to accept the consent agenda as presented.

Move: Matt Zurcher Second: Dave Dobbs Status: Passed

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

6. VOTE TO GO INTO EXECUTIVE SESSION

Executive session was not required; Attorney Cornelius recommended we come back to this if necessary.

- A. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Informal AG Opinion Regarding Alleged Open Meeting Law Violations Related to Real Estate Purchases.

7. OLD BUSINESS

- A. Discussion and Possible Direction to Staff Regarding Processing Fire Protection Agreements

Chief Tharp reminded the Board of previous discussions. He reported that nothing in the bylaws was prohibitive in disallowing the board from moving forward; however, per Attorney Cornelius, statutory references indicate the Board must approve the contracts. The initial contract will be brought forward, but the renewal process does not need a signature. CAFMA is struggling with customers that allow their contract to lapse, and there is a 90-day grace period. Staff is attempting to gain homeowner's insurance information so we can let owner's insurance carrier know when coverage is cancelled.

Director Packard inquired as to whether CAFMA covers owners during the grace period.

Chief Tharp responded yes.

Chair Pettit asked if staff could shorten cycle time to a 30-day notice prior to expiration.

Chief Tharp replied that staff does send out a notice 30 days before the due date and a cancellation notice is sent after the due date. He stated that his staff now has a process in place to obtain insurance information. He noted that CAFMA charges a very minimal fee, and that he is attempting to minimize staff time spent on the agreements.

8. NEW BUSINESS

A. Discussion Regarding Informal AG Opinion Regarding Alleged Open Meeting Law Violations Related to Real Estate Purchases

Attorney Cornelius stated that issues were raised by members of the public relating to the May 2019 real estate purchases, which led to allegations regarding public records and open meeting law violations. Conversations with the civil section of the Attorney General's Office (AG) and ombudsman were had and the allegations relating to public records were proven untrue and resolved. The AG has taken the position that the agenda items within the agenda should have included additional information. He stated that the AG has offered an informal opinion relating to this matter.

Attorney Cornelius noted three items from the AG's informal opinion:

The April 22, 2019, and May 13, 2019 notices did not provide a general description of what would be discussed.

There should have been more discussion in the open meeting prior to the executive session.

That the parcel purchase that was identified by resolution numbers in effect was hiding information from the public.

Attorney Cornelius believes that going forward, in the event of a purchase, we can craft the agenda appropriately without disclosing details that would harm CAFMA's negotiating position. He advised the Board to take the steps necessary to ratify the previous resolutions per the AG's instructions. He is required to notify them within seven days of this meeting.

Chief Freitag acknowledged the public records request complaint with the AG and they responded with an email that said CAFMA needed to send those documents out. He replied with a "No, we will send records upon receipt of a request." He notified the AG that this requester could submit a public records request form and be assured of a 24-hour response. He stated that the AG appears to have sided with CAFMA and agrees with our records request policy and procedures.

Attorney Cornelius agreed that it is not the agency's job to hold a public records request until which time the records become available. He does not know of an agency that would hold a records request.

Chief Freitag added that the State of Arizona advised that they do not hold records requests because the staff hours to catalog and follow-up would be

detrimental.

Director Wasowicz inquired as to whether or not the complainant received a copy of the response.

Attorney Cornelius answered that there is nothing that indicates a copy was sent, but he understands from other sources that the other party received a copy.

- B. Discussion and Possible Action to Ratify Board Actions Taken at May 13, 2019 Meeting Regarding Approval of Resolution 2019-02 - Purchase of Real Estate located at 7555 E. Addis Avenue, and Parcel # 103-35-755F; and Approval of Resolution 2019-03 – Purchase of Real Estate located at 7547 E. Addis Avenue and 7549 E. Addis Avenue

Motion to ratify the May 13, 2019 meeting regarding approval of Resolution 2019-02 - the purchase of real estate located at 7555 E. Addis Avenue, and parcel # 103-35-755F; and the approval of Resolution 2019-03 – purchase of real estate located at 7547 E. Addis Avenue and 7549 E. Addis Avenue.

Attorney Cornelius stated he will file the required document with the Attorney General's Office.

Move: Matt Zurcher Second: Darlene Packard Status: Passed

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

- C. Discussion and Direction to Staff Regarding Scheduling the Public Safety Personnel Retirement System (PSPRS) Unfunded Liability Workshop

Chief Tharp's recommendation is that the Board move forward with a PSPRS workshop. He and Chief Bliss are working on content and are sourcing ideas locally and from across the state. He predicted that the individualized actuarial report will show up soon and will aid them significantly. He asked if the board meeting on December 19 would be a good day for the workshop.

Director Zurcher suggested that December might be too difficult as there is too much going on and wanted more time to receive reports and any other relevant information.

Chief Tharp insisted that CAFMA would like all board members there, including the CYFD and CVFD board members.

Chief Freitag stated that a special meeting could be called in January and reiterated that all 10 board members should be present.

Chair Pettit allowed comments from the two Central Yavapai Fire District board members in the audience, Cynthia Gentle and Dane Beck.

Director Gentle agreed with Director Zurcher that the boards need all available information for the workshop and a January date would be better.

Director Dane Beck gave a thumbs up from the audience.

Chief Tharp agreed that waiting until January will work. He will be processing audit reports to present to the Board in December.

D. Discussion Regarding Ambulance Update

Chief Freitag reported that the white paper is complete. He stated that it is detailed because it is important to capture everything that has been completed to this point. Captain Niemynski reviewed the data and it was sent out for peer review across the state, as well as internally. He asked if the Board will approve sending the white paper to legislative officials.

Director Wasowicz commended Chief Freitag on a terrific report. He then asked for clarity on whether or not Chief Freitag recommends one option over another.

Chief Freitag responded with no, he wanted to leave further direction and action up to the Board. He suggested that the Board may come up with other options. He stated that finding a second ambulance company for the area once Prescott Fire Department backed out meant that no company will respond to a Request for Proposal (RFP) based on just CAFMA's jurisdiction. That option does not exist for our area as it stands now.

Director Wasowicz asked if the paper is informational only or requires action.

Chief Freitag responded that the intent is information for the Board as well as a recommendation for action. He said as far as the state is concerned, he would add a cover letter asking them to support the Article 9 rule change process. He mentioned that there may be changes that would require a legislative move. He stated that John Flynn offered to help package portions of the white paper specifically in order to grab a legislator's attention. He mentioned that the 1999 Auditor General's Report is still in effect.

Director Wasowicz clarified that what is happening is inappropriate. It is not criminal, but the Bureau of EMS is not executing their duty.

Chief Freitag agreed, stating that the Bureau of EMS has done nothing to fix the issues in the last 20 years. CAFMA is one of many Arizona agencies negatively affected by the lack of progress. He pointed out that the Auditor General's report shows that very little has changed.

Director Wasowicz inquired as to what Chief Freitag wants from the Board right now.

Chief Freitag replied that he would like the Board's direction to staff. He then asked if they would like to evaluate further.

Chair Pettit noted that the white paper is geared towards the Board and needs to contain a hard ask in a cover letter for the state legislature.

Chief Freitag responded that that is exactly what he needed to know. He stated

that the hard ask will be support for the Article 9 rule change process. He then mentioned that the Article 10 group about to begin and he has been made proxy to help push this along.

Director Wasowicz asserted that 47 states have already fixed the CON issue, let Arizona be the 48th. He recommended narrowing the white paper down and polishing it up.

Chair Pettit requested that the paper be brought back to the Board with actionable items.

Chief Freitag declared that he will create a cover letter with specific requests. He will ask John Flynn to take a look at the overall document. He reasserted that the main intention behind the white paper is for the public to know the background and all that CAFMA has done.

Chair Pettit confirmed that Chief Freitag has given the Board a well written, informative report that they can all speak to. She directed him to narrow the letter down to three requests for the state.

Chief Freitag assured the Board that he will have a proposed cover letter at the December meeting.

Director Wasowicz mentioned that he likes the first few pages of the Auditor General's Report.

Chief Freitag responded that that is why he included the report. He believes that the state needs to start adding stricter response time requirements. He noted that the lack of audits is problematic as private company statistics are hidden from the public, unlike CAFMA's, which are public.

9. ADJOURNMENT

Motion to adjourn the meeting at 5:59 p.m.

Move: Darlene Packard Second: Matt Zurcher Status: Passed

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

Disabled persons needing reasonable accommodations should call 928-772-7711 prior to the scheduled meeting.

**Signature Page For: CEA 2019 11 25 Minutes-Approved - Central Arizona Fire and Medical Authority
Board of Directors - CA Regular Meeting - 12/19/2019**

A handwritten signature in black ink, appearing to read "Darlene Packard". The signature is written in a cursive style with a large initial "D" and "P".

Darlene Packard , Board Clerk 12/20/2019