

## MINUTES

**Central Arizona Fire and Medical Authority  
Central Yavapai / Chino Valley / Central Arizona Fire and Medical  
Joint Special Board Meeting  
Monday, September 23, 2024, 4:00 pm - 5:30 pm  
Central Arizona Fire and Medical Authority, CARTA Training Facility, 9601 E. Valley Road,  
Prescott Valley**

### In Attendance

Andy Reinhardt; Cody Rose; Cyndy Dicus; Dave Dobbs; Gayle Pickett; Jodie Denike; Lee Barnes; Lorette Stewart; Matt Zurcher; Nicolas Cornelius; Pete Gordon; Rick Anderson; Scott A Freitag; Susanne Dixon

### Not In Attendance

Carrie Zambrano

## 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, the Central Yavapai Fire District Board of Directors, the Chino Valley Fire District Board of Directors, and the general public that the **Central Arizona Fire and Medical Authority**, the **Central Yavapai Fire District** and **Chino Valley Fire District** will hold a joint meeting open to the public on **Monday, September 23, 2024 at 4:00 p.m.** The meeting will be held at **Central Arizona Fire and Medical Authority, CARTA Training Facility, 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. Members may attend in person or via remote methods of communication.

1. CALL TO ORDER - JOINT MEETING OF THE CENTRAL YAVAPAI FIRE DISTRICT, CHINO VALLEY FIRE DISTRICT, AND CENTRAL ARIZONA FIRE AND MEDICAL AUTHORITY BOARDS

**Chair Zurcher called the meeting to order at 4:00 p.m.**

- A. ROLL CALL OF BOARD MEMBERS - CENTRAL YAVAPAI FIRE DISTRICT

**Clerk Reinhardt conducted roll call for Central Yavapai Fire District.**

- B. ROLL CALL OF BOARD MEMBERS - CHINO VALLEY FIRE DISTRICT

**Clerk Dobbs conducted roll call for Chino Valley Fire District.**

- C. ROLL CALL OF BOARD MEMBERS - CENTRAL ARIZONA FIRE AND MEDICAL AUTHORITY

**Clerk Dobbs conducted roll call for Central Arizona Fire and Medical Authority.**

2. PLEDGE OF ALLEGIANCE

Chair Zurcher led the Pledge of Allegiance.

### 3. PRESENTATIONS

#### A. Summary Report of Investigations by Attorneys Toppel and Cornelius

**Attorney Cornelius stated that the two investigation reports related to the grievances submitted by Local 3066 have been provided to the board. He added that there was a separate internal investigation conducted, and the report for that has been completed as well. These items will be discussed in further detail during executive session.**

#### B. Staff Presentation Regarding IAFF Censure of Fire Chief and Local 3066 Vote of No Confidence

**Chief Freitag provided information regarding the general health of the agency; a copy of the presentation is attached to these minutes.**

**Director Dobbs asked what counted as boots on the ground. Chief Freitag answered that the 73 firefighters are the backseat firefighters; we continue to maintain our 31 captains and 31 engineers.**

**Director Dobbs asked if we are currently staffed at 122 plus 4 on the 40-hour, not including the recruits in the academy right now. Chief Freitag deferred to Chief Feddema; he answered that we have 10 stations and each station has at minimum 3-personnel. He added that the number includes everyone in the operations division, which includes the Operations Chief, Battalion Chiefs, EMS and Training. Chief Freitag stated that the current number is 135, and that there are only a few stations that have only three personnel assigned to them. Director Dobbs agreed, stating that it looks like Station 63 in Battalion 3 and Station 59 in Battalion 6 are at full staffing. Chief Feddema clarified that there are several stations with five personnel assigned, but the fifth position is often used as a rover to help cover vacancies and training.**

**Chief Freitag commented that at the last Labor-Management meeting in August, the CAFMA chapter requested to have more vacation slots available because we've hired more people. We will have to have the conversation again about what is the priority; we can have more stations with four-person staffing on a regular basis, but we can't add another vacation day to that. We need to find out what their priority is. Chief Feddema added that he has been working with a labor representative to create a healthy balance. It is a work in progress.**

**Chief Freitag stated that we are still in the 3-year staffing plan approved by the board. Part of that plan is going to constant staffing of four at two stations. With fire district funding and tax rates, it's a matter of what the Board is willing to increase the rate to and what the community is willing to pay. Director Gordon asked for a review of and the current status of the 3-year staffing plan. Chief Freitag answered that we were planning to hire 21 new firefighter positions, plus with the addition of our CON an additional 12, for a total of 33. We have 14 in the academy now; we had hoped to hire 20 this time but didn't have the applicant pool we needed. That number represents new positions and positions open due to retirements, etc. We continue to recruit personnel, and we are getting more**

**applicants with each recruitment.**

**4. CALL TO THE PUBLIC**

In accordance with A.R.S. §38-431.01(H) the Central Arizona Fire and Medical Authority Board has decided to allow public comments as time permits. Those wishing to address the Board regarding an issue within the jurisdiction of this public body may do so by completing a *Call to the Public* form and submitting it to Staff. Speakers are limited to three (3) minutes, but may submit written comments for Board records. Call to the Public shall not exceed 30 minutes per meeting. Board members shall not discuss or take legal action on matters raised during an open call to the public, but may ask Staff to review a matter or may ask that a matter be placed on a future agenda.

**Chair Zurcher read the Public Participation Rules of Conduct.**

**Steve Rutherford, Prescott, AZ, spoke in support of Chief Freitag.**

**Darlene Packard, Prescott Valley, AZ, spoke in support of Chief Freitag.**

**Scott Dial, Surprise, AZ, spoke against Chief Freitag.**

**Don Jongewaard, Phoenix, AZ, spoke against Chief Freitag.**

**Karen Fann, Prescott, AZ, spoke in support of Chief Freitag.**

**Arick O'Hara, Phoenix, AZ, spoke against Chief Freitag.**

**Stephen Gilman, Phoenix, AZ, spoke against Chief Freitag.**

**Dennis Brown, Prescott Valley, AZ - spoke against Chief Freitag.**

**Gary August, Chino Valley, AZ, read a letter of support for Local 3066.**

**Marnie Uhl, Prescott Valley, AZ, spoke in support of Chief Freitag.**

**Dan Freiberg, Litchfield, AZ, spoke against Chief Freitag.**

**5. VOTE TO GO INTO EXECUTIVE SESSION**

**Motion to go into Executive Session at 5:05 p.m.**

Move: Lorette Stewart Second: Andy Reinhardt Status: Passed

Yes: Dave Dobbs, Cyndy Dicus, Matt Zurcher, Pete Gordon, Lorette Stewart, Rick Anderson, Gayle Pickett, Andy Reinhardt, Jodie Denike

A. Legal Advice Pursuant to A.R.S. §38-431-03(A)(3) Regarding CAFMA Complaint Against PSCS

B. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Potential Improper Disclosure of Authority Confidential Information (Kairos Data Breach)

C. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding PFFA and IAFF Cease and Desist Letters

- D. Legal Advice Pursuant to A.R.S. §38-431-03(A)(3) Regarding Alleged Grievances Filed by Local 3066
- E. Legal Advice Pursuant to A.R.S. §38-431-03(A)(3) Regarding Internal Investigation into Claims of Hostile Work Environment and Infringement of First Amendment Rights
- F. Legal Advice Pursuant to A.R.S. §38-431.03(A) Regarding Cease and Desist Letter (Freitag to Local 3066 Reps)
- G. Legal Advice Pursuant to A.R.S. §38-431.03(A) Regarding Possible Termination of the Fire Chief's Contract
- H. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Fire Chief Evaluation

## 6. **OLD BUSINESS**

**Open session reconvened at 8:03 p.m.**

- A. Discussion Regarding Complaint Against PSCS

**Attorney Cornelius stated the matter is closed.**

- B. Discussion Regarding Potential Improper Disclosure of Authority Confidential Information (Kairos Data Breach)

**Attorney Cornelius stated that the investigation was related to a data breach of HIPAA-protected information of firefighters and their family members. The data was improperly removed by an outside third party; not by anyone at Kairos or the agency. It has been turned over to the Office of Civil Rights (OCR) for further investigation. The OCR is the Federal authority that oversees civil and criminal HIPAA violations. The CAFMA investigation shows that no CAFMA employee improperly disclosed or intentionally revealed HIPAA-protected data. That matter is proceeding, there are civil and criminal inquiries at the federal level and possibly at the state level.**

- C. Discussion Regarding PFFA and IAFF Cease and Desist Letters

**Chair Zurcher stated this item can be combined with item E.**

**Attorney Cornelius stated that the IAFF letter suggested that Senior Staff had instructed, coerced, or advised a Battalion Chief to threaten, harass, or deny promotional opportunities. The claims for hostile work environment and infringement of First Amendment rights were directed to the comments made by Battalion Chief Davis. There were allegations in those complaints that Chiefs Freitag and Feddema were involved and somehow directed Chief Davis to act as he did. The investigation into those matters demonstrated conclusively that they were not involved. However, it is apparent that Chief Davis, who has received discipline, did say things that were improper to those individuals. He added that he and third-party outside counsel Jeff Toppel treated those allegations substantively. Rather than determining that they were not filed timely or didn't follow the process set out in the MOU between Local 3066 and CAFMA, we set those types of potential objections aside and addressed the substantive underlying basis of those matters. It was concluded that Chief Davis' actions were not appropriate and he has received discipline. A summary report related to Chief Davis will be available.**

**Chair Zurcher asked if there were any findings regarding retaliation. Attorney Cornelius answered that the suggestion or allegation that there was retaliation was unfounded.**

**D. Discussion Regarding Alleged Grievances Filed by Local 3066**

**Attorney Cornelius stated that these two grievances were the subject of the independent investigation. One was in connection with 48/96. Chief Freitag created a document based on discussions and informal review, that was provided to the Local and the Board. Mr. Toppel's findings were that there were some misstatements made and those should be corrected. His understanding is that those corrections have been made and were sent out. The second element of the grievance was that the matter should be reopened between Staff and the Local. The MOU states that the Fire Chief has the authority to make those decisions, therefore the second element of the grievance is not appropriate in the finding of the third-party investigator. There is no basis for that portion of the grievance.**

**The other grievance was specific to the request for data needed to obtain a quote for health insurance coverage through the United Firefighters of Arizona Healthcare Trust. That is connected to the Kairos data breach. The timing of that is important for members of the public and staff to understand. Initial discussions started in January 2023 when (Former) Chief Tharp issued a letter authorizing that to be conducted. He also requested specific financial information and other details, which he never received. In May of 2023, it was too late to consider for the upcoming fiscal year and there was discussion about resetting that for a later date.**

**In November 2023, Patriot Insurance Group, which was previously associated with and authorized to engage in the recovery of information to prepare insurance quotes through Kairos, was terminated (by Kairos). However, a Patriot employee, without due authority from Senior Staff or the Board, improperly accessed HIPAA data between December 2023 and January 2024. He got into the Kairos system and removed information without authority from Kairos to do that, and after his relationship had been terminated by Kairos. That incident resulted in not just CAFMA's data being removed, but 67 separate entities having their data improperly accessed, totaling tens of thousands of employees' and their family members' data being improperly accessed. We were notified by Kairos of the data breach in May 2024. The request for data related to obtaining a quote from that Trust was submitted during the period that we had informal advice that the breach had taken place. That was confirmed for us in mid-May after the grievance related to that issue had been delivered.**

**In the course of the inquiry, it was determined that a quote had previously been provided in September 2023 but it was not disclosed to staff. There was a second quote generated in February 2024, which was not disclosed to staff until May. We had issues where there were improper requests for information when it had already been properly accessed, improperly accessed, and when the grievance was filed. By the time the grievance was filed, we had been notified that HIPAA-protected data related to firefighters had been improperly removed. My advice to the board was that no action should take place related to that**

matter, pending the outcome of the inquiry; it would be inappropriate to start that process. That is not to say that going forward the agency should not explore the option as a potential provider.

Attorney Cornelius stated that the report will be available to the public. He added that his statements regarding the data breach are included in the two-part complaint filed with the OCR at the federal government level related to those HIPAA violations. He made it clear that neither the PFFA nor anyone at Union Local 3066 was aware of or understood what was taking place. His understanding, based on the filed documents, is that occurred at the hands of the employees of the insurance company, the separate third-party insurance provider; no one at CAFMA, the PFFA, Blue Cross Blue Shield, or Kairos was involved.

- E. Discussion Regarding Internal Investigation into Claims of Hostile Work Environment and Infringement of First Amendment Rights

Chair Zurcher asked for clarification regarding the status of the hostile work environment/infringement of First Amendment rights portion of the investigation, and if the investigation showed that Chief Freitag had been involved in any of the disciplinary process. Attorney Cornelius answered that the Fire Chief had nothing to do with the investigations discussed. In connection with the issues related to the Davis inquiry, which was conducted separately and apart from Chief Freitag and Chief Feddema. They were not in the meetings, were not reviewing the documents or interviews, did not draft the report or do any of the analysis, and were not involved in the conversations about the matter; those two gentlemen were excluded even though the allegations about them were speculative at best. There was found to be no basis for the allegations in the complaint.

- F. Discussion Regarding Cease and Desist Letter (Freitag to Local 3066 Reps)

Attorney Cornelius stated this is correspondence issued by Chief Freitag and his legal counsel, Chris Mason. It was not directed to this board, but to individuals who are engaged in certain activities. He does not have an opinion on the matter.

- G. Discussion and Possible Action Regarding Possible Termination of the Fire Chief's Contract

Attorney Cornelius explained that when they were dealing with matters related to Chief Davis, other matters arose that indicated that additional discipline might be necessary. There is a report related to that portion of the inquiry that demonstrates the basis for discipline imposed on Captain Olson. Damian Proano, who was on probation is no longer with the agency as a result of other matters not relevant here. Regarding Engineer Brunk, his discipline not finalized, and as such, that portion of the report is not being disclosed at this time. He said all this to demonstrate that when dealing with one matter, other matters often become apparent and have to be addressed. In discussions related to the Davis matter, other allegations arose; those are in the process of being investigated by way of interviews and contacts with individuals by Mr. Toppel's office. Mr. Toppel has also spoken with board members who had information to share.

**Attorney Cornelius' legal advice to the Board regarding the Chief's contract and evaluation was to table those items pending the results of the specific inquiry related to Chief Freitag's activities, behavior, and allegations of misconduct, specifically, the comments provided by Directors Dobbs and Pickett, and the individuals who are contacting Mr. Toppel directly. He believes there are due process issues, which he has previously stated to the board, and advised them to do nothing at this time. He thinks it is appropriate to wait for the results of the investigation before taking any action.**

**Director Dobbs asked if it is possible to take a vote on it tonight. Attorney Cornelius stated that it is on the agenda, but his advice is to wait as it might cause issues under the existing contract if we do not complete due process. It could be done, but he suggests that it is not a good idea.**

**Chair Zurcher asked Mr. Toppel for a timeline. Mr. Toppel stated we would like to wrap this up within two weeks, with a report available approximately a week later. Director Denike asked for clarification on what Mr. Toppel is doing. Mr. Toppel answered that he is fielding allegations from several individuals, interviewing them, and looking into those statements.**

H. Discussion Regarding Fire Chief Evaluation

**Discussed with previous item.**

## **7. ADJOURNMENT**

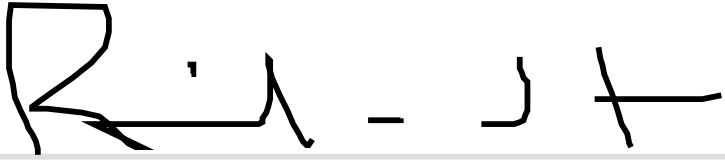
**Motion to adjourn at 8:23 p.m.**

Move: Andy Reinhardt Second: Rick Anderson Status: Passed

Yes: Dave Dobbs, Cyndy Dicus, Matt Zurcher, Pete Gordon, Lorette Stewart, Rick Anderson, Gayle Pickett, Andy Reinhardt, Jodie Denike

**Signatures indicating approval on next page.**

**Signature Page For: FOR SIGNATURE - 2024 09 23 Joint Special Meeting Minutes - Approved - Central Yavapai / Chino Valley / Central Arizona Fire and Medical - For Signature - Joint Meeting Minutes - 10/28/2024**



A handwritten signature in black ink, appearing to read "Andy Reinhardt", written above a horizontal line.

Andy Reinhardt 10/29/2024



A handwritten signature in black ink, appearing to read "Dave Dobbs", written above a horizontal line.

Dave Dobbs 10/28/2024