

MINUTES OF THE
BUCKSKIN FIRE DEPARTMENT DISTRICT FIRE BOARD

1/18/17 –**Open Meeting** Minutes to be approved at open public meeting on February 8, 2017. A public Open Meeting of the Buckskin Fire Board was convened on January 18, 2017 at 6:02pm in the classroom of Station I of the Buckskin Fire Department located at 8500 Riverside Drive, Parker, AZ 85344. The following matters were discussed at the Open Meeting. The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03.(A.3) on any item of the agenda.

1. **Call to Order:** 6:02pm

2. **Roll Call:**

Members Present: Chairman Jeff Daniel, Secretary/Clerk Wayne Posey, Board Member Glenda Gerson, Robert Gory, and Don Rountree

Staff Present: Chief Chris Chambers

Guest Speaker: Legal Counsel, Mr. Bill Whittington

Public Present: John Mihelich, Barry Gerson, Gary Svider, Pat Jones, John Gutekunst, and Mark Durham

3. (Discussion) and Action Item for **Possible motion to vote to go into Executive Session to discuss with legal counsel** pursuant to A.R.S. §38-431.03.A.3; as requested by Chairman Jeff Daniel for a better understanding of the appointment of Fire Chief Chris Chambers to interim Fire Chief and to Senior Captains position. Wayne Posey requested a discussion and Chairman Daniel approved discussion. Wayne Posey states he would like to give the audience some background on this item and proceeds to read the agenda item 3 of the November 9, 2016 meeting, “Possible motion to vote to go into Executive Session for legal advice pursuant to A.R.S. §38-431.03.(A.3); possible reassignment to include appointment of Fire Chief to Captains position; possible appointment of Fire Chief to serve as interim Fire Chief; possible modification of District Policy to permit the same. Motion made by Secretary Glenda Gerson; Board Member Bob Gory also made the motion to table discussion because two Board Members were absent. Secretary Glenda Gerson’s first motion still on the table; Board Member Bob Gory’s motion failed due to lack of second. Motion made by Secretary/Clerk Glenda Gerson; seconded by Chairman Greg Bachmann to vote to go into Executive Session for legal advice pursuant to A.R.S. §38-431.03.(A.3); possible reassignment to include appointment of Fire Chief to Captains position; possible appointment of Fire Chief to serve as interim Fire Chief; possible modification of District Policy to permit the same.” The votes were two ayes, that was Chairman Bachman and Secretary/Clerk Glenda Gerson. The nays was Board Member Bob Gory. Absent from that vote was Jeff Daniel and Monty Rust.

After the Executive Session the Board reconvened to the Regular Session and continued with agenda item number 5; Discussion and Possible Action reassignment of current Fire Chief, to include appointment of current Fire Chief to Captains position; possible appointment of current Fire Chief to serve as interim Fire Chief; possible modification of District Policy to permit the same. There was a discussion then Chairman Bachmann read the motion to reassign the current Fire Chief Chris Chambers to Captain; and to serve as interim Fire Chief effective immediately. Chris Chambers to continue to serve as Fire Chief; his current pay and benefits to remain unchanged. In the event a new fire chief is appointed by the Fire Board, Chris Chambers' role and title would be Senior Captain at which time his pay will revert to Merit 10 on BFD Captains' pay scale, in accordance to BFD Personnel Policy Manual. Earnings to include Merit 10 salary and IEMT (Medic) Stipend. If/when reassigned to Senior Captain, Captain's shift schedule will be assumed and as such he would be entitled to same benefit packages offered to all BFD line personnel; vacation days and sick days to correspond with accumulative years of service as per BFD Policy Manual. The additional benefit

package recently awarded to Chief Chambers regarding dependent insurance would be relinquished at the time of reassignment to Senior Captain. Policy modified to the extent necessary to permit the appointment above. Chairman Bachmann: I'll accept a motion for that. **Secretary/Clerk Glenda Gerson; "I so move." Board Member Monty (Robert) Rust seconded the motion. Chairman Bachmann, all in favor say aye. AYES: 3, Chairman Greg Bachmann, Secretary/Clerk Glenda Gerson, and Board Member Monty (Robert) Rust NAYES: 1, Board Member Bob Gory ABSENT: Jeff Daniel.** Therefore BFD currently has a vacant Chief position. At this time I would like to make the motion for the Board to go into Executive Session to discuss with legal counsel, pursuant to A.R.S. §38-431.03.(A.3); discussion or consultation for legal advice with the attorney or attorneys of a public body. Is there a second? Board Member Bob Gory made the second. Chairman Daniel states there is a first and second; any other discussion? All those in favor please indicate by stating Aye.

Ayes: 5, unanimous

Nays: 0

Absent: 0

Abstain: 0

At this point Chairman Daniel requests everyone to leave the classroom. Gary Svider asks to speak with legal counsel Bill Whittington. Gary Svider: On the agenda that was published and posted, in addition a discussion for a contract for Chief Chambers. The question I have and correct me if I'm wrong Bill, I don't believe that this can be discussed under a A.3; it has to be done under a A.1 and all procedures followed. Am I correct with that? At this time legal counsel Bill Whittington asks Chairman Daniel if it would be okay for him to answer, and Chairman Daniel replied yes. Bill Whittington continues by stating that it is okay do to do it under A.3. It means the Board is seeking legal advice on the matter, not discussing it with the Chief. If the Board wanted to discuss it with the Chief, it would noted under A.1, but it's perfectly okay to note it under A.3 and simply receive legal advice about the contract if the Board wishes. Gary Svider replied that he is okay with that. I did not see that it was a seek for legal advice on a contract. It was just the way it was written I thought that it needed to be a A.1. Bill Whittington: No it does not have to be, but if it was a A.1; that would contemplate that the Board was going to discuss it with the Chief as well as receiving legal advice. Wayne Posey asks Bill Whittington if it is appropriate to record this meeting since it is an executive session since there is no action? Bill Whittington replies that sometimes these meetings are recorded for whomever keeps the minutes can do so in an effective way. Then states if staff is keeping the minutes, they can come in. Wayne Posey then asks if it is okay for the secretary clerk to keep the minutes, and Mr. Whittington replies yes, however the Board usually doesn't know how to keep the minutes, and will need to send them to him to clean up so they read appropriately. Mr. Whittington also reminds the Board member of the confidentiality, and whatever is stated in executive session is confidential and cannot be shared with anybody whether it be someone in the district or your family members, it is confidential and cannot be shared. Mr. Whittington continues by stating the law requires that only those necessary be permitted to attend an executive session. That means the Chair can direct someone if need be; as an example I am in attendance to give legal advice. You can have a staff member in attendance to keep the minutes. If you felt that you needed the Chief here in order to have a factual foundation in place in order to seek legal advice you could do so. You can only have the people in attendance that is necessary. Wayne Posey now asks to have the recorder turned off.

4. **Convene into Executive Session.**

5. **Adjourn Executive Session and convene into regular session.** Chairman Daniel stated that nothing had been voted on in Executive Session and to move to Item 6.

6. (Discussion and Possible Action): **Conference call with Marilyn Mays with Henry & Horne CPA firm to discuss and answer questions regarding Buckskin Fire Department's annual audit.** Chairman Daniel

reiterates that this is an agenda item number 6, a conference call to discuss the audit and answer any questions now that we have Ms. Mays on the line. Secretary/Clerk Wayne Posey states that he thinks it would be appropriate since we have a lot of people here if she could give an overview, purpose of the audit, what the attempt is to disclose, and maybe go through some significant items of the audit that you feel is worth reporting and then entertain some questions from the Board. Marilyn Mays: The auditor's report is an unmodified opinion; which is basically stating that the financial statements are fairly presented in accordance to the Generally Accepted Accounting Standards, they are fairly represented as you see them and anyone can rely on the information that is found within those financial statements. We also perform the audit in accordance with the government auditing standards as required by the state statute and those standards require us to issue a report that is at the very end of your financial statements and it's a report on internal controls over financial reporting and on compliance. If we had any significant deficiencies or any material weakness in the internal control process of the financial reporting, we would be putting those in this report. This report is a modified opinion and there were no findings. There are two sets of financial statements; one is the government wide financial statement which has long term assets and long term debts included on that financial statement. The second financial statement is financial resources in and financial resources out which is basically budget. You have revenue and expenditures and it will not have the long term assets or liabilities. Your long term assets are your capital assets, your fixed assets and your long term debt is your capital leases and pension. In the prior years there was an accounting standard that changed and there was a significant accounting pronouncement that impacted your financial statements and that was related to the pension liability needing to be put on the books instead of just being disclosed in the notes. There was no new accounting pronouncement this year. The standards for the pension liability are still in effect and your statements are very similar to the statements in the prior year. Going over the government wide financial statements; you have total assets of 1.5 million and the deferred outflow of resources of 1.3 which is related to those pension liabilities and you have total liabilities of 4.7 million of which 4.4 million is the pension liability. This puts you into a negative net position of 1.8 million. Wayne Posey asks this negative 1.825 million dollars of net position, it is my understanding that the financial statements tend to view or present the health of an organization private or public. Is that normal to have such a large almost a 2 million dollar negative position in any type of organization? Marilyn Mays: Yes, because of that pension liability; if you take out that 4.4 million dollar pension liability that went into effect last year, then your net position would be 2 million. Because of the pension liability and the accounting pronouncement that went into effect last year, a lot of governmental entities which are cities, towns, even the state government and a lot of the special districts that belong not only to the public safety pension and also the Arizona State Pension, even the school districts are all experiencing this because of that pension liability. Wayne Posey: I have another question. There are expenses and charges for services and _____ (could not hear clearly) grants and contributions; I believe I understand the \$430K mainly the Safer Grant monies, \$254K charges for services, was that consider Wildland revenue? Marilyn confirmed it is Wildland revenue. The Fund statement is taking out the long term effects of the pension. You can see that you do have a fund balance which is the same thing as your net position. So taking out the long term liabilities relating to the pension, you do have a positive fund balance of \$606,000. Chairman Jeff Daniel asked in reference to the 1.8 million deficit, I look at this Fire Department as a business and a 1.8 million deficit, a business can't run well or very long when that continually rose. In your professional opinion do you think a 1.8 million deficit is good for a business? Marilyn Mays: It wouldn't be for a business no, and you would probably have an ongoing concern; but with a pension liability and the requirements of it, it's not like you're going to have to pay this 4. some million next year or even the next year; it is so far out there and it will change on the assumptions, actuarial reports and changes in the plan, the personnel you have working for you; there are just a lot of assumptions that will change so that number will continually change. It's not a number that this district is going to have to pay in even let's say ten years. It's like an anomaly of being a governmental entity. The banks and any lending institution, they will take that pension number out whenever they make any of their decisions on the financial stability of the special districts. There are a lot of other things they look at, and they will be looking at your fund statement and you do have a normal fund balance which shows your beginning balance at \$309,000 fund balance which is your net position and ended the year with

\$606,000. Your fund balance or net position actually grew \$215,000 last year. Wayne Posey asks if this is interim funds that they carry over to the next year and Marilyn explains that we brought in \$200,000 more than you spent. If you want to compare that to budget, there is another schedule and it shows you actually budgeted 1.9 million and brought in 2.6 million and in the variance column, you can see that you brought in \$200,000 more in charges for services and that was the Wildland and your grant came in \$390,000 more than you budgeted for. The expenses increased more than you budgeted for but again, that was because of the Wildland and the grant. This year you probably allowed for those in your budget. Basically, your revenues came in more than your expenses.

7. (Action Item) **Approval of Minutes** submitted for the Open Meeting held on December 14, 2016. Chairman Jeff Daniel, I will entertain a motion; Board Member Glenda Gerson, I so move; seconded by Secretary/Clerk Wayne Posey.
Ayes: 5, Chairman Jeff Daniel please note vote was unanimous.
8. (Action Item) Discussion and Possible Action: **Acceptance of monthly expense report 12/01/16-12/31/16.** All transactions approved by Administrative Fire Chief; documentation for these expenses were reviewed and authorized by a minimum of two Fire Board. Chairman Jeff Daniel, I will entertain a motion. Motion made by Board Member Glenda Gerson to accept the monthly expense report 12/01/16 – 12/31/16; seconded by Wayne Posey.
Ayes: 5, Chairman Jeff Daniel please note vote was unanimous.
Nayes:
Absent:
Abstain:
9. (Action Item) **Approve Annual Audit performed and submitted by Marilyn Mays with Henry & Horne CPA Firm.** . Chairman Jeff Daniel, I will entertain a motion. Motion made by Board Member Glenda Gerson to approve the annual audit performed by Marilyn Mays with Henry & Horne CPA Firm; seconded by Wayne Posey.
Ayes: 5, Chairman Jeff Daniel please note vote was unanimous.
Nayes:
Absent:
Abstain:
10. (Discussion) **Re-evaluate purchase of the Type 111 approved during the November 2015 Board Meeting.** Tabled until the February meeting.
11. (Discussion and possible Action): **Water Tender additional payment.** Chairman Jeff Daniel: In the past we have made extra payments and turned the discussion over to Chief Chambers. We make the second payment for principal only from the Wildland Fund account. Wayne Posey made the motion to make the second payment #13,930.00 (??); Seconded by: I believe it was Don Rountree;

****Note:** Too many people talking at the same time and could not hear clearly the discussion. Wayne Posey revised the payment to \$13,000 in addition to the regular payment. Gary Svider from the audience spoke mentioning in the past the lender had not credited the entire second payment to principal

Ayes: 5, Chairman Jeff Daniel please note vote was unanimous.
Nayes:
Absent:
Abstain:

12. (Report) **Chairman's Report:** Nothing at this time.

13. (Report) **Fire Chief's Report**

a. Summary of Incident Report/Activity Log

Buckskin Fire Department Run review 12-7-16 to 1-10-2017

| | |
|-------------------------|----|
| Medical Aid Calls | 25 |
| Wildland Fire Responses | 5 |
| Vehicle Accident | 2 |
| Fire Alarms | 3 |
| Public Assist | 1 |
| Elec. Fire | 1 |
| Burn Permit | 1 |
| Structure Fire | 1 |
| <hr/> | |
| Total Responses | 39 |

| | | |
|----------------|----|-----------------------|
| 1101 | 25 | |
| 1151 | 13 | |
| 1152 | 3 | |
| 1131 | 5 | |
| 1132 | 1 | |
| 1101-1151-1131 | 3 | Alarm #s: 794-007-799 |
| 1101-1151 | 2 | 001-009 |

Total Responses 2016 766

Total Responses 2017 804

Monthly Activities 12-8-16 to 1-10-18:

- IMD: Medical training was National recertification, new national registry guidelines. EMS research, Evidence Based Guidelines. EMS provider Hygiene, safety, and Vaccinations. EMS Culture and Safety. Ambulance Safety. At risk Populations.
- Paramedic Joe Maxwell is teaching CPR. This month he will be having a class at Castle Rock Shores we (Buckskin) have an AED there and they are recertifying to be in compliance. We had received a grant in the past and recently renewed it from WACAMs. Havasu Springs has one AED, Verde West has two, and Buckskin State Park has one. To stay in compliance each year they need to have 4 people that are certified in CPR. The money they donate each year that goes into the Donation/ Education fund is used for this purpose.
- Firefighter Testing went great. We have 13 candidates who completed the testing process. One of the candidates has already started shift work this week a Paramedic he will be at station 211 with Captain Byrd. We have two additional firefighters that are ready to start; they have completed the Phoenix Fire physical exams and are going through background check.
- Hazmat/ WMD testing was completed. This was a 24 hour class.

- 1102: The pump was delivered yesterday and they are starting installation. They are still hoping to complete it this month. I will keep you updated on the progress.
- Safer Audit: We are still going through the audit process hopefully to be complete this month.
- We are ordering the MCT's that we were awarded in the 2016 Homeland Security Grant. We are following the procurement process for bids now.
- VFA Grant: (Wildland Grant) we were awarded part of the grant for Wildland classes coming up in March in Prescott. They also are awarding the Wildland radio's we asked for. We will find out later in the year if we will receive any additional equipment we requested.
- The Buckskin administrative assistant position had two people who showed interest and completed the application process. We have conducted interviews with both ladies and Pattie will follow up with an interview next week.
- Safer Grant: Barb and I will start the process next week of applying for the 2017-2018 Safer Grant. Hopefully we can retain this grant for an additional 2 years. It has greatly improved our responses to structure fires. We have three big garages that were able to save and the owners were able to rebuild instead of being a total loss. The homes on all three were also saved. PSPRS is dropping from 47.25% to 34.97% because of the additional manpower and they are helping pay down our unfunded liability. We can continue to pay the 47% with our non-safer personnel to further pay down the unfunded liability without raising taxes.
- Homeland Security Grant rollout was yesterday. Captain Pellerin and I attended in Mesa AZ. This grant is now open for the next month and we will be putting again for equipment. We discussed what we need at the Captains meeting today. This open grant period closes on February 17th.
- Arizona Training committee will also be at the AFDA conference. We have a meeting at 9:00 am Thursday morning. The committee is already getting ready for the September 2017 Fire School in Mesa.
- We will to discuss feasibility of switching over to quick books with Marilyn in the near future.
- The main computer in Pattie's office crashed last week. We were able to get it restored and up last night. This is why she has had to write checks by hand.
- River Lodge Resort on the Ca. Side of the river had their annual polar plunge, Golf tournament, and fundraiser. They donated \$ 1700.00 to the education and donation fund.
- Boat one is out of the water for its annual winter repairs. Service of the lower unit and fiberglass repair.

Upcoming Activities and events:

- LaPaz Fire Chiefs Meeting Ehrenberg F.D. Tuesday Jan 17th @ 12:00 Pm
- RMA Isolation and Quarantine class. La Paz Boating and safety. Jan 25th2017 @ 8:00 am
- Wildland Classes start March 11th in Prescott AZ.

14. **Call to the Public.** Consideration and discussion of comments from the public. *Those wishing to address the Buckskin Fire District Board need not request permission in advance Pursuant to A.R.S. § 38-431.01(G), the Fire District Board is not permitted to discuss or take action on any item raised in the call to the public that is not specifically identified on the Agenda. However, individual Board members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct that staff review the matter or ask that the matter be placed on a future agenda.* Public input is limited to two (2) minutes per session unless a greater amount of time is approved by the Board. ***The Fire District Board cannot discuss or take legal action on any issue raised during the Call to the Public that is not on the current Agenda; due to restrictions of the Open Meeting Law.***

- Pat Jones made the comment that he just heard today from a someone concerned and wanted clarification if Pattie is working within the building or is taking work home and working on her computer. There are privacy issues and HIPAA Laws and I don't agree with it.
- Gary Svider read the letter submitted to the Parker Live by John Mehelich and made his personal comments with regard to the letter sentence by sentence. He stated his opinions and comments went on for approximately eighteen minutes, and on several occasions used inappropriate language.
- Barry Gerson made a statement before the Board and Public in attendance that he felt that it was not appropriate for one a member of this audience to raise his wrath to another member of the audience and whether it is correct or not correct, doing a disservice to this community and you did not control this meeting as the Chair of this Board.
- John Mehelich I would personally would love to have Gary's comments as part of the minutes on record and I will go on the record and tell you what I know about skirting the open meeting law. I will tell you everything I know about how that happened, when it happened and who was involved when it happened. It is all related to the sewer board and a meeting you had two months before the October meeting. The third person that wasn't on the Fire Board contacted the business outside of his office and explained that they were going to move on Chris. Now you can say that didn't happen, but that happened and I can get an affidavit from the person sitting there that you guys had that discussion at the sanitation board. I'll go mono to mono on everything I said in that letter but you ain't going to like it, he ain't going to like it, Jeff is going to hate it. If you want to bring it on, bring it on! I am supporting the people that work at BFD and the board members haven't done squat in two years. They let audience agitators like yourself, bring up minuet ____ that doesn't matter. If you want to go on the record, I will sit with you on Parker Live, I will sit with you at the Parker Pioneer and I will go throw what I know.
- Wayne Posey I just want to clarify what date? John, two months before the October meeting in which Jeff maliciously and capriciously... Wayne Posey, two years ago? John; two years ago and two month prior to that meeting. And Jeff said I don't have to tell you why I'm firing him asked, and I know you had that conversation with three people in this room.
- Mark Durham: You have to keep this to the business of the fire department. Gary I respect your time and stuff and yours too Johnny, but you have to keep this to the business of the fire department. Gary has a lot of opinions about what this gentlemen said, what this gentlemen said and what he said and that's not here. That's not going to help anything with these meetings and what's going to happen. I get you are passionate about what you're talking about but take it outside and talk about it after the meeting, not here. Jeff Daniel: You know what hurts the district the most? Its people who are constantly negative on the district. Mark: I get it. Jeff Daniel, if that wasn't happening, then this would happen.
- Pat Jones: Commented on someone calling him (someone from a radio station) and asking to shed some light on this, having to sit in an office for two hours defending the board and Chief and about to a radio station; having to deal with false allegations, I'm just saying it was very sad.

15. Poll Board Member for **items to be considered for inclusion on next agenda.**

- i. After all of this that just went on during the Call to the Public, requested by Board Member Glenda Gerson: I think we need to have an agenda item what is proper having gone through our classes recently. I think it was a mistake, I think we need to talk about what is allowed to happen in this board meeting. Don Rountree: We cannot talk about what was discussed in the executive session, this board got along real well and I think we're moving in a positive direction. We may not be heading in the same direction, but it's positive. Bob Gory: We may make a decision that you may not agree on, but that's why there are five people here and not just one person directing traffic.
- ii. Chief Chambers recommended moving the meeting to the third Wednesday of the month to allow ample time for preparation.
- iii. Wayne Posey suggested having an executive session item under statute 1 not 3 to invite Chris in to discuss (no action items) to discuss deficiencies

16. **Schedule next Work Session and/or Regular Session;** set date and time.

February 8, 2016, 6:00pm

17. Adjourn at 9:11pm

Jeff Daniel, Chairman

Date

Pattie Lonnee

Administrative Assistant

2/2/17

Date

Minutes approved by: _____ Date: _____

Minutes approved by: _____ Date: _____

PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING, CHRIS CHAMBERS, FIRE CHIEF OF BUCKSKIN FIRE DEPARTMENT (928) 667-3321 PRIOR TO THE SCHEDULED MEETING. FACILITIE ARE HANDICAPPED ACCESSIBLE.