

Mayer Fire District
Regular Meeting Minutes
Monday, July 27, 2015 6:00PM
Mayer Fire Administration

DRAFT

Before the meeting Clerk Coe said he would be acting Chairman and Member Wesolowski would be acting Clerk.

1 Call to order.

Acting Chairman Coe called the meeting to order at 6:02 P.M.

2 Pledge of allegiance.

3 Roll Call of members.

Present were Acting Chairman Coe, Acting Clerk Wesolowski and Member Dodge. Member Ashton was present by telephone. Member Williamson was not present.

4 Badge Pinning Ceremony Jacob Alanis.

Chief Brown said Jacob's dad would pin the badge on Jacob Alanis. Chairman Coe performed the ceremony.

6:04 lost connection with Member Ashton.

6:05 Member Ashton back with the meeting.

5 Call to the public. (The Fire Board can only respond to items on the Agenda, Comments limited to two minutes each.)

The Public (William Loughrige) the president of the Walker Fire Protection Association said they are happy with the support from the Mayer Fire Department and Glenn Brown as chief. He said five or six years ago we had a board that had taken personal issues and forgot about running the business of the Walker Fire Department (WFD). We consulted with the MFD board and hired MFD and paid for services to help WFD reestablish their FD. He said he had a personal and professional relationship with Chief Brown. He said from what he read in the newspaper it seems to be the same thing with people on your board with personal agendas. He spoke more on this and on about how their issues have gotten better. The Public (Chuck Leon) spoke about his qualifications (member of various boards) and said this Board has failed to operate under the Open Meeting Law numerous times and if Item 30 is done he said there will be some real ramifications. He said a chief was fired some years ago and won a 1.4 million settlement and talked about if the chief is discontinued and there is not sufficient reason he will sue and win and talked about the consequences. The Public (Steve Quintero) speaking as a member of the community and resident of Mayer said there will be some Open Meeting violations by Ed and Jack for discussing in the newspaper of what their vote is going to be (states they will vote no) and believed it should be looked at. He went on to say if any of you want to be led by a leader that threatens a lawsuit for getting fired and hangs it over our heads and that is how he keeps his job he didn't want having someone like that representing him and you might as well throw the policies and procedures away because they won't stand for anything. The Public (Bob Kaufman) said in response to Chuck saying he (Brown) is going to sue; he has already sued other fire districts and about the Alliance Investigations it should leave no doubt that a change has to be made. From the report Board member Ashton said 'Chief is not a competent leader' and the only way to fix the problem is with new leadership. With that said Glenn has a contract dated October of 2014. The new Board was seated in 2015. The new Board is not required to honor the contract issued by a previous Board. Glenn is now an 'At Will' employee as he stated in the Courier on the 25th. Arizona employment law states the employment 'At Will' document permits the employer or employee to terminate the employment relationship at any time with or without cause and with or without advance notice. It is a shame we could not give our firefighters a raise but can spend \$13,530 to learn something we have known for a long, long time. With that said this Board needs to move forward and do the right thing.

6 Chief's Report: a) Financials b) Event report

Financials – Chief Brown said we ended the month extremely positively and end the year better than budgeted and that leaves us in the black for the seventh consecutive year. He went over the different categories and said the ambulance backup since January came in at almost \$184,000. NET Income for the

month we were budgeted to lose \$60,877 and actually ended with a surplus of \$79,938. Year to Date (YTD) we were budgeted to lose \$30,000 and actually lost \$5,913. Chairman Coe said the EMS (ambulance payments) was so much was because we were being under paid by MSN (Management Services Network) (ambulance billing company) for the billing. Chief Brown said there was a back log and after rebilling we came in high in June. Chairman Coe had a question about being told we received \$2,000 from MSN because we paid interest because they (MSN) didn't make the payments like they should have done. He asked if that interest was actually calculated what we lost or did we just negotiate with them. Chief Brown said Suzanne went back and actually calculated our full interest for the six month period (January to July) for \$2077.08. We advised them that that was our total for the six months. He said MSN said they would credit our July bill that amount. **Wildland** – Chief Brown said so far we have gotten \$16,500 for outstanding Wildland revenue. Member Dodge said that was for a single resource that went out and asked if that was paid out for his salary. Chief Brown said less than half of (\$16,500) was the single resource and it is his salary and backfill as well. The other amount is for local fires. **Letter from County Treasurer** – Chief Brown said there is a letter presented to the Budget Committee earlier complimenting the District on ending the year in the black.

Current events – Chief Brown said we had a Bond sale and purchase of apparatus and said our ambulance is due on Wednesday, a water tender due in approximately 150 days, and a pumper due in about 220 days. Member Dodge said with the ambulance there were some questions about the actual costs approved by this Board (about a \$3500 discrepancy). Chief Brown said he was unaware of the cost difference approved by the Board. He said he was asked by Chief McGhee to have a hands off approach and he did. He said he did approve a separate invoice for \$350 for a change order that was separate from the (ambulance) invoice. Member Dodge said he brought it up to Suzanne prior to this meeting. Chief Brown said he would check with Chief McGhee and get him an answer. Chairman Coe said if that is the case then we have a problem. Chief Brown said vehicle #0201 is at Central Yavapai Fire District (CYFD) being evaluated to see if they wanted to take ownership (and is still there).

7 ***Mayer Chapter of the International Association of Firefighters (IAFF) Local #3066 (the Union) report.***

Steve Quintero the president of the Mayer Chapter #3066 said we welcome a new member – Jake Alanis.

8 ***Committee updates;***

a. Combined Committee (Budget, Labor, and Policy & Procedure).

Steve Quintero the Chairman for the Combined Committee said he presented to the Board this evening a copy from the Walker Consulting of a report giving the project status and has been working on the ambulance billing. She talked to MSN and found their collection rate is 29%. He went over the report and said if the Board wanted to go over anything with her (Pat Walker) they could. Steve said the second to the last page shows that in February MSN quit giving MFD data for what calls they have (ALS, mileage) so we have no idea what is still out there. He said in red print Pat Walker said what she is going to provide in her report. He said ambulance billing is our second highest income and she will be talking about that in the report (to come). At the last Budget meeting he said we talked about tightening up the reigns and having more checks and balances with the new QuickBooks program that Suzanne has put in place. He is going to sit down with Suzanne to understand this and get back to the committee on it. (Pat Walker is hoping by next Board meeting to have the report done.)

9 ***Consent Agenda.***

Member Ashton made a motion to accept the consent agenda (a. through h). Clerk Wesolowski seconded. The vote was Aye – four; No – zero. **Motion carried.**

10 ***Dispatch services beginning September 1, 2015;***

Chief Brown said the Board has a document that has three choices that may or may not be available. He contacted the Yavapai County Sheriff's Office and they are already receiving our 911 calls transferred from the Sedona Dispatch center (expires on August 31st). The Sheriff's Office plans on September 1st at 8:00 A.M. (to be) contacting MFD by phone.

a. Prescott.

Tom Haney (Captain) said we received a letter from the Mayor of Prescott with his concerns of MFD going back to dispatch with the City of Prescott (not a good fit and owed money). Tom Haney thought we were a good fit and asked Chief Light (present tonight) if he would support us going back and our partners if we took care of the money. He assumed the Board had voted on the \$18,000 in the Budget for this year. Chief Light went to the City Attorney with a letter that outlined a path for MFD to go back. He said all the partners are in agreement that it is a good deal. He also went to the Department of Emergency Services in Yavapai County and the U.S. Forest Service and they gave him a letter of support. He said Chief Light is here to answer any questions. Chairman Coe asked if there was a possibility the \$18,000 could be broken up

over the year. Chief Light talked about the \$18,000 that it needed to be settled up front. The fire agencies are on board that (this agreement with MFD) is a good fit. He talked about what was needed and was not sure they could meet the September 1st deadline. He said we could continue conversations and come to terms as far as payment and back channel stuff once that is settled. He said ultimately it would be a chairman and the Board's decision to make good on the financial (\$18,000). He talked some more about what it would take on his end. Member Dodge asked if the money was (paid) what would be a realistic time frame for MFD to (start dispatch). Chief Light said the biggest challenge is filling vacancies (four) in the dispatch center (would know better in a week). He thought possibly November. Member Dodge asked if the \$18,000 was paid when would MFD start paying for the actual service. He spoke about estimating calls. Chairman Coe asked if he would let Tom know more after their semiannual meeting on Thursday. Chief Brown said Mainstay has a hundred and eighty day no cause out clause and if we started with them September 1 we would be sixty days into that before potentially Prescott could be up. Member Dodge said he has had recent experience with Mainstay and it hasn't been real positive and thought if we do that we are taking ourselves out of the Wildland game (access and resource). He believed the quality through Prescott far surpasses what we would be offered at Mainstay. Chairman Coe said if we are going to get phone calls from the Sheriff almost anything else would be better. He spoke about Prescott being desirable. There was discussion. **Member Dodge made a motion that we approve the expenditure of \$18,314 for Prescott Regional Dispatch Center (PRDC) to get this moving.** Chairman Coe seconded. After discussion **Member Dodge amended his motion that we approve the money pending a contract agreement with them (PRDC).** Chief Brown said that is not what the letter says. It says you pay the \$18,314 and they will consider a contract. Tom Haney said if you want a serious discussion then we need to pay what we owe and then we can move forward with the discussion. Member Dodge asked what was left in the Bond account after money spent on the vehicles. Chief Brown said we don't have hard numbers yet but estimated about \$100,000 is left. **Member Dodge amended his motion that the money come out of the Bond account paid as Capital expense.** There was discussion.

The vote was Aye – four; No – zero. **Motion carried.**

b. Mainstay

Mainstay is a division of Rural Metro and requires \$6700 start up cost and installs for the dispatch systems at station 1. CYFD tech, James was at that meeting with Chief McGhee and said all that could happen.

c. Sedona

11 Wildland money budgeted in tentative 2015 / 2016 Budget.

Member Dodge said Arizona State Forestry has shut down the Wildland season early this year so he thought we needed to look at what we are going to do to make up the money that is budgeted (\$107,000) if we don't get the Wildland revenue and come up with a plan. Chief Brown said we already have \$16,000 so the balance is \$91,000.

12 Public Hearing regarding the 2015 / 2016 Budget.

Chairman Coe opened up the Public Hearing for comment on the Budget. There was discussion about the \$18,314 going back into the budget.

13 Approval of the 2015 / 2016 Budget.

Chief Brown directed the Board to item 12 for the Posted Budget which was approved for posting by this Board at the last meeting. **Member Ashton made a motion that we approve the 2015 / 2016 Budget.** Clerk Wesolowski seconded. Member Dodge said he has the same concerns that he has had all along with the \$70,000 in miscellaneous expenses as he thought we had that worked out and changed into different categories. Chief Brown said you asked for a breakdown on the \$70,000 and were provided with that. The vote was Aye – four; No – zero. **Motion carried.**

14 Revised Resolution #15-02 Administrative Volunteer for workers compensation purposes.

Chief Brown said you approved an administrative rate for our volunteer administrative person. We were advised that the rate needed to be changed so we are asking you to redo this revising the rate from \$257.60 per month to \$400 per month. He explained this isn't what we pay but what we provide Worker's Comp for. Chairman Coe read:

The Governing Board of the Mayer Fire District adopts the following Resolution for the purpose of determining wages for workers' compensation insurance premium payments and compensation benefits for regular members of volunteer fire departments organized pursuant to Arizona Revised Statutes title 48, chapter 5, article 1, or organized pursuant to title 10, chapters 24 through 40, regular members of any private fire protection service organization, volunteer firefighters or volunteer policemen of these

departments or organizations.

Member Dodge asked about the original amount and the large difference. Suzanne said the figures came from what our part time administrator staff was making a month so we went with that for volunteer and then workers' comp notified us that there is a \$400 minimum requirement (not aware this was the minimum when setting the \$257.60).

Member Dodge made a motion that we accept resolution #15-02. Clerk Wesolowski seconded.

The vote was Aye – four; No – zero. **Motion carried.**

15 *Intergovernmental Agreement with the Arizona State Forestry Division.*

Chief Brown said before the Board is an agreement between Mayer Fire and the Arizona State Forestry Agreement. He said this is different than the annual CFR (Cooperative Fire Rate) agreement which shows what we get paid for an assignment. He explained they are updating their files and their attorneys wanted one agreement state wide. He said we presented it to our attorney Doug Fant. Also, if we upgrade this agreement it will allow us to go to Wildland assignments. **Member Dodge made a motion that we accept the Arizona State Forestry IGA (Intergovernmental Agreement).** Clerk Wesolowski seconded.

The vote was Aye – four; No – zero. **Motion carried.**

16 *Intergovernmental Agreement with Arizona Department of Transportation (ADOT) for fuel.*

Chief Brown said you have before you an agreement for fuel with Arizona Department of Transportation. He explained this is the same agreement they do for everybody and we don't utilize the repair services. We only utilize the fuel and pay an average price of what it takes them to fill the tank every month plus fifteen cents. He talked about the prices and benefits. **Clerk Wesolowski made a motion that we accept ADOT's fuel agreement.** Member Dodge seconded. The vote was Aye – four; No – zero. **Motion carried.**

Member Dodge asked if we have checked to compare what their preventative maintenance services with what we are paying and have we checked to see if we can save some money. Chief Brown said we have not at the request of the previous Board but said we could check.

The vote was Aye – four; No – zero. **Motion carried.**

17 *Complaint from Software Development Alternatives, Inc. (SDA) owner Dave Dodson about the Fire Code.*

Chairman Coe said earlier today we had a meeting of appeals and we have some recommendations from that meeting. The first is to make an attempt to go to the building officials and using our current fire code to see if we could get a variance and work through that. He said he might not have the right number but the section of the 1997 he has is 1003.2.2 and that is about what is inside the building and how a sprinkler could cause some major damage. The second thing is to look into having a breezeway between the buildings because if they are connected there is a possibility there could be a variance because they are one building. Chairman Coe said the panel (Ed Wesolowski, Russ Dodge, and Paul Coe) made a recommendation that we have a motion to put this in motion with the County. Member Dodge said for clarification the Appeals Board supports issuing the variance and presenting that to the building official. He explained our code is more outdated than any of the other codes in adjacent areas in Yavapai County and the other recommendation is to look at and adopt a more current code. **Member Dodge made a motion that we accept the recommendations from the Appeals Board.** Clerk Wesolowski seconded.

The vote was Aye – four; No – zero. **Motion carried.**

Chairman Coe said (the) number two recommendation was have a motion that we could hire or bring in an expert in fire code if we needed to. He talked about the outdated code. He recommended spending no more than \$1000. Member Dodge thought we needed to wait and see where it goes with the building official.

The last was a recommendation that we get working on upgrading our fire code. **Member Dodge made a motion that the Board direct the Fire Chief and the Senior Staff to come up with a plan of what we need to do to update our fire code and the steps we need to take to become more current and more in line with adjacent agencies.** Member Wesolowski seconded.

The vote was Aye – four; No – zero. **Motion carried.**

18 *Establishing a fee schedule for everything that we charge for.*

Member Dodge said at the AFDA (Arizona Fire District's Association) they recommended that any money that we charge for things that we have to have a set fee schedule that is posted so we know how much a copy of a report is or other (items). Chairman Coe said he was looking at sending these items to the Budget committee. **Member Ashton made a motion that we send item 18 and 19 to the Budget committee.** Member Wesolowski seconded. The vote was Aye – four; No – zero. **Motion carried.**

19 ***Contracting for ambulance services and other services outside of the District to private / public users.***

See item 18 – sent to the Combined committee.

20 ***Follow up on the Duty Chief coverage to maintain safety of the members.***

Chief Brown said the only time we have been without Duty Chief coverage is when Chief McGhee and (he) were assigned to engine companies as firefighters. He said since we have been back (June 1) we have provided twenty-four seven Duty Chief coverage.

21 ***Reinstating part time office staff to assist with Cardiac Pulmonary Resuscitation (CPR), community relations materials and other duties.***

Chairman Coe said he thought this should go through the Budget committee. Chief Brown said there is no reinstatement as the employee wasn't terminated. He said the hours were reduced and if those hours are needed then it was to come up through the Operational Committee and the Management Committee to be given hours again. Chairman Coe said he thought the position had been cut. Chief Brown said no we just removed the hours. There was discussion. Member Dodge said he didn't know why we needed to bring this to the Management committee as he thought it would be good to bring that part time staff back into the office to make sure we have those items (CPR materials). **Chairman Coe said the employee needs to give Chief Brown some information. Chief Brown said yes and he would bring it up through the Management Committee.** Chief Brown said virtually all the decisions we make for the department come up through the Operations Committee the Union or the Management Committee.

22 ***Possible Bond purchases (estimated expenses);***

Chief Brown said all of these items meet the requirements for the Bond sale he said we took it to the Management committee.

a. Striping and lettering of vehicles?

Chief Brown said Kevin Rounds will be talking about this and the only decision needed tonight is for the ambulance as it will be here Wednesday. Kevin Rounds said we asked what all the fulltime employees would like to see and submitted pictures to Trademark (striping company) and it came back \$4200 (very expensive). He said to be fiscally responsible we then decided to go with gold color instead of gold leaf and that saved us two thousand dollars and the striping for the ambulance comes to approximately \$2200 (without tax) and this includes installation. He said we will be sending it to ADP who sells emergency products in Phoenix and they will be doing the striping and installing all our equipment. The \$2200 includes two radio chargers window tinting and mobile radios. He said their prices are comparable with CYFD who we have used in the past. For the ambulance in total we are requesting the Board approved \$4565. This will handle all the striping, decals as required per the State of Arizona, radio chargers, IPAD docking, window tinting, and the mobile radio installations. Member Dodge said he was concerned with the stuff on the list that doesn't have prices and went over the amount we have to spend and said if we are looking to do this from the Bond money he didn't think it was there for all these projects. There was discussion. Chief Brown said this was for the Bond money and if it is to come out of the Operational budget we can just do it. Chairman Coe said Member Dodge came across thirty five hundred dollars over what was approved by the Board and Kevin said he didn't know about it and directed them to Chief McGhee. Chief Brown said he was guessing but there were two ambulance prices that were given to the Board and we had the Board approve the higher price (lower price ambulance already sold). Member Dodge said \$136,397 was the amount approved. Chief McGhee will find out what the difference is from. **There was no motion and this will come out of the regular fund.**

b. Resurface roof at Station #21 \$5,000 - \$10,000.

Chief Brown said item b. through f. is for information and not to be looked at tonight. He talked about the different items. Brian Simington talked about two different possibilities.

c. Septic at Station #23?

No estimate as it depends on the kind of septic needed.

d. Equipment for new engine \$23,000.

Rich LaRue said now we are at \$27,991.79 to outfit the engine. He talked about the different equipment and the prices. There was discussion. Member Dodge asked if by the next meeting would he (Rich) be able to come up with a 'need to have list' and a 'want to have list'. Rich said he would. Member Dodge said the engine is not getting here until March and so we have a little time.

e. Power Gurney x 2 \$12,000/ea or \$24,000.

Chief Brown said the firefighters have been testing the power gurneys and like them. It was the discussion at the Apparatus Committee to make the recommendation to purchase the two gurneys (no bids yet). Kevin Rounds went over the details for the gurneys from Stryker. There was discussion. Member Dodge

requested that Kevin get formal bids and bring them back to a future Board meeting.

f. Cardiac Monitor x \$59,000 minus possible grant revenue (\$32,450) = \$26,550 with grant, \$59,000 without grant.

Chief Brown said he had Kris Mantey contact Philips Medical who we have our cardiac monitors with and the cost is \$59,000. He explained they were being added to an order from Phoenix Fire and this is a good price because of it. He said he is in the process of writing a grant to the US Department of Agriculture and with the last grant they paid 55%. **There was discussion about Philips and looking into other monitors. Kris said he could look into other monitors.**

23 *The Board may vote to go into Executive Session pursuant to A.R. S. § 38-431.03(A) (3) for legal advice with the District's attorney, Douglas Fant (may attend in person or telephonically) regarding;*

a. An employee complaint of harassment against another.

b. Problems in the way the Memorandum of Understanding with Central Yavapai Fire District was presented to the Mayer Fire Board.

c. Chief disregarding directive from the Fire Board about presenting awards without a policy in place.

d. Possible Health Insurance Portability and Accountability Act (HIPAA) violation regarding revealing a patient's name and posting it on social media.

e. New complaint of harassment / hostile work environment from an employee against another employee.

f. Discontinue Fire Chief's employment with the Mayer Fire District.

Member Dodge made a motion to go into Executive Session regarding Item 23 a, b, c, d, e. Member Dodge amended his motion to include Item 24, **The Board may vote to go into Executive Session pursuant to A.R. S. § 38-431.03(A) (1) for personnel matters regarding an employee complaint of harassment against another.** Clerk Wesolowski seconded.

The vote was Aye – four; No – zero. **Motion carried.**

7:51 P.M. Board goes into Executive Session.

8:58 P.M. Board returns back to Public Session.

24 *The Board may vote to go into Executive Session pursuant to A.R. S. § 38-431.03(A) (1) for personnel matters regarding an employee complaint of harassment against another.*

See Item 23.

25 *Employee complaint of harassment against another employee – Investigation Report by Alliance Investigations.*

Chairman Coe said coming out (of Executive Session) an employee complaint of harassment against another employee Investigation report by Alliance Investigations. **Member Dodge made a motion for Item 25 that we number one reimburse the employee of \$44 for the cost of an injunction of harassment and that the Fire Board extend a public apology for the District not standing by him and we look at revamping the Policy in reference to these types of incidents.** Member Ashton seconded.

The vote was Aye – four; No – zero. **Motion carried.**

After Item 25 Chairman Coe said unless there was an objection he thought they should move to Item 30. **Member Dodge made a motion to table Items 26, 27 and 28. He asked to move Item 29 to be below Item 31.** Chairman Coe seconded. The vote was Aye – four; No – zero. **Motion carried.**

26 *Problems in the way the Memorandum of Understanding with Central Yavapai Fire*

District was presented to the Mayer Fire Board.

Item tabled.

27 *Chief disregarding directive from the Fire Board about presenting awards without a policy in place.*

Item tabled.

28 *Possible HIPAA violation regarding revealing a patient's name and posting it on social media.*

Item tabled.

29 *New complaint of harassment / hostile work environment from an employee against another employee.*

Item moved to be below Item 31.

After Item 31 the Board came back to Item 29. Member Dodge asked if Labor would be willing to table this until the Board's next meeting. Labor President, Steve Quintero said yes. **Item tabled.**

30 *Discontinue Fire Chief's employment with the Mayer Fire District.*

Member Dodge made a motion effective immediately we discontinue the Fire Chief's employment; continue paycheck through the end of the pay cycle and that he immediately be trespassed from the grounds except in case of an emergency. Member Ashton seconded. Chief Brown said he didn't understand the trespassed from the grounds. Member Dodge said that he not be allowed back on the grounds without a law enforcement escort or the Chairman or the Clerk. There was no other discussion.

The vote was Aye – three; No – one. **Motion carried.**

(Chairman Coe, Member Dodge, Member Ashton - yes; Clerk Wesolowski – No)

(Chief Brown was asked to sit with the Public)

31 *Interim Fire Chief plan if needed.*

Chairman Coe said we do have a Battalion Chief who has been acting Chief in the past and he thought we should put that authority with him (Michael McGhee). He also asked for some latitude to move up Captains into Battalion Chief or Duty Chief so we can maintain our coverage. He thought these were the kind of things we needed to deal with in the interim. Member Dodge suggested a Management meeting coming up effectively so we could start the management for the officers and give them guidance. Chairman Coe thought that was a good idea. Member Dodge said with our Policy (it says) in the absence of the Chief the Battalion Chief is the Senior officer. **Member Dodge made a motion that with the next day or so we have the officers get together as far as management and we can have a Board member be there and come up with a plan to move forward.** Member Ashton seconded.

The vote was Aye – four; No – zero. **Motion carried.**

32 *Future Agenda items.*

Steve Quintero said he would advise the Board about the consulting firm if they will be able to present something next month. Member Dodge said we need to have potentially a meeting sooner for the plans for management. He said if it is not on the next agenda we need to have a special meeting to discuss it within the next couple of weeks.

33 *Future meeting dates.*

Combined Meeting is scheduled for August 10th, 2015.

Regular Board Meeting is scheduled for August 17th, 2015.

34 *Adjournment.*

Acting Chairman Coe called the meeting adjourned at 9:07 P.M.

Acting Clerk Wesolowski

Date