

MINUTES

**Central Arizona Fire and Medical Authority
Central Yavapai Fire District Board of Directors
CY Regular Meeting
Monday, June 25, 2018, 6:00 pm - 7:00 pm
Chino Valley Town Hall, 202 N. State Route 89, Chino Valley**

In Attendance

Darlene Packard; Dave Tharp; Jeff Wasowicz; Laura Mowrer; Matt Zurcher; Nicolas Cornelius; Scott A Freitag; Susanne Dixson; Tom Steele; ViciLee Jacobs

NOTICE OF MEETING

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Central Yavapai Fire District Board of Directors and the general public that the **Central Yavapai Fire District** will hold a meeting open to the public on **Monday, June 25, 2018 at 6:00 p.m.** The meeting will be held at the **Chino Valley Town Hall, Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.** The Board may vote to go into Executive Session on any agenda item, pursuant to A.R.S. §38-431.03(A)(3) for discussion and consultation for legal advice with Authority's Attorney on matters as set forth in the agenda item. The following topics and any variables thereto, will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.

1. CALL TO ORDER / ROLL CALL OF BOARD MEMBERS

Chair Packard called the Central Yavapai Fire District Board of Director's meeting to order on June 25, 2018 at 6:52 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Packard led the Pledge of Allegiance.

3. CALL TO THE PUBLIC

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

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

Chair Packard opened the meeting for public comment.

Chris Kuknyo thanked Chief Freitag for printing out his presentation; he hopes he can come back and ask questions if he has any. He then expressed his viewpoint regarding the events of the CAFMA meeting related to the discussion of amending Attorney Cornelius's agreement to allow for reimbursement of legal fees.

4. CONSENT AGENDA

All matters listed under consent agenda are considered to be routine by the Central Yavapai Fire District Board and will be enacted by one motion. There will be no separate discussion on these items. Any item may be removed by a Board member and will be considered separately for motion, discussion and action.

- A. Approve Executive Session Minutes - April 23, 2018
- B. Approve Regular Session Minutes - May 24, 2018
- C. Approve Executive Session Minutes - May 24, 2018
- D. Approve General Fund Financial Statements
- E. Approve Bond Debt Service Financial Statements
- F. Transfer May Revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the Amount of \$842,052.06

Director Steele asked that Item F. be pulled form the consent agenda.

Motion to approve the Consent Agenda Items A., B., C., D., and E.

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

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

Motion to approve Item F. Transfer May Revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the Amount of \$842,052.06

Move: Jeff Wasowicz Second: Matt Zurcher Status: Passed

Director Steele stated that Chino Valley's transfer was in the \$200,000 range; that's a disparity in the contributions. He stated that he is continuing his resistance to transferring money to CAFMA, because he feels transferring money is all the authority that he has.

Yes: Darlene Packard, Jeff Wasowicz, Matt Zurcher

No: ViciLee Jacobs, Tom Steele

5. VOTE TO GO INTO EXECUTIVE SESSION

- A. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) and Instruction to District Legal Counsel Pursuant to A.R.S. §38-431.03(A)(4) Re: Training Center Drainage

Attorney Cornelius advised that this item involves ACE Hardware, Superior Southwest, and Fain Signature Group. Since Director Wasowicz is employed by Fain Signature Group, he will be recusing himself for the discussion related to this item.

- B. Legal Advice Pursuant to §38-431.03(A)(3) Regarding Status of Matter Related to Allegations Against Darlene Packard
- C. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding On-going Actions of Directors Steele and Jacobs
- D. Legal Advice Pursuant to §38-431.03(A)(1) and §38-431.03(A)(3) Regarding Proposed Amendment to Kendhammer & Partners, LLP Agreement to Allow Reimbursement for Legal Fees and Costs Related to Responses to Administrative and/or Legal Action Against Nicolas Cornelius and Arising from Actions of Board Members

Attorney Cornelius advised that this item will not be discussed in Executive Session.

Motion to adjourn into Executive Session at 7:00 p.m.

Move: Tom Steele Second: Matt Zurcher Status: Passed

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

6. OLD BUSINESS

Chair Packard reconvene into Public Session at 7:39 p.m.

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

It was confirmed that Attorney Cornelius has his direction.

7. NEW BUSINESS

- A. Motion, Discussion, and Action Regarding Approval of Fiscal Year 2019 Bond Tax Rate of \$0.2064

Chief Tharp stated that this must be established annually. We have a reduction for the 2nd year in a row just under \$.03.

Motion to approve Fiscal Year 2019 Bond Tax Rate of \$0.2064

Move: Jeff Wasowicz Second: Tom Steele Status: Passed

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

- B. Motion, Discussion and Action Regarding Status of Matter Related to Allegations Against Darlene Packard

Chair Packard explained that this was brought forth in February during Call to the Public when Mr. Jacobs presented two affidavits signed by former Director Bob Page in which Mr. Page accused Chair Packard of fraud and forgery. In April Mr. Page had a change of heart and sent a letter to Chair Packard stating that he was in error and that Chair Packard did not commit fraud or forgery in the amount of \$300,000. She asked that this information be entered into the public record. Chair Packard stated that the letter could be released to the public.

- C. Motion, Discussion, and Action Regarding On-going Actions of Directors Steele and Jacobs

Attorney Cornelius advised that last month there was a document authored by Directors Jacobs and Steele left in the room where the Board meeting was held. He was advised that it was published, but he is not certain. Some of the Board members reached out to staff and staff generated a response to the document to make clear that the document was not the position of the Board; it was the position specifically of Directors Jacobs and Steele. This response relates directly to the items raised in the original document; the response has been reviewed by legal.

Motion to release a letter on behalf of the Board countering what was in that document.

There was a discussion as to whether this item should be dropped or not as some thought it was an opinion. Others felt that the facts needed to be presented, and the public deserves a response.

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

Yes: Darlene Packard, Jeff Wasowicz, Matt Zurcher

No: ViciLee Jacobs, Tom Steele

- D. Motion, Discussion, and Action Regarding Approval of Amendment to Kendhammer & Partners, LLP Agreement to Allow Reimbursement for Legal Fees and Costs Related to Responses to Administrative and/or Legal Action against Nicolas Cornelius and Arising from Actions of Board Members

No discussion.

- E. Motion, Discussion, and Action Regarding Approval of Election Services IGA with Yavapai County

Chief Tharp explained that this agreement is with Yavapai County Elections Department. They rescinded the previous agreement and requested the Board approve a new agreement. This coincides with the conflict of interest waiver that was approved last month for the Yavapai County Attorney's office to represent Chino Valley and all other fire agencies in the election process. If the Board does not approve this agreement, the District would have to hold a separate election. Attorney Cornelius has reviewed this agreement.

Motion to approve the intergovernmental agreement.

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

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

8. ADJOURNMENT

Motion to adjourn meeting at 7:51 p.m.

Move: Jeff Wasowicz Second: Matt Zurcher Status: Passed

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

Clerk / Date

Signature indicating approval on next page

**Signature Page For: 2018 06 25 Central Yavapai Regular Minutes-Approved.pdf - Central Yavapai
Fire District Board of Directors - CY Regular Meeting - 7/23/2018**



Jeff Wasowicz , Board Clerk 07/26/2018