

MINUTES

**Central Arizona Fire and Medical Authority
Central Yavapai Fire District Board of Directors
CY Regular Meeting
Monday, August 26, 2019, 4:30 pm - 5:00 pm
Chino Valley Town Hall,
202 N. State Route 89, Chino Valley, Arizona**

In Attendance

Cynthia Gentle; Dane Beck; Darlene Packard; Dave Tharp; Jeff Wasowicz; Laura Mowrer;
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 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, August 26, 2019 at 4:30 p.m.** The meeting will be held at the **Chino Valley Town Hall, 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 Zurcher called the Central Yavapai Fire District Board of Directors' meeting to order on August 26, 2019 at 4:30 p.m.

Attorney Cornelius attended telephonically.

2. PLEDGE OF ALLEGIANCE

Chair Zurcher led the Pledge of Allegiance.

3. CALL TO THE PUBLIC

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 15 minutes per meeting.

There were no public comments.

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 Regular Session Minutes - July 22, 2019
- B. Approve Executive Session Minutes - July 22, 2019
- C. Approve General Fund Financial Statements
- D. Approve Bond Debt Service Financial Statements
- E. Approve Transfer of July Revenues from Central Yavapai Fire District to Central Arizona Fire and Medical Authority in the Amount of \$58,813.79
- F. Approve Annexation Resolution 2019-08 Burgoyne Parcel 401-01-123G
- G. Approve Annexation Resolution 2019-09 Shawyne Pastureland LLC Parcel 401-01-123A

H. Approve Annexation Resolution 2019-10 Coyote Crest Preserve LLC Parcel 401-01-113H

Motion to approve Consent Agenda items A through H.

Move: Darlene Packard Second: Dane Beck Status: Passed

Yes: Darlene Packard, Jeff Wasowicz, Matt Zurcher, Dane Beck, Cynthia Gentle

5. OLD BUSINESS

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

Attorney Cornelius advised the Board that the ACE Hardware matter has been settled. The settlement agreement has been executed by all parties and is now public record. He advised that the District recouped \$162,500 for attorney fees and costs out of the recoverable amount of \$210,000. This was accepted instead of incurring additional expenses and seeking a judicial ruling. The check will be delivered to Attorney Cornelius' office, and he will forward it via overnight mail to Administration.

Attorney Cornelius reviewed the next steps of the process in which BlueScope will generate a request for proposal (RFP) to be submitted to contractors in Maricopa and Yavapai County and any other contractors that would like to apply. CYFD will have the opportunity to review and approve the RFP. CYFD previously hired Len Erie as an expert; his modified plan will be used for this project, and he will be acting as the design professional overseeing the work.

Attorney Cornelius advised that the settlement was crafted so the District has no financial obligations. BlueScope / ACE will be responsible for all costs including federal, state, and local permitting fees; costs associated with remediation including repairs of habitat; Army Corps of Engineer permitting fees; and contractors and subcontractors' costs. He confirmed that the District will write no further checks to any third party connected to this matter.

Attorney Cornelius advised that he will stay involved with reviewing contracts, and he recommended the Board review all contracts for indemnification, insurance requirements, etc. which are all required per the the settlement. He explained that all affected land owners are parties to these contracts, and there are additional protections built into the settlement agreement that require BlueScope to defend CYFD without additional effort by CYFD.

Chair Zurcher mentioned that this issue has been ongoing for 14 years. He thanked Attorney Cornelius, Attorney Ken Januszewski and staff for their many dedicated hours.

Director Wasowicz asked if there was a process for monitoring progress during construction / repairs.

Attorney Cornelius advised that Len Erie will be required to provide oversight and reports as part of the Corps process. There will be onsite inspections, reviews of contracts, and the work as it is progressing. Attorney Cornelius advised that if the Board would like, we can request Mr. Erie provide them with a monthly report. Attorney Cornelius' intention was to stay in touch with Mr. Erie. Attorney Januszewski will be used if necessary. Attorney Cornelius stated that he may have a local contract attorney review the contracts.

Attorney Cornelius advised that this project may take up to 15 months for completion; the RFP will provide more detail.

Chief Tharp confirmed that a monthly report will be provided to the Board.

B. Motion, Discussion, and Action Regarding Board Meeting Schedule

Chief Tharp explained that he spoke with members of the Yavapai County Treasurer's office regarding transferring funds from CYFD to Central Arizona Fire and Medical. They are in agreement with CYFD creating a resolution that includes the approved budgeted amount to be transferred, authorizing transfers as directed by staff, and the monthly funds would be based upon the revenue as reported by Treasurer's office on the monthly revenue reports. Additional funds such as the \$162,500 would require a separate motion.

Chief Tharp shared that the Chino Valley Fire District Board discussed holding meetings the last month of each quarter and additional meetings for the budget process.

Director Wasowicz voiced concern regarding the Bylaws and members missing three meetings; therefore not seeing a member for 6 or 9 months.

Chief Tharp expressed that he was hopeful that more members would be able to attend the meetings with them only being held quarterly. He also said that the Bylaws could be reviewed at the September meeting.

Attorney Cornelius advised the Board that he does not see any legal issues.

Chief Tharp confirmed that CAFMA will continue to meet monthly; the statute only allows for the entities that make up the authority to meet quarterly; not the Authority itself.

Director Beck was in agreement with holding meetings the last month of each quarter and confirmed that with the budget workshop they would be meeting in March, April, May, and June.

Chief Tharp stated this item will be brought back in September for approval and the resolution can be effective next quarter.

6. ADJOURNMENT

Motion to adjourn at 4:54 p.m.

Move: Darlene Packard Second: Cynthia Gentle Status: Passed

Yes: Cynthia Gentle, Dane Beck, Darlene Packard, Jeff Wasowicz, Matt Zurcher

Clerk / Date