

MINUTES

**Central Arizona Fire and Medical Authority
Central Arizona Fire and Medical Authority Board of Directors
CA Regular Meeting
Monday, September 28, 2020, 5:00 pm - 6:00 pm
Central Arizona Fire and Medical Authority, Administration, 8603 E. Eastridge Drive,
Prescott Valley.**

In-Person Attendance

Darlene Packard; Dave Tharp; Jeff Wasowicz; Kathy Goodman; Matt Zurcher;
Scott A Freitag; Susanne Dixon

Remote Attendance

Dave Dobbs; Julie Pettit; Nicolas Cornelius

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 and the general public that the **Central Arizona Fire and Medical Authority** will hold a meeting open to the public on **Monday, September 28, 2020 at 5:00 p.m.** The meeting will be held at **Central Arizona Fire and Medical Authority, Administration, 8603 E. Eastridge Drive, 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.

1. CALL TO ORDER / ROLL CALL OF BOARD MEMBERS

Chair Pettit called the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Pettit led the Pledge of Allegiance.

3. PRESENTATIONS

A. Prescott Valley Town Council Report

Councilman Packard provided a Town of Prescott Valley status report, which included seven new commercial, one mobile home, six multi-family units, and 58 single-family homes permits. Alliance Hardware and Lumber has broken ground, and a Popeyes Chicken will be going up at the Crossroads. A bike shop may be opening in the Glassford Hill shops.

Attorney Cornelius joined the meeting at 5:03 p.m.

B. Dewey-Humboldt Town Council Report

A Town of Dewey-Humboldt representative was not present to report.

C. Certificates of Participation; 115 Trust Introduction and Overview

Chief Freitag presented an overview of Certificates of Participation, explaining that Fire Districts do not currently have access to this tool but are addressing making a change at the legislative level.

Director Wasowicz inquired as to whether there has been resistance from legislators. Chief Freitag responded with no, not as yet.

Chief Tharp presented an overview of Public Agency Retirement Services (PARS) Section 115 Pension Prefunding Trust Services. Chief Freitag stated that agencies are responsible for paying what PSPRS requests and so CAFMA Staff are always looking for reasonable ways to help.

Presentations are attached to these minutes.

D. Board Members' Reports

i. Prescott Regional Communications (PRCC)

Director Wasowicz reported that everything is on track at PRCC.

ii. Public Records Requests

Director Zurcher had nothing more to add.

iii. Legal Fees

Director Zurcher had nothing more to add.

iv. Labor/Management

Director Dobbs had nothing more to add.

E. Letters from the Public

Chief Freitag stated that these letters are always appreciated.

F. Monthly Division Reports from the Fire Chief and staff in regard to current activities of the Fire Authority and the status and progress relating thereto. Any item discussed in the Division Reports is subject to discussion and direction by the Board; no action will be taken.

Chief Freitag reported that a CAFMA test podcast has been recorded. Once everything is in place, the public will be able to find the weekly podcasts on all the usual platforms, including YouTube. He believes this will be a useful tool for the Agency.

Chief Rose reported that Engine 58 is completed and will be picked up in the next two days. The fencing at Station 59 is complete and the gate should go in next week.

4. CALL TO THE PUBLIC

In accordance with A.R.S. §38-431.01(H) and as a matter of policy, the Central Arizona Fire and Medical Authority 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.

There were no public comments.

5. CONSENT AGENDA

All matters listed under consent agenda are considered to be routine by the Central Arizona Fire and Medical Authority 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 - August 24, 2020
- B. Approve Executive Session Minutes - August 24, 2020
- C. Approve Special Meeting Minutes - September 10, 2020
- D. Approve General Fund Financial Statements
- E. Approve Fire Protection Agreements: Owens, Powell-Robertson, Hanna, Williams, Millan, Harris, Cunningham, Jones (2), Taylor (2), Neilson, Benson, Paulden Christian Fellowship (2), Krogen, Sebeny, Bailey-Loven, Burton, Hartmann, McGiffin, Lopas, Hanby, O'Mara, Pittman, Bailon, Hayden, and Yoshimura
- F. Approve Policy Amendments: Policy 121 Policy Committee

Motion to accept the Consent Agenda as presented.

Move: Matt Zurcher Second: Darlene Packard Status: Passed

Yes: Dave Dobbs, Darlene Packard, Julie Pettit, Jeff Wasowicz, Matt Zurcher

6. VOTE TO GO INTO EXECUTIVE SESSION

- A. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Ambulance Services
- B. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Agency Participation in Administrative Hearing Related to Proposed Certificate of Necessity Amendments by Life Line Ambulance, Inc.

Attorney Cornelius suggested proceeding to New Business; that if the Board had any legal questions they could then proceed into Executive Session.

An Executive Session was not needed.

7. NEW BUSINESS

- A. Discussion and Possible Action Regarding Ambulance Update

This item was set to be taken out of order, after Item B. Upon completion of Item B it was noted that this item had been combined with Item B and was no longer needed.

- B. Motion, Discussion, and Action Regarding Agency Participation in Administrative Hearing Related to Proposed Certificate of Necessity Amendments by Lifeline

Ambulance, Inc.

Item B was taken out of order, before Item A.

Attorney Cornelius noted that this item is referring to an administrative hearing regarding AMR's (Lifeline Ambulance) Certificate of Necessity (CON) 62, a CON that covers about 9,000 square miles and includes CAFMA. He provided a brief history of his involvement in attempting to update ambulance response times by filing an amicus brief with the Arizona Department of Health Services (DHS) about a year ago on behalf of the Arizona Fire District Association (AFDA) and many fire districts. The DHS Director declined to follow the hearing officer's opinion in that case.

He explained that this time CAFMA sought to intervene, along with the City of Prescott and Prescott Fire, as parties in interest in the case. The Assistant Attorney General (AAG) raised two objections, the first being a timeliness issue, and the second being that CAFMA and the City of Prescott did not have standing to appear. The AAG took the position that since neither agency holds a CON, neither agency should have a say in ambulance response times. The order states that the motion to intervene in CON 62 has been rejected.

Chief Freitag stated that he and EMS Chief Niemynski appeared for the hearing. He reported that the AAG articulated that intervention rights have never been granted to non-providers, meaning if an agency does not hold a CON, then they do not have a seat at the table. The AAG specified that first responders have no standing to require or request better ambulance response times.

He continued by providing background, including that AMR response times for this CON have not changed since 1984, and that what AMR is proposing does not meet national standards. CAFMA cannot intervene to update ambulance response times, only the holder of the CON can change response times. AMR is not meeting their current response time mark of arriving on scene within 10 minutes 70% of the time within CAFMA jurisdiction, and they will not be able to meet their proposed 80% mark. The only way they are able to reach 70% is if they average it over all 9,000 square miles.

He recounted stating in the hearing that CAFMA is substantively impacted by Bureau of EMS (Bureau) decisions regarding response times because CAFMA is part of a system. Within that system, if the ambulance does not show up in a prescribed period of time, then the engine remains out of service while waiting, or the engine has to transport. The Bureau has decided, and the judge agreed, that that reasoning is not enough to include CAFMA in the process. The final motion includes verbiage that states that it was clear that Chief Freitag and Chief Light do not understand response times, which is another reason that CAFMA and the City of Prescott should not be involved. CAFMA has no voice and no means to intervene in ambulance response times within its jurisdictional boundaries.

He provided an update on the CON that Maricopa Ambulance has filed, noting that if Maricopa is successful in the CON process, it is another private company. He reiterated that private companies are not only for-profit, but can be sold. He

questioned whether or not for-profit companies are the best long-term option for the citizens CAFMA serves.

He detailed examples of Arizona agencies that have been successful or are working towards holding their own CON due to the same or similar issues CAFMA has been experiencing, including Gilbert, Mesa, Goodyear and Scottsdale Fire, and Casa Grande. Each of these agencies were denied a voice and came to the conclusion that a CON was the only option.

He requested that the Board allow the Agency to speak with consultants and explore options regarding submitting a CAFMA CON.

Clerk Packard stated that she is in favor of a CAFMA CON.

Director Dobbs stated that he is against for-profit companies in public safety because a lack of care for the public is often the result.

Director Wasowicz thanked Chief Freitag for exhausting all the options. He stated that a CON was not the direction he initially wanted to go in, but that there are no other options now.

Director Zurcher stated that what's going on in this state is also happening in California and other places. He supports moving forward with a CON.

Chair Pettit made it known that she is strongly opposed to for-profit companies in public safety. She is in agreement with Chief Freitag and would like to move forward with exploring a CON.

The Board's direction is to explore what it will take to pursue a CAFMA CON.

Chief Freitag thanked the Board for their support and directed EMS Chief Niemynski to pull the application.

C. Motion, Discussion and Possible Approval of Changes to Training Technician Wage Scale

Chief Freitag stated that this wage scale was initially constructed with the thinking that this person would eventually become a firefighter. The Training Tech does a job similar to our Warehouse and Facilities Techs, but at a much lower rate. It is in the budget this year to move the wage scale to be in line with the Warehouse and Training Techs.

Director Wasowicz inquired as to the status of the wage scale study. Chief Tharp responded that the company is compiling data and will present in October or November. Director Wasowicz expressed concern that making this change will conflict with the recommendations of the study.

Director Dobbs stated he has not had time to review the documents.

Motion for the acceptance of the proposed wage scale.

Move: Darlene Packard Second: Matt Zurcher Status: Passed

Yes: Darlene Packard, Julie Pettit, Jeff Wasowicz, Matt Zurcher

Abstain: Dave Dobbs

8. ADJOURNMENT

Motion to adjourn at 6:03 p.m.

Move: Darlene Packard Second: Matt Zurcher Status: Passed

Yes: Dave Dobbs, Darlene Packard, Julie Pettit, Jeff Wasowicz, Matt Zurcher

Disabled persons needing reasonable accommodations should call 928-772-7711 prior to the scheduled meeting.

DRAFT