

MINUTES

**Central Arizona Fire and Medical Authority
Central Arizona Fire and Medical Authority Board of Directors
CA Regular Meeting
Monday, October 26, 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; Julie Pettit; Kathy Goodman; Matt Zurcher;
Scott A Freitag; Susanne Dixon

Remote Attendance

Dave Dobbs; Nicolas Cornelius

Not In Attendance

Jeff Wasowicz

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, October 26, 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 5:02 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Pettit led the Pledge of Allegiance.

3. PRESENTATIONS

A. Prescott Valley Town Council Report

Councilperson Don Packard provided a status report from the Town of Prescott Valley, which included 48 single-family, six multi-family, and five commercial permits, as well as 123 improvement permits. There are five new commercial buildings being built and Alliance Lumber is under construction. A new commercial complex north of 89 at Viewpoint Drive will include a market, an A&W Root Beer stand, and a car wash. The Town will be participating in 'No Shave November' to raise awareness and funding for cancer prevention, and will kick off budget season in December.

B. Dewey-Humboldt Town Council Report

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

- C. Arizona Certificate of Necessity (CON) Process for Ground Ambulance Transport Services

Kathy Steadman of Coppersmith Brockelman PLC provided a presentation regarding the Arizona Certificate of Necessity (CON) process for Ground Ambulance Transport Services.

Chair Pettit inquired as to whether the state has the authority to set prices. Attorney Steadman responded in the negative, but explained that the state will complete an analysis of an agency's rate proposal and provide recommendations.

- D. Board Members' Reports

- i. Prescott Regional Communications (PRCC)

Items 3D - 5C were taken out of order after items 6A - 7B.

Director Wasowicz was not present to report.

- 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 highlighted the thank you letter from Chief Light of Prescott Fire Department, and thanked Engine 51 for their work during the Trump event. He also thanked the Incident Commander, Prescott's John Luedeman.

- 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 he has been appointed to the Coyote Crisis Collaborative Board, the CAFMA podcasts are coming soon, and Staff had a good meeting with the Yavapai County Contractors Association (YCCA). Training between Prevention and general contractors is scheduled for December. The National Fire Sprinkler Association will come in the spring to provide training for the fire sprinkler groups and general contractors.

Chief Tharp reported that the Agency received an approximate amount owed of \$90,000.00 for the Transwestern Pipeline from the Yavapai County Attorney. The County will provide the final amount and payment options. \$90,000.00 accounts

for about \$0.02 on the tax rate for Central Yavapai Fire District (CYFD). Chief Freitag noted that this only affects CYFD residents, as the pipeline does not run through Chino Valley.

Chief Freitag stated that the Agency promoted Chuck Dowdy to Assistant Fire Marshal, and noted that Assistant Fire Marshal Dowdy's private company was sold prior to promotion and has been dissolved; no conflict of interest exists. A flag-raising and lowering for Andie Rorick's, née Smith, retirement was held at Administration.

Chief Niemynski reported that the meeting with Dignity Health went well and one of the main topics was paramedicine. Chief Freitag stated that Dignity is supportive of CAFMA moving forward with a CON, just as YRMC has been.

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 - September 28, 2020
- B. Approve General Fund Financial Statements
- C. Approve Fire Protection Agreements: Robinson-Antes, Switzer-Batek, Gonzalez, and Nickle

Motion to accept the Consent Agenda as presented.

Move: Matt Zurcher Second: Darlene Packard Status: Passed

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

6. VOTE TO GO INTO EXECUTIVE SESSION

- A. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) Regarding Staff Findings on CON Application and Process

Items 6A - 7B were taken out of order after Item 3C.

Motion to move Item 6 up and go into Executive Session at 5:29 p.m.

Move: Julie Pettit Second: Darlene Packard Status: Passed

7. NEW BUSINESS

- A. Motion, Discussion, and Possible Action Regarding Staff Findings on CON Application and Process

Chair Pettit reconvened into Open Session at 6:02 p.m.

Chief Freitag stated that per the Board's direction at last meeting, he has been meeting with Certificate of Necessity (CON) consultants, stakeholders, and members of the community. He detailed speaking with three consultants and why Staff recommends engaging with Kathy Steadman from Coppersmith Brockelman PLC.

He presented to the Board three key points regarding a potential CAFMA CON. Firstly, the Agency resolves to leave the profit to the private companies as the intention is to supplement the system to ensure that citizens receive the best care possible. Secondly, CAFMA will remain revenue-neutral, understanding that there is an upfront investment, but once the ambulance service starts to roll the revenue generated would cover the costs so that it is not going back on the tax rolls. Finally, CAFMA will be supplementing the system. Any private company can go bankrupt, or be sold, as has been seen with Lifeline Ambulance. Lifeline has been sold many times, and is now owned by a global hedge fund with no ties to the community.

CAFMA has tried for five years to affect change to the system and have been shut down at every turn by American Medical Response (AMR, owner of Lifeline Ambulance) and the Department of Health Services (DHS). Staff have been told that CAFMA cannot have a voice in response times because the Agency does not hold a CON, are not well-versed in response times, and that Prescott Valley and Prescott are not large enough to be relevant. He detailed why DHS' system does not work for the good of citizens or first responders, and reported that while CAFMA is getting involved at the state level with the Rule 9 process, that will take two years and changes are not guaranteed. He expressed that as Fire Chief he cannot recommend that the Agency stay the course and allow its constituents to suffer. The Board and Staff have exhausted all options, except to concede, or move forward with a CAFMA CON in order to have a seat at the table.

EMS Chief Niemynski reiterated that CAFMA's voice has been stifled, and that while positive changes are expected through the Article 9 process, it will take two years. Attorney Cornelius reported that he has been working with John Flynn of the Arizona Fire District Association (AFDA) on legislative recommendations.

Chief Niemynski stated that CAFMA has been doing a good job proving that there is a problem and that AMR/Lifeline concedes that point, which is why they have opened their CON for changes. Chief Freitag noted that based on data compiled, AMR is not meeting their current CON requirement of arriving on scene within 10 minutes, 70% of the time in CAFMA's jurisdiction. This means

that they are not going to meet the 80% criteria set forth in their proposed changes, which is also not close to the national standard of 90%.

Chair Pettit stated that Rule 9 changes are not guaranteed, and two years from now will bring about a Governor's election. She requested that future Board members consider the political climate when making these decisions.

Motion that the Central Arizona Fire and Medical Authority move forward with the CON application and process.

Move: Matt Zurcher Second: Darlene Packard Status: Passed

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

- B. Motion, Discussion, and Action Regarding Approval of Coppersmith Brockelman PLC Engagement Letter

Motion to execute a letter of engagement with Kathy Steadman, an attorney with Coppersmith Brockelman, to begin the pre-application process phase for the Arizona CON.

Move: Matt Zurcher Second: Dave Dobbs Status: Passed

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

- C. Motion, Discussion, and Possible Action to Appoint and Swear In CAFMA PSPRS Local Board Chairperson

Items 7C - 8 were taken out of order after Item 5C.

Chief Tharp stated that the CAFMA Board needs to appoint an interim PSPRS chairperson for the local Board as Director Pettit is vacating the position as of this meeting. He clarified that the PSPRS Local Board does not have the authority to appoint a chair.

Chair Pettit nominated Darlene Packard to be the Chair of the Local PSPRS Board.

Move: Julie Pettit Second: Matt Zurcher Status: Passed

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

- D. Discussion Regarding Ambulance Update

Chief Freitag had nothing further to add.

8. ADJOURNMENT

Motion to adjourn at 6:29 p.m.

Move: Matt Zurcher Second: Darlene Packard Status: Passed

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