



LAKE MOHAVE RANCHOS

FIRE DISTRICT

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MINUTES OF REGULAR MEETING OF THE LAKE MOHAVE RANCHOS FIRE DISTRICT GOVERNING BOARD

*The Governing Board of the Lake Mohave Ranchos Fire District met in regular session on **09-26-2018** at **1:30 p.m.** The meeting was held at **The Dolan Springs Chamber of Commerce; 16154 Pierce Ferry Rd. Dolan Springs, AZ.** The Board may vote to go into executive session on any agenda item, pursuant to A.R.S. §38-431.03(A)(3) for legal advice with the District'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.*

MINUTES

1) CALL TO ORDER.

- Director Cass called the meeting to order at approximately 1:30 p.m.

2) ROLL CALL OF BOARD MEMBERS.

- Deb Cass, Mike Karash, Charlotte Kiffer and Eric Terrill were present.
- Bill Whittington (Legal Counsel) was also in attendance.

3) APPROVAL OF MINUTES.

- a. Executive Minutes 6/25/18
 - Pending from Attorney office; Tabled.
- b. Regular Minutes 8/27/18
 - Director Terrill requested a revision to the last paragraph of the financial report section asking for Karen to relisten to that portion. He stated it was chopped together and didn't make sense. Director Kiffer stated on pg. 4 7-8 lines down that 'demand' needed to be capitalized. Mr. Whittington stated it didn't need to be capitalized. Director Kiffer noted from the bottom 2nd sentence up "enter executive session with the Chief" insert "before it goes in his file." Pg. 5 2nd bullet down "there were 2 people," insert "at that meeting." Pg. 10 at the top it was specific about which emails August 2018 emails from Election Dept. to Chief regarding Election Dept. reversal and lead up emails to August email and Feb. emails from Chair to Election Dept. Director Terrill added another change, 4 lines up from bottom, change to unbeknownst to the "Board." Minutes tabled; pending corrections.
- c. Executive Minutes 8/27/18
 - Director Kiffer noted one revision for Pg. 2. Item E 3rd sentence down "position only," take out the remaining words listed. Director Terrill motioned to approve the Executive Minutes 8/27/18, Director Karash 2nd. All members present in favor, motion carried.

4) PLEDGE OF ALLEGIANCE.

- Recited.

5) REPORTS.

- a. August 2018 Financial Report(s). *(The financial report(s) are to be reviewed and approved by the Board).*

Mr. Buldra provided the following information:

- Revenue for the month of August was \$64,417 which was \$33,260 over budget.
- Mohave County Revenue for August was \$12,968 which was \$6,617 over budget.
- Non-Tax Revenue for the month of August was \$51,450 which was \$26,644 over budget. This variance is due to ambulance and grant revenue which is \$23,216 and \$3,410 over budget respectively.
- Expenses for August totaled \$71,033 which was over budget by \$603.
- Personnel expenses were \$4,533 under budget.
- Communications and IT Systems were over budget by \$2,011 due to timing on a payment to ImageTrend.
- Year to date Revenue is \$108,859 which is \$51,091 over budget.
- Year to date Expenses are \$141,439 which is \$9,163 under budget.
 - Director Kiffer inquired about the P&L's of last yr. budget vs. current year budget and Mr. Buldra stated he could supply the P&L comparison if the Board elected to do that. Director Kiffer noted her interest in receiving that information. Director Kiffer noted on the monthly disbursement report, for August 8th a payment to Tim Smith; Chief DeMaio stated he's the global mechanic for Meadview and is ASE certified. Director Kiffer inquired about the credit cards points balance conversion being reported and Mr. Buldra noted it would report on September financials. Director Terrill inquired about managerial costs being over budget by \$1,834 and asked if it was for Attorney fees. Mr. Buldra noted YTD for legal fees the District is at \$10,686 which puts the District over budget by \$9,000. Mr. Buldra noted the Board has spent their entire budget for the year, in 2 months on legal fees. Director Cass wanted to know if that was for multiple months. Mr. Buldra confirmed it is. Director Terrill asked about a vehicle repair on A-1186 to a Mike's Desert Metal Work and Chief noted it was a repair for a broken bracket that was re-welded. Director Terrill asked about a Walgreen charge on the credit card, Chief advised that was a glucose monitor and strips. Director Terrill asked about Foremost Promotions on the credit card. Chief explained that is Fire Prevention items to hand out to the kids. Director Terrill asked about a charge for Riviera Carpet and Chief explained that is a remnant piece of carpet for the meeting to try to get the echo down and was used at last month's meeting. Director Karash motioned to approve the August 2018 Financial Report, Director Terrill 2nd. All members present in favor, motion carried.

- b. Discussion: Additional Financial Reports Information. (Buldra)

- Mr. Buldra reviewed and explained the District's cash-on-hand, carry-over (Contingency) and what's been reported via Social Media. Mr. Buldra reviewed the District's standing since he has started monitoring as the CPA and how the staff and Board has aided in growing the District vs. when it went into insolvency. *(The full document of explanation is available at www.lmrfd.org in the Financial section).* No action.

- c. Fire Chief's Report *(The governing body may not propose, discuss, deliberate or take legal action on this matter unless the specific matter is properly noticed for legal action. Therefore, action taken as a result of the Chief's report will be limited to directing staff to study the matter or scheduling the matter for further consideration and discussion at a later date. (A.R.S. 38-431.02.K.)*

- EMS calls for August: EMS Transports 27, Refusals 26, Public Assist 2, DOA 2, Billed Refusal 2, Air-Evac 2. Fire calls for August: Fire 5, Public Assist/Other 8, Good Intent 2, False Alarms 2, Cancel 6. HWY-93 Report will be provided to the

Board, it was tallied but forgotten.

- Meetings attended in August: MCFOA, Run-Review, Pre-Hospital Care Committee, County Attorney/Elections Dept. and Mt. Tipton for Meet-the-Teachers Night.
- LMRFD (new) Website was launched; good reviews have come in, noting this was done by the Administrative Assistant (stating this was not in her job description), she is commended for efforts, and results. The site is up, but it is not 100% complete, there are more items to be added.
- AFG Grant has been unawarded to LMRFD for the SCBA's; reapplying for it will occur (re-opening for the Grant has just occurred) in addition to other grants as well.
- Additional Information: Chief DeMaio addressed concerns with Social Media postings regarding staff, state of the District, the Board and negative impact and the insinuations made. He reviewed vehicle issuance per his Contract, adding the District vehicle is not used for personal use. Chief DeMaio stated he's used his personal vehicle for District business (meetings, etc.) at other times. He noted he uses his personal fuel discount card to assist in saving the District money as well. Chief DeMaio reviewed his certifications, and what his responses are for being a Chief Officer. Chief DeMaio noted posts have insinuated the District is going insolvent again and that information has been cleared up by the CPA. Chief DeMaio provided an overview of his credibility to growing the District and keeping it financially sound. Chief DeMaio reviewed information within in his Contract and what he's required to bring to the Board's attention for what the District needs. Chief DeMaio noted there are many internal/external controls that protect the District from going insolvent again. Chief DeMaio noted that the District hasn't used its LOC, and the CPA monitors LMRFD financials closely. Chief DeMaio noted Meadview coverage increases and it being covered with Paramedics, not EMT's. Additionally noting, cutting interaction with AMR, more monies from CON, other improvements, new ambulance purchase, and an increase of reputation for the District with other organizations. Chief DeMaio noted many trainings that have been attended to aide in patient-care. Chief DeMaio noted people are entitled in their opinion but asked for facts to be sought before assuming. (*Documentation of what was read aloud will be published online*). **This is a summation of what was read aloud.*

- Director Kiffer noted the Website looks good and "job well done."

- Director Cass moved item 7T up on Agenda.
- Director Terrill motioned to enter Executive Session under (A3) & (A4) for items D-G and an (A1) and (A3) for items H-K. Director Kiffer 2nd. All members present in favor, motion carried. Public Session ended at 2:15 p.m. with Executive Session starting.

6) EXECUTIVE SESSION.

1. *Board of Directors may vote to go into Executive Session for legal advice pursuant to A.R.S. §38-431.03(A)(3), for possible direction to legal counsel pursuant to A.R.S. §38-431.03 (A)(4) and for personnel matters pursuant to A.R.S. §38-431.03 (A)(1) for the following matters:*

- d. Discussion regarding: legal fees re: annexation issue; Board Member charges; contact to legal counsel. (Kiffer)
- e. Discussion regarding: Emails regarding election information. (Kiffer)
- f. Discussion regarding: Board Members voting rights. (Kiffer)
- g. Discussion regarding: Board Members conduct re: Board Chair, Board of Directors towards LMRFD Staff and directives. (Cass)
- h. Discussion regarding: Personnel Matter; Letter of Reprimand. (Terrill)
- i. Discussion regarding: Personnel Matter; Interim Fire Chief Contract. (Board/Administration)
- j. Discussion regarding: VFIS additional services re: payroll matter follow-up on additional coverage. (Board/Administration)
- k. Discussion regarding: Legal Counsel review of current Administrative Assistant position. (Kiffer)

➤ Executive Session ended, and Public Session reconvened.

7) REGULAR BUSINESS.

- l. Discussion and possible action regarding: legal fees re: annexation issue; Board Member charges; contact to legal counsel. (Kiffer)
 - Director Kiffer noted that Chair Cass and Mr. Whittington would be discussing the annexation portion of the invoice. Director Kiffer noted contact to legal counsel from Chair Cass, noting that Chair Cass will be emailing the Board correspondence between her and Mr. Whittington regarding an item on the invoice that was discussed in Executive Session. Director Kiffer noted that if there are concerns/issues those matters be brought to the Board for discussion, to avoid incurring unnecessary legal fees. Director Kiffer noted that they all have ability to contact the Attorney but need to let the Chair know of any contact. No action.
- m. Discussion and possible action regarding: Emails regarding election information. (Kiffer)
 - Director Kiffer noted there are emails regarding the Elections Dept. and the Chief during August 2018. Chief DeMaio stated in setting up the elections for the Board, conversion ensued between him and Alan Tempert. Mr. Tempert stated there were 2 seats open and Chief DeMaio stated it's 3 seats. Chief DeMaio noted he spoke directly with Ryan Esplin (County Attorney) regarding the confusion of which seats were up, noting that the County Attorney's perspective was different as to what Mr. Flynn had set up when the Board was formed. Chief DeMaio explained initially it was Director Cass and Director Kiffer's seats that were up (according to Mr. Esplin) due to how it's explained in the Statute's. Chief DeMaio and Mr. Esplin discussed the initial seating of the Member's and the Special Election where Director's Cass and Kiffer were re-elected. Mr. Tempert and Mr. Esplin reviewed their emails/notes and prior arrangements (with Mr. Flynn), and Mr. Esplin reversed his decision and placed the 3 seats up for election instead of

- the 2. Director Kiffer requested that in the future anything like this comes up to email the Board as soon as possible. Director Kiffer stated that in February 2018 Director Cass inquired with the Elections Dept. Director Cass noted that was a personal inquiry, on her work email. Director Cass noted that she didn't receive Mr. Esplin's final answer to notify anyone of that. Director Kiffer noted it was indicated on the email. Director Kiffer noted that this could have been solved by the Board if they'd discussed it. Director Cass stated, she was doing things on a personal level and that she didn't get the notification about only 2 seats being open. Director Kiffer reiterated bringing matters to the Board even if they are personal, but somehow look Board related, for resolve. No action.
- n. Discussion and possible action regarding: Board Members voting rights. (Kiffer)
- Director Kiffer noted the Attorney has stated each Board Member has voting right if the item does/doesn't regard them. No action.
- o. Discussion and possible action regarding: Board Member conduct re: Board Chair, Board of Directors towards LMRFD Staff and directives. (Cass)
- Director Kiffer noted this was an inquiry of a possible OML violation verbalized in the August Meeting. Mr. Whittington reviewed the matter and noted there was no OML violation by Director Kiffer. Director Kiffer noted she has felt under attack for the last year or so, she explained differences of opinions, but "at every turn there's some issue to somehow reprimand me, get me off the Board, censure me and I don't appreciate it and it's something I'm keeping an eye on and recording for my own protection." Director Cass noted that she would request Director Kiffer stop bypassing her and include her with correspondence. Director Kiffer noted she's corresponding with Karen as stated to do so by the Attorney. Director Cass noted she feels she's being disrespected in her position and left out of those emails. Director Kiffer noted she would copy Director Cass on emails that are sent to Karen as well. No action.
- p. Discussion and possible action regarding: Personnel Matter; Letter of Reprimand. (Terrill)
- Director Terrill motioned to rescind the Letter of Reprimand, Director Karash 2nd. All members present in favor, motion carried.
- q. Discussion and possible action regarding: Personnel Matter; Interim Fire Chief Contract. (Board)
- Contract was provided to Chief DeMaio for further review; pending. Tabled; No Action.
- r. Discussion and possible action regarding: VFIS additional coverage/services. (Board/Administration)
- Chief DeMaio explained the quotes for additional coverage options, reviewing the material with the Board. Noting it's listed under the Public Employee Blanket Bond; Employee Dishonesty, Forgery, Computer Fraud, Identity Theft, Fraudulent Impersonation. Chief DeMaio noted in researching another matter

- the Board found out these were not in the current policy. The quotes provided are 3 different levels for 3 different options. Annual cost increase for which option chosen would reflect. Director Kiffer asked what category the prior issue would fall under, Chief DeMaio noted it would be under Employee Dishonesty. The Board ensued in discussion regarding the document and requested more detail per coverage item. Chief DeMaio noted these coverages can be added on at any time. Pending additional information; Tabled.
- s. Discussion and possible action regarding: Legal Counsel review of current Administrative Assistant position. (Kiffer)
- Director Kiffer noted this is under review with the Attorney. Pending review/final report; Tabled.
- t. Discussion and possible action regarding: Certificate of Compliance and Oath of Office re: Ms. Koeppen. (Board)
- Chief DeMaio noted Ms. Koeppen signed her Certificate of Compliance, stating it needs a Board Member signature. Chief DeMaio noted he would notarize the documents once administered. Director Cass read aloud the Oath of Office; Ms. Koeppen repeated the information. Ms. Koeppen is seated as an LMRFD Board Member effective 9/26/2018. No action.
- u. Discussion and possible action regarding: New Cardiac Monitors for possible purchase. (Administration)
- Chief DeMaio explained the current monitors are under a Class I recall, noting that information regarding a 'bind pool' for purchase at a discount rate for new monitors has been established. Chief DeMaio explained included with the purchase of new monitors a \$6,000 buy-back of existing monitors is also provided. Chief DeMaio noted the 'bind pool' closes at the end of the month. Chief DeMaio discussed if the need is for 2 or 4 monitors. Chief DeMaio explained to meet the threshold for the 'bind pool' it needs to be a minimum of \$100,000 (excluding tax, lic., etc.) and that also excludes the discount of 30%, this is off base pricing and at current base pricing we are only meeting \$90,000. The quotes provided for 2 monitors reflects only an 18% discount (threshold not met) at a price of \$82,632.82; whereas the 4 monitors (quote) is \$135,712.33 which meets the threshold and has the 30% discount applied. Chief DeMaio reiterated that Philips MRx monitors will no longer be supported as of 12/21/2022, noting that all District's are "jumping away from them." Chief DeMaio noted he'd like to replace all 4 monitors, stating there's currently 3 registered ALS ambulances for our CON and at minimum 3 monitors would have to be replaced Chief DeMaio stated, those ambulances must be fully equipped. Director Terrill asked if all the current monitors are functioning, Chief DeMaio acknowledged they are. Director Terrill inquired about the discontinued support of the current monitors in (year) 2022, asking why 3 monitors would need to be purchased now, if they are all functioning. Chief DeMaio stated it would be a liability issue. Director Terrill wanted to know

how it's a liability if they are all functioning. Chief DeMaio noted it is due to the Class I recall from the Government. Chief DeMaio noted we know there's a recall and those monitors could fail at any time, noting that they have pieces and parts for repair, but that won't hold up in a lawsuit situation. Chief DeMaio provided a scenario of using a monitor on a patient and it fails, with the District knowing there was recall on it, the District could face a lawsuit for failure of medical equipment. Mr. Buldra was contacted to review monies involved for possible purchase. Director Terrill wanted to know how much the District could cut a check for, towards new monitors. Mr. Buldra reviewed the current financial situation, noting the District would be a little tight for the last ½ and start of new year if 4 monitors were purchased. Review of interest charge for financing was reviewed. The Board ensued in evaluating the financial state for purchase and the interest being approximately \$25k in addition to the purchase price. Mr. Buldra noted if the District bought the monitors through a loan, he'd look for a lower interest rate and if one couldn't be reached, then paying cash would be next option. Director Kiffer asked what the price for 3 monitors would be, Chief DeMaio explained it would be around \$90k without the rebate. Director Terrill asked if 2 were purchased now and 2 later (with cash, not financing), Mr. Buldra noted it is an option. Chief DeMaio noted in purchasing 2 now you get the discount and rebate, but those won't apply later. Director Kiffer wanted to know how many ambulances GVFD had, Chief DeMaio noted that GVFD doesn't have ambulances, they have 6 first out units and are getting 6 monitors. Director Kiffer requested legal advice on the monitors. Douglas Rossi from the public spoke (permission from the Board Chair provided), he noted there's enough cash to buy 2, and inquired about buying the 2 and financing 2 so that all 4 would be purchased and the District would get the savings. Mr. Buldra noted the District could do that option, the Board thanked Mr. Rossi for his suggestion.

- Director Kiffer motioned to enter Item U in executive session under an (A3), Director Cass 2nd. All members present in favor, motion carried.
- Christine Baker (member of the public) made a public outburst regarding the Board going into Executive Session. Chief DeMaio explained the preemptive on the Agenda covers any item for Executive Session. Director Cass asked Ms. Baker to remove her camera (before the Board could enter executive session).
- The Board entered executive session at approximately 5:26 p.m.
- The Board reconvened into public session at approximately 5:32 p.m.
- The Board ensued in discussion about purchasing cash for 2 and financing 2, Mr. Buldra stated he's more comfortable for the District to do it that way and would look at other financing options for a better interest rate. Walt Kiffer (member of the public spoke with Chair Cass approval), noting his understanding is if the District purchases 2 out right and finances 2, the District receives the discount. Chief DeMaio noted the District would receive the

discount for all 4 under the contract terms; doing one purchase for all 4 with 2 out right and 2 financed. Mr. Kiffer wanted to know the cost out right for the 2. Mr. Buldra noted it would roughly be \$57k to purchase out right 2 monitors and Director Koeppen wanted to know if the \$6k rebate still applied. Chief DeMaio confirmed it applies. The Board and Chief ensued in the discount amount, time frame of quote and actual purchase of equipment/maintenance. Director Terrill motioned to purchase 2 monitors out right and purchase 2 monitors contingent upon financing. Director Cass 2nd. All members present in favor, motion carried.

- v. Discussion and possible action regarding: Update on quotes/bids for possible alarm/surveillance system for LMRFD properties. (Terrill)
 - Director Terrill motioned to remove this item due to other monies spent, Director Cass 2nd. All members present in favor, motion carried.
- w. Discussion and possible action regarding: Draft Policy re: Board Member Travel Reimbursement. (Kiffer/Cass)
 - Director Kiffer wanted to know about other expenditures (PSPRS meetings, etc.) aside from normal District meetings. Chief DeMaio explained those would be additional expenditures the Board and would need approved and this was the matter that was discussed between the Board. Mr. Whittington stated best practice would be reimbursement for all travel within reason for the Board. Mr. Whittington provided the Board the motion to entertain as follows: Approve the Travel Reimbursement Policy with modification to reimburse all necessary and ordinary travel expenses in conjunction with district business and to modify the provided policy to eliminate the pro forma language on Pg. 1 starting after 'travel driven' up to top of pg. 2 with extraneous language 'through 2017'. Director Kiffer so moved, Director Terrill 2nd. All members present in favor, motion carried.
- x. Discussion and possible action regarding: Eligibility for annexation into LMRFD; past annexations recorded into LMRFD. (Kiffer)
 - Director Kiffer noted Ms. Staab brought this item up in her call to the public. Ms. Staab spoke regarding her inquiry and stated it's regarding prior properties that were annexed in under GVMFD before consolidation into LMRFD during 2001-2002 period and those properties are showing removed as annexed in. Noting those people have either moved or died. Ms. Staab stated she researched through the Mohave County Recorder's Office and believed it was Resolutions #28-55 and this was done under A.R.S. 48-262 I. Ms. Staab noted during the 2010 consolidation they were told there would be away to get all the streets into the District and anyone could annex in. Ms. Staab stated Mr. Flynn and Chief Moore were trying to attempt to make it easier for people to annex in, but she is not seeing any changes to the A.R.S. Ms. Staab noted the annex information on the LMRFD Website, noting it's not current. Ms. Staab noted with the properties being removed in error, it's

important for budget and revenue it's important to determine the legal and proper way to annex properties into the District. Ms. Staab noted it's unclear where the boundaries are. Ms. Staab noted it's not to recover things from the past but understanding how to properly do it now for annexations. Mr. Whittington stated the annexation statute is still intact, with no changes to language. Mr. Whittington noted how to annex in is done with a petition for single parcel annexation request. Mr. Whittington noted the District could seek GIS information (boundaries) with a current map. Mr. Whittington noted annexing in is by the District or single parcel. Director Koeppen asked about the boundaries, Chief DeMaio noted he knows some of the boundaries regarding contiguous and roadways. The Board and Chief ensued in discussion regarding annexation information, boundaries, information on Website and updating the information. Tabled for follow-up; No action.

- y. Discussion and possible action regarding: Alternate legal counsel update/information. (Kiffer)
 - Director Kiffer wanted to know what the District would do in the event something happened to Mr. Whittington. Mr. Whittington stated presumably you'd used another teammate from my office. Director Cass noted that Ms. Wells, Mr. Matura and Ms. Aversa were contacted and only Ms. Wells returned the with information. Ms. Wells stated she charges a flat monthly fee of \$2,000 and noted she wouldn't be able to assist until January. Director Cass noted it's just her, she doesn't have anyone else to help her. Director Cass noted the flat fee is if she's used or not, it's billed monthly. No action.
- z. Discussion and possible action: Possible appointment of new Board Chairman. (Kiffer)
 - Item canceled; No action.
- aa. Discussion and possible action: Nomination of Board Chair. (Kiffer)
 - Item canceled; No action.

8) CALL TO THE PUBLIC & CORRESPONDENCE. *(Consideration and discussion of comments and complaints from the public. Those wishing to address the Lake Mohave Ranchos Fire District Board need not request permission in advance. The Fire District Board is not permitted to discuss or take action on any item(s) that are not on the Agenda that are raised in the call to the public. However, individual Board Members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct that staff review the matter or that the matter be placed on a future agenda. The Fire District Board cannot discuss or take legal action on any issue raised during the Call to the Public due to restriction of the Opening Meeting Law.)*

- Walt Kiffer – Mr. Kiffer spoke about the election information that was provided during the meeting also commending the Chief's letter he read aloud during the Chief's Report and suggested putting that into 3rd person and on the Website along with the financial information report (Mr. Buldra's additional information).

Mr. Kiffer noted 'Interim' didn't appear right on the Agenda. Director Kiffer and Cass stated that was addressed. Mr. Kiffer noted the computer fraud and purchasing items with the District credit card. Mr. Kiffer noted planning ahead for SCBA's if no Grant is awarded. Mr. Kiffer inquired about the monitors being under a sole proprietor or generic network. Chief DeMaio noted he believed it was a sole proprietor.

9) CONSIDERATION OF FUTURE AGENDA ITEMS.

- All tabled items will automatically move to following month's Regular Meeting, unless noted otherwise and/or pending more information.
 - 5-year replacement plan of equipment (Terrill)
 - Establish a credit card policy (Terrill)

10)NEXT REGULAR BOARD MEETING DATE & LOCATION.

- October 22, 2018 at the Meadview Civic Center, Meadview, AZ.

11)ADJOURNMENT.

- Mr. Whittington noted this was a 5 ½ hour meeting and that's a record for him, noting he's been doing this for 33 years. He suggested the Chair put a limit on that; at a 2 ½ mark and then go home.
- Director Terrill motioned to adjourn the meeting, Director Cass 2nd. All members present in favor, motion carried.
- Director Cass adjourned the meeting at approximately 6:02 p.m.

MINUTES prepared by: Karen Jackson
(This is a working draft, until Board approval)

Date: 09/28/2018