



LAKE MOHAVE RANCHOS

FIRE DISTRICT

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

*The Governing Board of the Lake Mohave Ranchos Fire District met in Regular Session and Executive Session on **5/29/2020 at 12:30 p.m.** The Meeting was held at **THE CHAMBER OF COMMERCE located at 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 and A.R.S. §38-431.03(A)(4) for legal direction 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.

- Chairwoman Cass called the Meeting to order at approximately 12:40 p.m.
 - Connection to call-in line established at approximately 12:40 p.m.

2) ROLL CALL OF BOARD MEMBERS.

- Board Members present were: Mike Karash, Larry Tennant, Joe Campbell, Deb Cass; Board Chair and Steve Berg; Board Clerk.

3) PLEDGE OF ALLIANCE & MOMENT OF SILENCE. *(To honor those who serve our Country and within Public Safety and to those we've lost).*

- Recited & Acknowledged.

4) APPROVAL OF MINUTES. – CONSENT AGENDA.

- Regular Minutes – 3/27/2020
 - Director Cass motioned to approve the Regular Minutes of 3/27/2020, Director Karash 2nd. Directors Karash, Campbell, Tennant, Berg and Cass voted, "Aye." Motion carried, unanimously.
- Regular Minutes – 4/24/2020
 - Director Cass motioned to approve the Regular Minutes of 4/24/2020, Director Berg 2nd. Directors Berg, Campbell, Tennant, Karash and Cass voted, "Aye." Motion carried, unanimously.
- Executive Minutes – 4/24/2020 (Set 1-A1)
 - Director Cass motioned to approve the Executive Minutes of 4/24/2020 Set 1 – A1, Director Karash 2nd. Directors Karash, Campbell, Tennant, Berg and Cass voted, "Aye." Motion carried, unanimously.
- Special Meeting Minutes – Executive Minutes – 5/8/2020 (Set 1-A1 & Set 2-A1)
 - Director Cass motioned to approve the Special Meeting Minutes – Executive of 5/8/2020 Set 1-A1 and Set 2 A1, Director Berg 2nd. Directors Berg, Campbell, Karash, Tennant and Cass voted, "Aye." Motion carried, unanimously.
- Special Meeting Minutes (public portion) – 5/8/2020

- Director Cass motioned to approve the Special Meeting Minutes (public portion) of 5/8/2020, Director Campbell 2nd. Directors Campbell, Berg, Karash, Tennant and Cass voted, “Aye.” Motion carried, unanimously.

5) REPORTS.

a. **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.)*

- **RUN REPORT:**
 - AMR TRANSPORTS: 0
 - CHIEF CALL-OUT AFTER HOURS: 0
 - EMS TRANSPORTS: 30
 - REFUSALS: 11
 - PUBLIC ASSISTS: 1
 - FIRE CALLS: 10
 - HWY 93 CALLS: 8
 - TOTAL APRIL RUN REPORT: 60
- MEADVIEW COVERAGE DAYS FOR APRIL: 15
- MEETINGS/CONFERENCES/TRAININGS:
 - 4/14: Run-Review (via zoom)
- DISTRICT PROPERTIES: Nothing to report
- DISTRICT VEHICLES: DHS Inspection scheduled for May 20, 2020 on Ambulance-1190 (working with DHS and crews prior to inspection).
- PROJECTS IN THE WORKS:
 - Grant research.
 - Rate reduction inquiry (PSPRS).
 - Rate Increase inquiry (DHS)
- OTHER:
 - Continued Budget preparation with Karen and the Financial Clerk.
 - Reviewing other new and prior material for completion.
 - Thank you – Bobby Porzio for his 20+ yrs of dedicated service within the fire industry and community. He is hanging up his gear and traveling with his wife. We wish you the best and thank you for your service!

b. **FINANCIAL REPORT(S).**

1. Review and approval: April 2020 Financial Report(s). *(The financial report(s) are to be reviewed and approved by the Board). (Administration)*

April 2020 Financial Information as provided by Administration:

- Total Warrant Revenue (includes property taxes, FDAT, Interest, Misc.) \$59,143.62
- Total Ambulance Revenue: \$ 16,257.10; however, the HHS Cares Act credit went in and is being rejected by the bank as Board approved, which brings Ambulance Revenue to \$10,587.97.
- Total Monthly Revenue: \$75,400.72
- Total Monthly Expenditures: \$89,716.94
- Warrant Account Register Balance: \$610,801.99
- Payroll Account Register Balance: \$60,965.90
 - Director Cass motioned to approve the April 2020 Financial Reports, Director Berg 2nd. Directors Berg, Karash, Campbell and Cass voted, “Aye.” Director Tennant, “abstained.” Motion carried, 4-1.

6) EXECUTIVE SESSION.

Board of Directors may vote to go into Executive Session pursuant to A.R.S. §38431.03(A)(3) for legal advice and A.R.S. §38-431.03(A)(4) for legal direction and A.R.S. §38-431.03(A)(1) for personnel matters for the following matters:

1. Discussion regarding: legal advice related to possible litigation arising from termination of ex-Fire Chief Bonnee. (Legal Counsel)
2. Discussion regarding: legal advice related to draft board position statement regarding ex-Fire Chief Bonnee. (Legal Counsel)
3. Discussion regarding: Personnel Matter re: Interim Fire Chief Stephen Winn re: Employment Contract. (Board)
 - Director Cass motioned to enter Executive Session for Items 6;1-3. Director Karash 2nd. Directors Karash, Tennant, Campbell, Berg and Cass voted, "Aye." Motion carried, unanimously.
 - Disconnection of call-in line performed at approximately 12:56 p.m.
 - Executive Session began at approximately 12:57 p.m.
 - Executive Session ended at approximately 1:40 p.m.
 - Chair Cass recessed for approximately 25 minutes.
 - Supervisor Bishop provided the Board Members information on Fire District's and Board of Supervisors.
 - Executive Session reconvened at approximately 2:05 p.m.
 - Executive Session ended at approximately 2:07 p.m.
 - Reconnection to call-in line established at approximately 2:10 p.m.
 - Regular Session reconvened at approximately 2:10 p.m.
 - Director Tennant had left the Meeting.

7) REGULAR BUSINESS.

- a. Discussion and possible action regarding: related to legal matters arising from ex-Fire Chief Bonnee. (Board)
 - No Action.
- b. Discussion and possible action regarding: related to draft board position statement addressing termination of ex-Fire Chief Bonnee. (Board)
 - Director Berg read aloud the Board position statement.

MEMO TO THE COMMUNITY

May 29, 2020

As you are aware, the Governing Board of the Lake Mohave Ranchos Fire District voted 4-1 to terminate Fire Chief Bonnee for cause on May 8, 2020 at a specially-called meeting of the Fire Board.

This has raised many questions in the community, and the Board has the following response.

Chief Bonnee was not terminated for an alleged criminal incident that occurred on his personal time. The issue for the Fire Board was that the ex-Chief shared multiple completely inconsistent versions of what happened and why it happened with the investigating police agency, the community, and members of the Board, as well as agency staff. This dishonesty demonstrated that the Board could not rely on the Fire Chief to tell the truth. This was compounded by other additional prior proven instances of substantial omissions and misrepresentations by the ex-

Chief, including but not limited to the following:

Dishonesty: January 16th and 17th Leadership Class –the ex-Chief allegedly attended this class and sought to be paid for attending it; it later developed that in fact he had not attended the class. He was asked to provide evidence of attendance, but failed to provide evidence to the Board of actual attendance at same; he later admitted that he did not attend the class.

Dishonesty: Multiple Mohave County Fire Officers Meetings missed – despite statements by the ex-Chief alleging attendance at same. This was not only dishonest; it also meant that the ex-Chief was foregoing the opportunity to network with other fire professionals in the area and was leaving the agency at a loss regarding same.

Conduct unbecoming: the ex-Chief sought to create discord between members of the Fire Board and made what were perceived as threats and intimidation towards members of the Board and specifically to the Board Chair.

Therefore, the Board consulted its outside counsel on an emergency basis regarding the matter and took advice from its attorney. The Board acted based on the “termination for cause” section of the written contract signed by the ex-Chief when he was hired by the Board. The Fire Board has only one employee-the Fire Chief. The majority of the Fire Board acted based upon its authority under the contract that the ex-Chief signed. The Fire Board did not and cannot act as a “court of law”. Whether or not the ex-Chief is prosecuted in the courts, the Fire Board has an independent obligation to the taxpayers and to the agency to determine whether the ex-Chief could continue in his role under these circumstances, and it determined that he could not.

As a result of the inquiry into the alleged criminal incident, it developed that the ex-Chief also made material misrepresentations and omissions during the hiring process regarding a particular material element of his personal circumstances. That matter was only revealed by him following the inquiry into the alleged criminal incident. The nondisclosure of material facts was known to the ex-Chief at the time of the hiring process and should have been disclosed by him to the Governing Board. The ex-Chief’s failure to disclose the issue was a further demonstration of a material omission that added to the Board’s concerns. Finally, the ex-Chief’s alleged circumstances that he failed to disclose during the hiring process, once known to the agency, created an unreasonably high risk of potential liability to the agency.

The above is not intended to be an all-inclusive list; it is intended to demonstrate that whatever the narrative being offered by the ex-Chief in the community, the Fire Board had clear and convincing evidence of material omissions and misstatements of fact by the ex-Chief on multiple occasions and regarding multiple matters that are all part of the basis for his termination.

This is not to say that ex-Chief Bonnee did not make worthwhile improvements at the Fire District; the Board acknowledges that ex-Chief Bonnee reintroduced the Volunteer Program, which was and is positive for the District.

The Board is also aware that current and former staff may continue to contact ex-Chief Bonnee. The Fire Board notes that it is NOT the employer of staff and employees; the agency is under the direct supervision of the Interim Fire Chief. The Board is also aware that allegations have

been raised against the Interim Fire Chief; after an informal investigation, there appears to be no wrongdoing by the Interim Fire Chief, and he has the Board's full confidence.

The Fire Board did not act in haste, in an unjust manner, or without verification of the allegations of misconduct against the ex-Chief. The Fire Board is elected to act on behalf of the taxpayers and the agency and to do the best that it can on their behalf in difficult circumstances. Service as a Director on the Board is without payment of any kind, and we are all honored to serve the community by being on the Board. We want the community to know that when you are a Board Member it is no easy task, and the decision to fire the ex-Chief was not taken lightly.

We hope to continue to have the support of the community, the agency's staff, and the greater area and our partners in this community.

Thank you all for supporting your District!

Sincerely,

The Board Majority for the Lake Mohave Ranchos Fire District

- No Action.
- c. Discussion and possible action regarding: Stephen Winn re: Employment Contract and possible Oath of Office. (Board)
 - Director Cass motioned to approve the Employment Contract with Stephen Winn effective 5/29/2020, Director Berg 2nd. Directors Berg, Campbell, Karash and Cass voted, "Aye." Motion carried, unanimously.
- d. Discussion and possible action regarding: Review and update on fuel tank monthly rental and installation re: update and/or possible changes. (Cass)
 - Director Cass motioned to rescind the motion to purchase the fuel tank system and to check with the school system to use their fuel system. Director Karash 2nd. Directors Karash, Campbell, Berg and Cass voted, "Aye." Motion carried, unanimously.
- e. Discussion and possible action regarding: 1992 Ford F-350 re: surplus of item. (Administration)
 - Chief Winn stated this vehicle is in a state of disrepair and there has been an offer from the public. Chief Winn suggested listing the item for surplus, with closed bid options for bidders and highest bidder wins. Director Cass motioned to direct the Chief to surplus with minimum option days with starting closed bid of \$1,000.00. Director Campbell 2nd. Directors Campbell, Berg, Karash and Cass voted, "Aye." Motion carried, unanimously.
- f. Discussion and possible action regarding: Unisource Electric Services re: possible storage container on District Property. (Administration)
 - Chief Winn explained that Unisource has a unit at Mt. Tipton and due to fear of being broke into they would like to move it to Station 41 location. Chief Winn explained it is approximately 20 ft long and 10-12 ft wide and contains materials, supplies, equipment for faster repair time to residents. Review of previous information regarding liability policy by Unisource was briefed over. Director Karash motioned to accept the Agreement with Unisource, Director Cass 2nd. Director Berg wanted to clarify Unisource would supply the Agreement including liability information. Director Karash amended his motion to accept the Agreement with Unisource and that Unisource provide the Agreement with liability policy. Director Cass 2nd. Directors Karash, Berg, Campbell and Cass voted, "Aye." Motion carried, unanimously.

- g. Discussion and possible action regarding: Authorize signatures for Securis Insurance Pool, Inc. (Worker's Compensation). (Administration)
- Chief Winn explained Securis (noting the Worker's Compensation Pool selected a name) provided the Agreement that required authorization to sign. The Board ensued in discussion acknowledging they had previously been provided the information and approved the plan with a rate. Director Cass motioned to approve signature for Securis Insurance Pool, Incorporated. Director Karash 2nd. Directors Karash, Campbell, Berg and Cass voted, "Aye." Motion carried, unanimously.
- h. Discussion and possible action regarding: possible purchase of QuickBooks. (Administration)
- Chief Winn explained the continual issues occurring with splitting the services and provided the solution of a new QuickBooks, noting it would take time to transfer the data and get set up. Director Cass motioned to direct staff to purchase QuickBooks and have it up and functional by 7/1/2020. Director Campbell 2nd. Directors Campbell, Karash, Berg and Cass voted, "Aye." Motion carried, unanimously.
- i. Discussion and possible action regarding: Approval of tentative Budget for Fiscal Year 2020/2021. (Administration)
- The Board and Chief Winn reviewed the information. Chief Winn explained previously that there was pending information and that successfully came through. Chief Winn noted that all positions along with Meadview (approximately 15 days per month) will continue to operate and function. Chief Winn explained that full time suppression staff, upon an annual successful completion of performance review may receive a raise in addition. Chief Winn noted that there are allocated monies in Contingency and in addition a WACEMS Grant listed as well. Director Cass motioned to approve the Tentative Budget for Fiscal Year 2020/2021, Director Karash 2nd. Directors Karash, Campbell, Berg and Cass voted, "Aye." Motion carried, unanimously.
- j. Discussion and possible action regarding: Chamber of Commerce – Dolan Springs, AZ re: Honorary Membership. (Administration)
- Chief Winn stated the Ms. Rivera approached him, providing an application for the District to become an Honorary Member, at no charge. Director Cass motioned to approve the Honorary Membership with the Dolan Springs Chamber of Commerce and to have Chief Winn sign it, Director Campbell 2nd. Directors Campbell, Karash, Berg and Cass voted, "Aye." Motion carried, unanimously.
- k. Discussion and possible action regarding: Pincus Law Firm re: rate reduction request. (Administration)
- Chief Winn stated that service was provided to a patient and they feel the billing was incorrect. Chief Winn explained that he and Karen reviewed the billing with the billing company as well. Director Cass wanted to know what the patient owed originally, noting the Law Firm wanted a reduced rate to \$500.00. Chief Winn stated there were multiple patients and they feel they were billed for double mileage; the patients are related and were transported together for this incident. Chief Winn stated the two patients were treated and placed in the ambulance for transport, and both received the charge for base rate and mileage. Director Berg explained his concern with possible discrimination against another double transported patient that may not have been offered this. Discussion ensued regarding charges and transports. A Member of the Public attempted to attend the Meeting and was asked to exit as it was not open to the public and that the public was provided a call-in line to attend. The Member of the Public, the Board Chair and Clerk exchanged words. The Member of the Public exited. Chief Winn stated standard practice is to charge the rate and mileage. Chief Winn inquired to Director Berg if he was worried about setting precedence. Director Berg confirmed that was his concern. Chief Winn stated the Board has the option to deny the rate reduction request or accept it, as this is a

special circumstance request and the billing company, nor staff can make this decision. Director Berg's concern was that other patients may not have access to an Attorney to negotiate as this patient does. Chief Winn explained the information from the Law Firm indicates a personal injury lawsuit (approximately \$30,000), not against LMRFD. Director Berg motioned to decline the \$500.00 offer from Pincus Law Firm, Director Cass 2nd. Directors Berg, Campbell, Karash and Cass voted, "Aye." Motion carried, unanimously.

- l. Discussion and possible action regarding: Reimbursement request for decontamination products/chemicals. (Administration)
 - Chief Winn stated that a Volunteer purchased decontamination products for the District, and she was seeking reimbursement for the costs. Director Cass asked if the product works. Chief Winn stated the product is only good for 8 hours once mixed and requires a significant amount of safety gear to be used. Director Berg asked about the circumstances to the purchase. Chief Winn stated he nor his staff authorized the purchase of it. Chief Winn stated he was informed after the fact. Director Karash asked the amount. Director Cass noted it is \$422.42. Director Karash motioned to send it back, Director Campbell 2nd. Director Cass inquired about amending the motion in regard to assistance and shipping. Chief Winn stated he can appeal to the company if the Board directs to assist with shipping product back. Director Karash rescinded his motion, Director Campbell rescinded his motion. Director Cass motioned to return the product back to the parties for return and for Chief to as assist in anyway he can to get some shipping fees off it. Director Berg 2nd. Directors Berg, Campbell, Karash and Cass voted, "Aye." Motion carried, unanimously.
- m. Discussion and possible action regarding: Base Hospital, Drug Enforcement Administration (DEA) and Arizona Department of Health Services (AZDHS) regulations & requirements re: Lake Mohave Ranchos Fire District and policy for same. (Cass)
 - The Board reviewed the requirements for drug boxes through AZDHS, DEA and the Base Hospital. Chief Winn noted that the protocols are in place for Paramedics and EMT'S through the Base Hospital. Chief Winn explained that a Paramedic can exchange all drugs whereas an EMT has limited exchange. Director Berg asked if there was an issue with an EMT trying to get drug boxes. Chief Winn explained LMRFD does not, but another agency had this issue which raised the inquiry, also stating that Dr. Merrill knows who is capable to practice and can pull the Base Hospital privileges. Chief Winn wanted clarification for the policy. Director Cass stated a policy stating what the Paramedics and EMT can do. Chief Winn explained the Base Hospital has had another District without any Paramedics and has previously pulled all their drug boxes and if the Base Hospital feels we aren't following their guidelines they have set in place they may do that. Chief Winn stated that essentially would turn the District into a BLS provider and the District would lose its CON. Chief Winn clarified due to LMRFD's uniqueness that in the past the Chief did not have to be a Paramedic and to AFDA's standards, the Base Hospital requires that LMRFD have a Paramedic in charge of replacing drug boxes, noting they'd like the Chief of LMRFD hold the responsibility of the drug boxes and be a Paramedic. Chief Winn reviewed other organizations are closer to the Base Hospital and have additional staff that does not require the Chief to be a Paramedic. Chief Winn stated from an operational standpoint having an Ambulance out of service to go replace a drug box due to a patient being air evacuated isn't conducive for LMRFD. Director Cass noted LMRFD is apples to oranges with other Districts with many things. Director Cass motioned to direct the Chief to direct Karen to write a policy based on our circumstances as a District for drug boxes protocols. Director Berg 2nd. Directors Berg, Karash, Campbell and Cass voted, "Aye." Motion carried, unanimously.
- n. Discussion and possible action regarding: Policy Manual re: Lake Mohave Ranchos Fire District. (Administration)

- Chief Winn stated recommending a policy manual completed in full as there's various and outdated policies and trying to do policies here and there takes a lot of time and research and then bringing to the Board. Chief Winn explained that there's a company that will create the entire policy manual which will save time, comes with training for the manual and trainings for employees, noting it's easier at this point to have the company build it. Ms. Jackson stated she attended the meeting regarding this manual and that specific policies may not apply to this District, which can be removed, such as an 'Elevator Policy.' Staff recommended if the Board moved to authorize this, they would go through the manual and bring to the Board for final approval. Ms. Jackson noted the price is \$2,843.00 (includes a discount) and the policy is written by former Fire Chief's, are within NFPA compliance, AZ State laws included and updated automatically as they change; also stating this is an annual fee and if the Board desired not to renew next time the District would not be penalized. The Board ensued in discussion about the daunting tasks of creating policies and the time it requires. Ms. Jackson noted that locally (close to LMRFD) the Mohave County Sherriff's Department and Bullhead City Fire are participants with the company. Director Berg motioned to go ahead with this policy manual, and we can renew it next year if we decide to keep it or not, Director Campbell 2nd. Directors Berg, Campbell, Karash and Cass voted, "Aye." Motion carried, unanimously.
- o. Discussion and possible action regarding: Resolution 2020-005 re: Call of Election. (Administration)
 - Ms. Jackson read Resolution 2020-005 aloud as follows: Lake Mohave Ranchos Fire District Resolution # 2020-005 A FORMAL RESOLUTION OF THE GOVERNING BODY OF THE LAKE MOHAVE RANCHOS FIRE DISTRICT FOR CALL OF ELECTION WHEREAS, ARS 16-100 through 16-1022 prescribes election law requirements pertinent to the filling of vacancies on Fire Boards of Fire Districts; and WHEREAS, two (2) vacancies on the Fire Board of the Lake Mohave Ranchos Fire District may occur in 2020 for a four year term; and WHEREAS, the election will be held on Tuesday, November 3, 2020; and WHEREAS, this election is non-partisan; and WHEREAS, the last day to register to vote in this election is October 5, 2020; and WHEREAS, it is the responsibility of said fire district to perform all acts and duties to comply with the aforementioned A.R.S.; and NOW THEREFORE BE IT RESOLVED, the Clerk of this Board and Administration are empowered to take such actions as are necessary to assure compliance with said A.R.S. as pertains to elections for the fire district. Director Cass motioned to accept Resolution 2020-005, Director Campbell 2nd. Directors Campbell, Karash, Berg and Cass voted, "Aye." Motion carried, unanimously.
- p. Discussion and possible action regarding: Lake Mohave Ranchos Fire District Local Public Safety and Retirement Pension Board re: appointment of members. (Cass)
 - Director Cass noted she was looking to fill the Local PSPRS Board seats. Director Cass asked Mrs. Kiffer (Member of the Public on the phone) if she'd like to be a member and she declined, Director Cass asked if Mr. Porzio (Member of the Public on the phone) would like to be a member and he declined. Chief Winn noted that Director Cass is Board Chair for the Local PSPRS Board and Director Cass appointed Steve Berg for one of the open seats and will look to fill the other public seat next time. Item does not require Board vote, Local PSPRS Board Chair appoints.

8) CONSIDERATION OF FUTURE AGENDA ITEMS.

- Specified tabled items will move to following month's Regular Meeting, unless noted otherwise and/or pending additional information.

9) NEXT REGULAR BOARD MEETING DATE & LOCATION. (Subject to change, notice/announcement will be posted via District Website, if any changes occur).

- 6/26/2020 – MCA (Meadview, AZ) 12:30 p.m.

10) ADJOURNMENT.

- Director Berg motioned to adjourn the Meeting, Director Campbell 2nd. Directors Berg, Campbell, Karash and Cass voted, “Aye.” Motion carried, unanimously.
- Director Cass adjourned the Meeting at approximately 3:27 p.m.

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

Date: 6/3/2020 & 6/4/2020
Revised: 6/24/2020