



LAKE MOHAVE RANCHOS

FIRE DISTRICT

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MINUTES OF THE 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 **9/25/2020** 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.

- Director Cass called the meeting to order at approximately 12:30 p.m.

2) ROLL CALL OF BOARD MEMBERS.

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

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.

- a. Regular Minutes – 8/28/2020
 - Director Cass motioned to approve the Regular Minutes of 8/28/2020. Director Campbell 2nd. Directors Campbell, Karash, Berg and Cass voted, "Aye." Motion carried, unanimously.
- b. Executive Minutes – 8/28/2020 (Set 1 – A1)
 - Director Cass motioned to approve the Executive Session Minutes of 8/28/2020 Set 1 – A1. Director Berg 2nd. Directors Berg, Campbell, Karash 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.)*

Chief Winn provided the Chief's Report as follows:

RUN REPORT:

- EMS CALLS: 31
- PUBLIC ASSISTS: 5
- FIRE CALLS: 7
- Misc. (False Alarms, Illegal Burns, Canceled En-Route, Agency Assists): 18
 - Coverage days for Meadview: 13
 - TOTAL AUGUST RUN REPORT: 61

MEETINGS/CONFERENCES/TRAININGS:

- 08/08/20 Volunteer Training
- 08/11/20 Run Review
- 08/11/20 Provider Meeting
- 08/11/20 Target solutions
- 08/26/20 United Fire (grant)
- 08/26/20 Chief Cunningham (cut short due to a fire call)
- 08/27/20 MCFOA (zoom)
- 08/31/20 Chief Cunningham

DISTRICT PROPERTIES:

- None to report.

DISTRICT VEHICLES:

- Ambulance 1190 (Transmission)
- Brush 416 spare tire (repaired not replaced)

SUPPRESSION (OPERATIONS):

- Since last Board Meeting (8/28/2020) I had an individual inquire about Volunteering who had Volunteered previously for LMRFD and the previous Fire Chief made determinations with that individual's volunteerism. A recent re-interview was conducted, and I conferred with our Volunteer Coordinator, Scott Aitken the details involving this prior Volunteer and utilized Scott's experience, knowledge, and professional recommendations for the re-consideration of this individual. This is another example of how Scott is an invaluable member of the team and his input is important and considered. All our Volunteers are appreciated, and we certainly would like to have more onboard as well.
- There have been two other Volunteer inquiries, but nothing has materialized in the way of an application or anyone showing up to see myself or Scott Aitken.

ADMINISTRATION (OPERATIONS):

- AFDA classes have been cancelled for winter 2021. A one-day class for newly elected and/or reelected members will be scheduled in December 2020. Karen is staying on top of this to schedule members and myself.
- Karen and I are working on a revision of the application of employment that had been previously approved by the Board 3/25/2019, we hope to shorten the application.
- A member of the public made a statement regarding additional payout for former Chief DeMaio and for follow up and response, Karen researched this and we have sited the following from the 11/25/2019 Minutes, this item was held in Executive Session and here is the action that took place in public: Chairwoman Cass motioned to authorize severance payment as indicated by Legal Counsel, to former Chief DeMaio and for Administration to prepare a check for the amount of \$5,275 from the payroll account for signatures.
- Last meeting (8/28/2020) I misspoke and unintentionally took credit regarding a discrepancy with Martin Swanty. It was Karen that found and notified me immediately of the discrepancy with the estimate provided by Martin Swanty. We then reviewed the Martin Swanty estimate for the transmission repair and she explained to me not only was the discount plan not shown, but the tax was also incorrect. She also verified this with the Financial Clerk, and we all discussed the matter further. Previously, LMRFD was receiving a discount plan rate and to clarify, they were not attempting to honor that on this new estimate as they had previously done for us on the other noted repairs. That caused and raised questions on our end and in a good faith effort we received additional estimates to review and present.
- The Board was made aware of a potential conflict of interest pursuant to A.R.S. 38-503 of an employee's relation to an employee at Martin Swanty and acknowledged that with a vote at the 2/28/2020 board meeting.
- Regarding the OT for the Administrative Manager, this has been reviewed by legal counsel with no further action needed.
- Regarding the Financial Clerk, the former Fire Chief and Karen proposed this position to the Board for continued internal controls and security for the District and taxpayers. The Board approved this position of the Financial Clerk

for \$12/hr. at 5 hours per week. To date there has been no OT collected by the Financial Clerk. For further clarification, Karen and our Financial Clerk have not worked together before.

- Thank you for Karen's maintenance and diligence with our insurance company. They will be issuing LMRFD a surplus check in the amount of \$1929.81.
- Karen and Lovelle are continuing to work with the QuickBooks cross-over, this is an extremely in-depth process and they have kept me abreast of the progress and challenges. The Board may notice updated format changes to reports due to the changeover process. This will be on-going until completion. For further clarification, Karen does not have sole reign over the District's financials and I, myself am involved in the day to day operations with these two individual employees.
- As far as the inner professional working relationship between myself, Karen and Lovelle we communicate regularly regarding District business, goals, and projects with respect to each other's essential duties.
- I have been approached by taxpayers referring to hearsay that the District is failing or going under and other various posts on social media, once again, this hearsay seems to come up often and is inaccurate.

PROJECTS IN THE WORKS:

- Grant research (continual)
- Lexipol Policy Manual (continual)
- Report Writing training (continual)
- Prioritizing Station and Vehicle repairs (started and continual)
- Subscription Service (follow-up and continual)
- Out of District Contracts (follow-up and continual)
- Property Research Project (started and hope to have this information to the Board at the October meeting)
- Fee Schedule (working with Karen on this project and hope to provide to the Board for consideration at the October meeting)

OTHER:

- A.R.S. 48-805.03(2)(B) Employment of relatives; violation; classification has been discussed with Legal Counsel regarding classifications (full-time, paid-on-call and volunteers).
- Possible community outreach with the Mt. Tipton Elementary School – Halloween Event (following up).
- Dolan Days (need information for community outreach) for participation related to Fire Prevention (following up).

b. FINANCIAL REPORT(S).

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

Chief Winn reported the August 2020 Financials as follows:

- Total Warrant Revenue (includes property taxes, FDAT and Interest): \$13,074.26
- Total Ambulance Revenue: \$43,156.63
- Miscellaneous Income: \$10.00
 - Total Monthly Revenue: \$56,240.89
- Total monthly expenditures: \$66,062.19
- Total Warrant Account Register Balance as of 8/31/2020: \$561,897.68
- Total Wells Fargo Account Register Balance as of 8/31/2020: \$47,526.32
 - Total combined Balance: \$609,424.00
- Director Cass motioned to approve the August 2020 Financial Reports. Director Campbell 2nd. Director Berg asked about the totals for QuickBooks. Ms. Jackson noted a restructure of that report is occurring, to show each value broken out. Directors Campbell, Berg, Karash and Cass voted, "Aye." Motion carried, unanimously.

6) REGULAR BUSINESS.

- a. Information regarding: Administer Oath of Office and Certificate of Compliance for newly appointed Board Member Susan DeLara. (Cass)

- Director Cass administered the Oath of Office to Susan DeLara, who recited it aloud. Director DeLara confirmed the Certificate of Compliance. Director DeLara present for meeting. No Action.

7) EXECUTIVE SESSION.

- a. Board of Directors may vote to go into Executive Session pursuant to A.R.S. §38.431.03(A)(3) for legal advice and pursuant to A.R.S. §38.431.03(A)(4) for legal direction and pursuant to A.R.S. §38.431.03(A)(1) for personnel matters for the following matters:
 1. Discussion regarding: Possible litigation ex-Chief Bonnee- previous agency payment for unattended trainings and meetings. (Cornelius)
 2. Discussion regarding: Possible litigation prior employee Phyllis Aitken- agency property removal. (Cornelius)
 3. Discussion regarding: Personnel issue re: harassment/defamation against agency staff Karen Jackson. (Cornelius)
 4. Discussion regarding: Personnel issue re: possible false reporting against agency staff Karen Jackson. (Cornelius)
 - b. Board of Directors may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(1) for personnel matters for the following matters:
 1. Discussion regarding: Personnel Matter re: Karen Jackson re: compensation. (Winn)
- Director Cass motioned to enter Executive Session for all items listed. Director Berg 2nd. Directors Berg, Campbell, DeLara, Karash and Cass voted, “Aye.” Motion carried, unanimously.
 - Public Session ended at approximately 12:45 p.m.
 - Executive Session began at approximately 12:46 p.m.
 - Executive Session ended at approximately 2:44 p.m.
 - Public Session reconvened at approximately 2:45 p.m.

8) REGULAR BUSINESS.

- a. Discussion and possible action regarding: possible litigation ex-Chief Bonnee – previous agency payment for unattended trainings and meetings. (Board)
 - Director Cass motioned to direct Administrative Staff to do as directed in Executive Session by next board meeting. Director Campbell 2nd. Directors Campbell, Karash, DeLara, Berg and Cass voted, “Aye.” Motion carried, unanimously.
- b. Discussion and possible action regarding: possible litigation prior employee Phyllis Aitken – agency property removal. (Board)
 - Director Cass motioned to have Admin meet with Phyllis Aitken. Director Berg 2nd. Directors Berg, Karash, Campbell, DeLara and Cass voted, “Aye.” Motion carried, unanimously.
- c. Discussion and possible action regarding: harassment/defamation against agency staff Karen Jackson. (Board)
 - Director Berg motioned to direct Legal Counsel to pursue a harassment injunction as discussed in Executive Session. Director Campbell 2nd. Directors Berg, Campbell, Karash and Cass voted, “Aye.” Director DeLara voted, “Nay.” Motion carried, 4-1.
- d. Discussion and possible action regarding: possible false reporting against agency staff Karen Jackson. (Board)
 - Director Cass motioned as advised by Legal Counsel to have Admin Staff do as directed in Executive Session. Director Campbell 2nd. Directors Campbell, Karash, DeLara, Berg and Cass voted, “Aye.” Motion carried, unanimously.
- e. Discussion and possible action regarding: Karen Jackson re: compensation. (Board)
 - Chief Winn stated this is an informative item to the Board that in review of Mrs. Jackson’s time over the course of just over a year we found that we have to pay Mrs. Jackson for time that she had previously donated. No Action.
- f. Discussion and possible action regarding: Lake Mohave Ranchos Fire District re: Volunteers. Information re: same. (Berg)
 - Director Berg noted he had a follow-up discussion with the Chief regarding parameters as a Board Member the Chief would like followed, for pursuing and searching for Volunteers. Director Berg explained he and the

Chief discussed going to the County and obtaining the list of people a gentleman from the last meeting stated they had. Chief Winn stated he attempted to contact Mr. Stultz from last meeting and was unable to reach him to obtain specifics that he had referred to. Chief Winn stated he explained to Director Berg where to have interested persons go on the Website for applications, noting those applications are being revised. Chief Winn noted those people can come into the District Office and see him directly, stating that ultimately the decision to hire said Volunteers lays solely on himself, noting it is not something the Board handles. Chief Winn stated that Director Berg seemed enthusiastic to send potential Volunteers the Chief's way. Ms. Koeppen, a member of the public asked for clarification to define the term "hire." Chief Winn stated that Volunteers are hired as employees of the District in an uncompensated capacity. Chief Winn explained the Volunteers are also covered under Worker's Compensation which also designates them as an employee should something occur. No Action.

- g. Discussion and possible action regarding: Memorandum of Understanding (MOU) re: Mohave County Probation Department and Lake Mohave Ranchos Fire District re: Community Restitution Program/Community Service. (Administration)
- Chief Winn explained he was approached by a member of the public for community service and in researching found no Agreement for the department for a little over a year. Chief Winn stated he reached out and obtained the information for the MOU between the Probation Department and the District. Chief Winn stated it will be his obligation to sign off on Community Service Workers, assign tasks and projects on a person by person situation for those individuals. Chief Winn asked the Board for authorization to sign the MOU and have the District be apart of the members rehabilitation into society. The Probation Department Officer, as explained by Chief Winn stated the Fire Department's professional environment would be beneficial for these people rather than a bar environment and they would see something positive in their service. Director Berg asked if there would be a ride-along involved. Chief Winn stated no, not with this item. Director DeLara asked if they would be covered under the District's Workers Compensation and Chief Winn stated they will be covered under the County. Director Karash motioned to authorize the Chief to institute this program. Director DeLara 2nd. Directors Karash, DeLara, Campbell, Berg and Cass voted, "Aye." Motion carried, unanimously.
- h. Discussion and possible action regarding: Ambulance Billing re: review of services and Aging Detail Report (ADR) information, collection agency review and review of potential alternative collection agencies for consideration. (Administration/DeLara)
- Chief Winn stated the current medical billing company is Andres Medical Billing and they charge 3.95% on collected. Chief Winn stated the billing company only gets paid if they collect. Chief Winn noted the billing company works directly with our collection agency and provide the collection agency anything 120+ days as uncollected, unless an arrangement has been made. Chief Winn noted Andres Medical Billing has an overall collection rate for LMRFD at 75%. Chief Winn noted monthly collections run in the rear, explaining this is based off timely filing limits and appeals that may occur. Chief Winn noted that Andres Medical Billing specializes in ambulance billing, appeals, arrangements and assists with feedback in reporting system for better revenue collections. Chief Winn noted that the downfall of revenue collections has been due to inaccurate or incomplete reports by the crews. Chief Winn explained the Andres Medical Billing communicates well with what they need to complete a billing claim if there is an issue. Chief Winn stated the collection agency the District has is HCI (based out of AZ) and has been with them since 2013. Chief Winn noted HCI charges 30% on collected, noting again there is no flat fee it is based on what they collect for the District. Chief Winn noted HCI collects for our prior billing company and our current billing company. Chief Winn noted they are legally allowed to collect up to 7 years for unpaid claims. Chief Winn explained all the numbers had not come in on time and will be reported at the October meeting. Director DeLara stated she reached out to 3 different collection agencies based off the uncollected amount and provided a comparison for each agency. Director DeLara noted that if the District can collect at least 30% of the accounts in collections that would be a good effort. Director DeLara stated she agrees with staying with the current billing company, but they should look into switching collection agencies and try a new one for 6 months or so and see how it goes. Director DeLara suggested monies that are collected by the collection agency be utilized towards incentives for pay for others to join our Fire Department. Director DeLara noted out of the 3 collection agencies she researched; her recommendation is the RFGI agency. Director DeLara

explained they probably would not receive anything lower than a collection agency charging 35% on what they collect for the District as their fee. Director Berg asked the approximate age of debt the District has. Chief Winn explained any debt in 2013 has reached the 7-year limit on allowed collection and HCI has not written any debt off. Director Berg asked if it is common for District's to write some debt off. Chief Winn confirmed it is common for District's to do write some debt off. Item Tabled for continuation at the October meeting.

- i. Discussion and possible action regarding: Lake Mohave Ranchos Fire District Governing Board re: Regularly monthly meeting schedule (time/day of week). (Administration)
 - Chief Winn stated this item was raised by a member of the public. Chief Winn noted options of Admin going to 8a.m.-5p.m. on a M-F schedule, taking the Thursday off before the meeting or taking the Monday off before the meeting. Chief Winn stated he would not suggest the Monday off idea as it would put a hamper on some duties. Chief Winn explained ultimately the decision to change the Admin schedule would be his to make, stating if the Board wanted to change their meeting day or time that falls on the Board. Director Cass inquired about changing to morning from afternoon so it's not a full day. Chief Winn explained our week consists of board meeting preparations that takes place all week. Director DeLara asked if it is reasonable to think a meeting can be done in 2 hours. Director Cass and Director DeLara spoke about the length of meetings and agreed there is no guarantee of how long a meeting can last. Director Cass noted they have been in 7-hour board meetings before. Director DeLara stated she would like an earlier time frame for the board meetings. Chief Winn stated they are trying to get to the point on agenda items and keep them short and sweet. The board members ensued in discussion of a possible time change for the monthly meetings all noting they would prefer a morning time frame. Director Cass motioned to change the meeting time to 10:00 a.m. on the 4th Friday of the Month effective today, Director Campbell 2nd. Directors Campbell, Karash, Berg, DeLara and Cass voted, "Aye." Motion carried, unanimously.

9) CALL to the PUBLIC. *(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).*

- Charlotte Kiffer
 - Observed people at the meeting table without masks on.
 - Noted an individual included in Executive Session that she doesn't know who they are or why they were in Executive Session.
 - Stated the payout for former Chief DeMaio from the special meeting of 11/6/2019 had changed from the previous meeting and vote and was indicated to be no more than \$9k for the additional payout, stating prior it was determined differently by Legal Counsel and Accountant.
 - Mentioned that the work week discussion of the Chief didn't take place which would provide the District another day of coverage placing him in Meadview.
 - Commented that although the Chief oversees the two people doing finances, they are not independent oversight.
 - Mentioned the MCC update was not on the Agenda.
 - Stated that she doesn't know what the Board discussed about Tim Bonnee or Phyllis Aitken in Executive Session, and reiterated the Board agreed not to pursue from former Chief DeMaio \$3,500 that DeMaio was overpaid.
 - Noted she isn't saying Phyllis Aitken took anything from the District, explaining that Karen Jackson told her over a year ago or so that she couldn't find the tape of the telephone conversation between the Chief, Picard and Karen and she was looking for a way to get that to the DA, noting DeMaio had taken it home.
 - Mentioned she was looking forward to the DSCC Celebration and is hopeful the Chief will send apparatus and goodies as it was a successful event for the kids last year.
 - Noted the waiver of monies for other patients due to a hardship was provided, setting precedence.
- Bobby Porzio

- Stated the two prior Chief's have asked for Volunteers.
 - Mentioned the 9/23/2019 Minutes where the prior Chief stated he had 9 Volunteers and 5 applications. Mr. Porzio wanted to know where they were.
 - Indicated he spoke with Mr. Aitken and asked how many Volunteers the District has. Mr. Aitken had told him 4 (1 of them working very limited).
 - Stated he contacted MVFD, NACFD, KFD, BHCFD and GVFD didn't return the call, explaining none of them have Volunteers for Fire Suppression. Mr. Porzio stated the reasons provided were the following:
 - meet industry standards
 - laws
 - liability
 - physicality
 - professional standards
- Mr. Porzio stated we need to take what they are saying, we can't take the rules that are given to us and deviate from them. Mr. Porzio noted the insurance company may have guidelines for Volunteers also. Mr. Porzio stated the LMRFD must meet the requirements for the District's protection. Mr. Porzio commented that he was a Volunteer for LMRFD for 20 years and stated that the LMRFD does not need to get itself in the ringer for not following standards as there has been law changes that have occurred.
- David Anthony
 - Requested the board meetings be held at a different location, suggesting the most appropriate place would be the fire department.
 - Larry Tennant
 - Mentioned he's been in the Ambulance business for 25 years, explaining Medicare was 3 years behind on rates and pays 80% of what they approve.
 - Noted if Medicare has paid on these collections you will not collect anymore.
 - Stated it's not cheap to be in Emergency Medical.
 - Stated you can't rely on Volunteers to be present.
 - Complained about the current billing company relating to his own personal matter.
 - Suggested the Board to step back a little and get the public more involved.
 - Commented there may have been too many Executive Sessions and thinks the current Budget is fictitious and doesn't believe in it.
 - Ellen Reh-Bower
 - Stated that it has been a well understood fact that Volunteers must meet the same standards, qualifications, etc. as paid employees.
 - Noted that a lot of new people are moving in (40, 50, 60 yr. old's) and suggested efforts be made for better recruiting of Volunteers.
 - Spoke about the Volunteer Support Program line item of \$10k and requested it to be placed back in the next year's budget.
 - Noted there are Grants provided through MCC for education for the 40, 50, 60 yr. old's that are moving in along with a current qualified Volunteer.
 - Suggested placing a sincere and concerted effort be put out for Volunteers.
 - Spoke about an item she requested for the agenda, requesting an independent accounting service be reimplemented.
 - Theodora Koeppen
 - Requested a follow-up regarding the Cardiac Monitors as noted from the month prior in the call to the public.

10) CONSIDERATION OF FUTURE AGENDA ITEMS.

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

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

- 10/23/2020 – Meadview, AZ (MCA) at 10:00 a.m. (pending verification)

12) ADJOURNMENT.

- Director Cass motioned to adjourn the meeting. Director Berg 2nd. Directors Berg, Campbell, Karash, DeLara and Cass voted, “Aye.” Motion carried, unanimously.
- Director Cass adjourned at approximately 3:41 p.m.

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

Date: 9/29-9/30 2020