



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 **02/14/2024 at 1:00 p.m.** The meeting was held at **Dolan Springs Chamber of Commerce building (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.

1) CALL TO ORDER

Director Koeppen called the meeting to order at 1:03 pm

2) ROLL CALL OF BOARD MEMBERS –1:03 pm

Directors Reh-Bower, Garza, Nelson, and Koeppen- PRESENT

3) PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE (To honor those who serve our Country and within Public Safety and to those we've lost) - 1:03 pm

Pledge of allegiance was led by Director Garza

4) EXECUTIVE SESSION: (Board of Directors may vote to go into Executive Session pursuant to A.R.S §38.431.03 (A) (3))

No executive session took place.

5) MINUTES – 1:04 pm

a. 01/18/24 Regular minutes

Motion to accept the 01/18/2024 minutes as presented: Director Garza

Seconded: Director Nelson

Vote: Directors Garza, Koeppen, Nelson, and Reh-Bower- all AYE

6) CONSENT AGENDA –

a. **Chief Report:** to be presented by Chief Bonnee -1:06 pm

Run Report for the month of January:

AMR Transports: 0

EMS Calls: 83

Dolan Transports: 62

Fire Calls: 7

Mutual Aid Calls: 0

Highway 93 Calls: 23

Meadview Calls: 8

Meadview Coverage Days: 18

Meetings/Conferences/Trainings: Run Review, MCFOA

District Vehicles:

- The Ford ambulance at Station 43 was in the shop for leaking valve covers, however it is back.
- The Battalion 4 truck will be going to the mechanics for a main oil seal leak.
- The new ambulance has been painted and the box is mounted. The company should be calling the Fire Chief within the next couple weeks for a final inspection of the vehicle.

District Properties:

The garage door has been installed on the metal building at Station 41.

Projects in the Works:

- The AFG grant applications for the water tender and heart monitor are nearly ready to be submitted
- The staffing grant opens up in March and LMRFD will be applying, hoping to fill seven positions to staff Meadview full time
- Rates for Wildland deployment increased by 15%
- Last weekend, all personnel participated in both pump and drafting trainings
- The LMRFD firefighter/paramedic Melissa is resigning. Drew Kroger will be returning to LMRFD to take her place
- The ambulance R-415 dropped a valve and knocked a hole in a piston, which destroyed the engine. The cheapest and fastest option was to swap it for a used engine. This engine has 71K miles on it and will cost a bit under 20K. The repairs should be done later in the week

(Notwithstanding subsection H of this section, the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, if:

1. *The summary is listed on the agenda.*
2. *The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action. (A.R.S. 38-431.02.K.)*

b. Financial Report: to be presented by Gabe Buldra of JVG – 1:13 pm

The Financial Report was presented by Steven Rodriguez from the James Vincent Group today

Key takeaways:

Revenue for the month of January is \$90,976, which is over budget by \$272

- Tax Revenue for January is \$61,841, which is under budget by \$1,388
- Non-Tax Revenue for January is \$29,135, which is over budget by \$1,660

Expenses for January totaled \$97,315, which is under budget by \$6,604

YTD Total Revenue is \$988,967, which is \$67,371 over budget

- YTD Non-Tax Revenue for Wildland Fire is over budget by \$42,832
- YTD Tax Revenue is over budget by \$16,560

YTD Expense is \$908,791, which is \$137,561 over budget.

Other points:

Vehicles and Equipment came in under budget by \$2,254, however the District had been trending over budget throughout the year. The biggest line item in this category is Vehicle Maintenance, which is 42,749 over budget YTD.

Vehicle Fuel is also trending \$15,911 over budget for the YTD, however the District did come in a bit under budget for the month of January.

There was nothing else of note during the presentation.

Director Nelson wanted clarification about the fuel cost trends in reference to the new fuel system that was installed at Station 41. Steven and Fire Chief Bonnee explained that since the fuel system is still new, and that payments were still being made to WEX fuel cards until recently, it will take some time for the reports to reflect the downward trend in fuel expenses.

Director Nelson asked specific questions about the fuel tank. It holds 1000 gallons and the District uses about 250 gallons (¼ of the tank) per week. All LMRFD vehicles use diesel fuel from this tank except two.

Director Koeppen reminded those present that before the fuel tank was installed, the District was forced to use Chevron. The Chief added that diesel prices in the summer of 2023 were around \$8 a gallon. Mr. Rodriguez reiterated that as of this month, the District is \$900 under budget for fuel and he is hopeful that will become the norm.

Lastly, Director Nelson made positive remarks about the tax revenue that the District collected.

Motion to accept the January 2024 financial report: Director Garza

Seconded: Director Reh Bower

Vote: Directors Garza, Koeppen, Nelson, and Reh-Bower- AYE

7) REGULAR SESSION

Old Business:

- a. **Discussion and action: Most** recent AG communications regarding AG letter dated 8/31/22 and actions needed to resolve the lingering issues. (Director Koeppen, Atty Cornelius) - **01:22 pm**

Director Koeppen briefed those present about ongoing communication between the Arizona Attorney General's office, Mr. Cornelius (District Attorney), and the District about Open Meeting Law. Director Koeppen then recited the letter from the AG, dated August 31st, 2022.

The letter has been rewritten below for the February 2024 meeting minutes and is also available on the LMRFD website for further review:

Re: Open Meeting Law and the Lake Mohave Ranchos Fire District

Board Members and Mr. Cornelius:

As you know, the Office of the Attorney General has received six Open Meeting Law complaints regarding the Lake Mohave Ranchos Fire District Governing Board (the "Board"). The Office has concluded its review of the allegations and has determined that there were Open Meeting Law violations in connection with the March 18, 2021 and June 17th, 2021 meetings. The Office was unable to substantiate a violation of the Open Meeting Law in connection with the remaining allegations. The facts recited in this letter serve as a basis for this conclusion, but are not administrative findings of fact and are not made for purposes other than those set forth in A.R.S § 38-431 *et. Seq.*

The Board's March 18, 2021 Meeting

Two complaints contained allegations related to the Board's March 18, 2021 meeting. First, the complaints alleged that during the meeting, the Board engaged in discussion during the Fire Chief's report about matters that were not listed on the agenda. Second, the complaint alleged that the March 18, 2021 meeting minutes do not list the names of three members of the public who spoke during the March 18, 2021 call to the public. The Office also noted that while the meeting minutes include a general description of what was said, the minutes do not include the names of those persons that made each of the statements.

Here, the Board's response stated that the Board did not keep a recording of the March 18, 2021 meeting, and there are no documents within the Board's custody that show the names of the three individuals that spoke during the call to the public. Accordingly, the Board violated the Open Meeting Law by failing to maintain its meeting minutes in accordance with the Open Meeting Law.

As to the allegation concerning the discussion of matters not listed on the agenda, the Office is unable to substantiate a violation of the Open Meeting Law in connection with this allegation.

The Board's June 17, 2021 Meeting

Two complaints alleged that the Board did not provide notice that it would hold a public hearing on its FY2021/2022 budget. The budget agenda item read in full: "Discussion and possible action: Adoption of the 2021/2022 fiscal year budget." See Board's June 17, 2021 Meeting Agenda Item 9(a).

The Open Meeting Law requires that agendas list the specific matters to be discussed, considered or decided at a meeting, and prohibits a public body from discussing or taking legal action on items not listed on the agenda. See A.R.S. § 38-431.02(H). Here, the Board's response admitted that the public hearing was not listed on the agenda, despite the fact that the Board did vote to open the public hearing. See Board's Response at 2. While no member of the public spoke at the hearing, the Board violated the Open Meeting Law by failing to notice that the hearing would take place at the June 17, 2021 meeting.

Notwithstanding this determination, however, the Board did properly notice that is intended to discuss and take legal action to adopt the FY2021/2022 budget, and it did so at the June 17, 2021 meeting. Thus, there was no Open Meeting Law violation in the Board's decision to adopt the FY2021/2022 budget.

The Board's July 15, 2021 Meeting

The complaint contained two allegations related to the Board's July 15, 2021 meeting. First, the complaint alleged that the meeting time was purportedly changed from 10:00AM to 1:00PM less than 24 hours prior to the meeting. The Office noted that the Board's online meeting calendar lists the start time for the July 15, 2021 meeting as 10:00AM as of the date of this letter. Second, the complaint alleged that the July 15th, 2021 executive session agenda item merely restated the statutory provision authorizing the executive session and lacks any description of the matters to be discussed.

Here, the Board's response stated that the amended July 15th, 2021 meeting agenda was posted more than 24 hours prior to the meeting and noted that no executive session occurred during the meeting. See Board's Response at 2. After reviewing the Board's response and supporting documents, the Office is unable to substantiate a violation of the Open Meeting Law in connection with these allegations.

The Board's August 18, 2021 Meeting

The complaint alleged that the Board did not post its August 18, 2021 meeting notice and agenda on its website at least 24 hours prior to the meeting.

After reviewing the Board's response and supporting documentation, the Office is unable to substantiate a violation of the Open Meeting Law in connection with this allegation.

Remedy

To remedy this violation, the Office considered the readily available records documenting whether the Board has had any recent open meeting violations, and the Board's response.

Having weighed these factors, and in order to resolve this matter, the Office has determined that the Board must share the contents of this violation letter with the public at the next practicable public meeting, and a copy of this letter must be posted on the Board's website for at least one year from the date of this letter. The Office has noted this occurrence as a violation, which will be considered in determining the response to any further Open Meeting Law violations by the Board and its current members.

This letter relates solely to the disposition of the aforementioned Open Meeting Law complaint; it is not a formal opinion of the Attorney General's Office and should not be cited as authority in other matters.

Sincerely,

(signature)

Michael S. Catlett

Deputy Solicitor General

Open Meeting Law Enforcement Team

Director Nelson told those present that she was the Chairperson during these allegations and relayed some of the difficulties at that time.

No action taken.

New Business:

a. Discussion and possible action: New ambulance loan (Chief Bonne, Gabe Buldra) -1:35 pm

Steven Rodriguez of James Vincent Group told the Board that as discussed prior, they are securing a loan for \$150,000, while the rest of the cost for the ambulance will be paid out of pocket. The loan, from National Bank, will run for seven yearly payments at a 5.55% interest rate. This interest rate is, unfortunately, what the market is allowing at the moment. The total cost of the ambulance is \$207,878. JVG and the District has begun working on the budget for this and will present it for the 2025 budget.

Steven Rogriguez asked the Board to approve the lease purchase.

Motion to accept the loan of \$150K for the purchase of a new ambulance: Director Garza

Seconded: Director Nelson

Vote: Directors Garza, Koeppen, Nelson, and Reh-Bower- AYE

b. Discussion and possible action: Giving battalion chief authority to approve payment of invoices when chief is not on duty (Director Nelson) -1:39 pm

Director Nelson explained to the Board that there are occasional bills in the approval queue that cannot be signed off on by the Fire Chief because he is not on duty. This, at times, has led to bills being paid late. Since the District now has a Battalion Chief, she proposed that the Board allow the Battalion Chief the authority to approve bills in the queue when the Chief is not scheduled.

Administrator Glenn Gardner explained that the James Vincent Group uses Bill.com to handle billing. The approval queue is set up through that service and he is unclear if there is a process to add an occasional approver.

Director Koeppen said that there should be a written policy in place to outline the process of using the Battalion Chief to approve bills. Director Garza added his support for being deliberate and cautious.

No action taken.

c. Discussion and possible action: Posting all AG communications on the LMRFD website (Director Nelson) - **1:51 pm**

Director Nelson spoke about making prior and future communications between the Attorney General's office and LMRFD publicly available. Administrator Gardner said he wanted to create a new section on the website for this purpose. It was expressed that this was in the interest of protecting the District and keeping taxpayers completely informed.

Motion for LMRFD to post all AG communications on the website: Director Nelson

Seconded: Director Reh Bower

Vote: Directors Garza, Koeppen, Nelson, and Reh-Bower- AYE

d. Discussion and possible action: Effectiveness of current LMRFD legal representation (Director Nelson) - **1:55 pm**

Director Nelson suggested that it may be time for the District to approach other attorneys and assess their options. There is concern that the currently contracted attorney may not be representing the District to the best of his ability. Director Koeppen questioned Nelson and the Board about his performance over the past few years, which has been generally favorable. However, Director Nelson pointed out that this attorney is far removed from the District and has not even met any of the Board or staff of LMRFD.

Director Nelson will do more research and the Board will return to the subject again in the future.

No action taken.

e. Discussion and possible action: Feasibility of holding open forum sessions for the Chief to interact with the public after regular board meetings (Director Reh-Bower) - **2:05 pm**

Director Reh-Bower is concerned that there is not a good way for the public to question the District about events. She suggested an open forum to give the taxpayers a platform to interact with the Chief directly. Fire Chief Bonnee supports the idea but is concerned about the legality. As it is, it may be illegal unless the majority of the Board is absent from the forum. Administrator Glenn explained that during a meeting, the public may make comments during the Call to the Public, however the Board may not respond or open discussion in return. A member of the Board may only respond to a direct criticism or question about themselves and no more.

The Board and Administration urged caution on the matter and Director Reh-Bower will perform more research.

No action taken.

- f. **Discussion and possible action:** Board Permission to continue public outreach on LMRFD's behalf via articles, the LMRFDSupport.com website and social media posts (Director Reh-Bower) - **2:12 pm**

Director Reh-Bower shared that she had been writing articles about the District for the public's benefit since 2006. She asked the Board's permission to continue doing so. Director Koeppen had spoken to legal counsel about the matter, and it was advised that it fell under free speech and was completely permissible as long as Director Reh-Bower made it clear she was not speaking for the Board.

No action taken

- g. **Discussion:** Ambulance billing process (Director Koeppen) -**2:13 pm**

Item postponed

- h. **Discussion and possible action:** Controls, checks and balances (Director Koeppen) -**2:13 pm**

Item postponed

- i. **Discussion and possible action:** Annexation requests (Chief Bonnee) - **2:13 pm**

Administrator Gardner explained that there is one annexation request for Mr. And Mrs Russel on Sandview Drive in Meadview. This request had been submitted before, however no action appeared to happen at the County level. Administrator Glenn wanted to start the process again.

Motion to accept the annexation request from Chris and Mary Russel on Sandview Drive in Meadview- Director Nelson

Seconded- Director Reh-Bower

Vote- Directors Garza, Koeppen, Nelson, and Reh-Bower- AYE

- 8) 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).* -**2:17 pm**

All of the public that intended to speak had the rules of the Call to the Public explained beforehand, which are thus:

"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"

Chuck Wisecup of 26961 N. Yucca in Meadview- Mr. Wisecup explained that he had moved to Meadview two years ago and had discovered that his properties were not a part of the fire district. He explained his prior experience as a fire fighter and related positions in the state of Colorado. He was concerned about the lack of avenues a member of the public can take to interact with the District, as well as the annexation process itself.

Mr. Wisecup had the floor for approximately 14 minutes between 1:18pm and 1:32pm, of which Administrator Gardner reminded Mr. Wisecup and the Board of the rules that were agreed upon before to before the meeting began. Despite the warnings, Mr. Wisecup pushed the Board into discussion and would not give up the floor. Director Koeppen finally managed to remove Mr. Wisecup from the floor and move on to another member of the public. During the time that Mr. Wisecup had the floor, he failed to request that the Board create an item for an upcoming meeting agenda.

Carolyn Magnuson of 515 Haystack Drive in Meadview- Magnuson wanted to know more about full-time staffing in Meadview, which was mentioned earlier in the meeting. She was informed that it could not be answered during the Call to the Public, however the Fire Chief could speak with her after the meeting ended.

Gary Handyside of 26762 N Sandy Point Drive in Meadview- Handyside requested that the Board add an item onto a future agenda that informs the public about how to determine whether or not they are within the District, their eligibility, and the process of requesting annexation. Director Nelson agreed that she would create a discussion item for the next meeting.

9) CONSIDERATION OF FUTURE AGENDA ITEMS.

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

10) NEXT REGULAR BOARD MEETING DATE & LOCATION. (Subject to change, notice/announcement will be posted via District Website, if any changes occur.) **03/21/2024 at 1:00 p.m. at the Dolan Springs Chamber of Commerce building (16154 Pierce Ferry Rd Dolan Springs, AZ). -2:25 pm**

**Motion to adjourn the January 14th, 2024 meeting at 2:38pm- Director Nelson
Seconded- Director Reh-Bower
Vote- Directors Garza, Koeppen, Nelson, and Reh-Bower- AYE**

MINUTES prepared by: Jen Gardner

Date: 02/19/2024

MINUTES signed/posted by: Jen Gardner

Date: 02/20/2024 10:10 am

Pursuant to the Americans with Disabilities Act (ADA), the Lake Mohave Ranchos Fire District endeavors to ensure accessibility of all its programs, facilities, and services to all persons with disabilities. If any disabled person needs an accommodation, please notify the Lake Mohave Ranchos Fire District at: (928) 767-3300, prior to the scheduled meeting time.

LMRFD Official Posting Locations:

Administration / St. 41 (16126 Pierce Ferry Rd Dolan Springs, AZ)
Dolan Springs Chamber of Commerce (16154 Pierce Ferry Rd Dolan Springs, AZ)
St. 43 (30250 Stillwater Meadview, AZ)
Meadview Post Office (250 Pueblo Dr. Meadview, AZ 86444)
LMRFD Website (www.lmrfd.org)