

Harquahala Valley Fire District Board
Minutes for Regular Meeting
December 19, 2014
6:00 PM

The Harquahala Valley Fire District Governing Board (**HVFDB**) convened in a Regular Meeting on Friday December 19, 2014 at the Harquahala Valley Fire Station located at 51501 W. Tonto Street Tonopah, AZ

Chairperson Judy Henderson called the Meeting to order at 6:00 PM. Pledge of Allegiance to the Flag of the United States was given by all in attendance. Roll call, those present were Board member Charles Main, Clerk Harry Thomas, Chairperson Judy Henderson. All sitting Board Members were present.

Chairperson Judy Henderson advised the public that Call to Public was for consideration and discussion of comments and complaints from the public. Those wishing to address the **HVFDB** need not request permission in advance. The **HVFDB** is not permitted to discuss or take action on any item raised in Call to Public, unless the item is specifically noticed for discussion and legal action. Board members may be permitted to respond to criticism directed to them. The **HVFDB** may direct that staff review matters or place matters on a future agenda. **HVFDB** cannot discuss or take legal action on any issue raised during Call to Public due to restrictions of the Open Meeting Law.

(Agenda Item #4) Call to Public

Michael Haynes (Resident) Strong objection to having a Board that is appointed rather than elected, feels current Chairperson and Clerk aren't doing the right thing.

Jay Dowling (District Firefighter) States Chief Caudle best they have seen and have no confidence in current Board. States they will be filing complaint with EEOC

Frank Haas (Resident) States he resigned from **HVFDB** to keep Judy & Harry from having a quorum to do their dirty work.

Ms Chester (Resident) States she thinks Renee is wonderful and does a good job, Sorry to see the Chief go and would like to submit a letter of interest to be on the board.

Erica Perez (Resident) Translated by Elisa Bigbey stated She wanted to let them know they want the Fire District and don't want anything to happen to it they all need them.

Elias Bigbey (Resident) Asked the Chief to please stay here doesn't want the **HVFDB** to have free reign, the boys here are great and doesn't want it destroyed.

Homer Bigbey (Resident) States he was instrumental in the earlier years of the District and does not know if what he has heard is true but he does not want to see anything happen.

Joe Mendoza (Resident) Agrees with Ms. Perez does not want Station closed, his had a long history with HVFD.

Joy Gomez (Consultant for Power Plant) Thanks **HVFDB** for agreeing to allow a Community Committee but feels deadlines are short sighted. Said past few months have not been very good, hopes everyone can take a step back and consider the Firefighters.

Paul Chambers (Resident) States District has helped him in the past with water for his nursery and that he would like to throw in his hat to be on the Board.

Dennis Blackman (District Captain) Says you need good leadership to be effective that is what you have with Chief Caudle hopes that the **HVFDB** will consider keeping him on during the transition of New Chief.

(Agenda Item #5) Approval of Minutes Regular Meeting September 25, 2014, Special Meeting December 1, 2014, Special Meeting December 8, 2014.

Chairperson Judy Henderson noted that September 25, 2014 minutes had an error under the Sub Title Uniform SOG update. She noted the verbiage does not accurately reflect the topic. She states that we will have to go back and listen to the recording and correct. Clerk Harry Thomas made a motion to table the minutes for September 25, 2014 Chairperson Judy Henderson seconds, Board Member Charles Main states he was not on the board at the time. call for vote.

Vote was taken and passed

Harry Thomas	yes
Charles Main	abstain
Judy Henderson	yes

Chairperson Judy Henderson noted that December 1, 2014 minutes are missing a presentation given by Mike Fusco . Clerk Harry Thomas made a motion to table the minutes for December 1, 2014 Chairperson Judy Henderson seconds, Board Member Charles Main states he was not on the board at the time. call for vote.

Vote was taken and passed

Harry Thomas	yes
Charles Main	abstain
Judy Henderson	yes

Chairperson Judy Henderson noted that December 8, 2014 minutes have not been transcribed however there is a recording available from the District Office. Charles Main made a motion to table the minutes second by Clerk Harry Thomas, call for vote

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

(Agenda Item #6) Review & Approve Financials October 2014 and November 2014

Chairperson Judy Henderson asked Chief Caudle, had the Administrator approved of, the several transaction over \$2500.00 Chairperson was queried by Mr. Whittington (District Legal Counsel) to what document she was referring to, reply Reconciliation from period ending 10/31/14. Chief Caudle reply was, all but one which had already been approved by the board. Chairperson Judy Henderson questioned whether we are doing anything about depreciation this year, Chief Caudle replied that it doesn't start until the fiscal year starts. Chairperson Judy Henderson notes that there are checks from 08 and 09 that have still not cleared, Chief Caudle explains you have to leave a paper trail in case those that have outstanding checks decide to collect. Charles Main suggest perhaps we could have a disclaimer stating check is only good for a certain amount of time so that we are not tracking these for so long. Board member Charles Main has no further comments about the Financials as he was not on the board during those periods. Clerk Harry Thomas makes a motion to approve the Financials for October 2014 and November 2014 Chairperson Judy Henderson seconds, call for vote.

Vote was taken and passed

Harry Thomas	yes
Judy Henderson	yes
Charles Main	abstain

(Agenda item # 7) Reports

Chairperson Judy Henderson advises the governing body may not propose, discuss, deliberate or take legal action on these matters unless the specific matter is properly identified on the agenda. Therefore action taken as a result of the Chief's report will be limited to directing staff to study the mater or scheduling the matter for further consideration or decision at a later date.

Chief's Report: (see attached) Clerk Harry Thomas asked questions about the Engine, Chief Caudle explained it was just a dirty motor and speculated on what would cause dirt in the oil. Board Member Charles Main discussed radios and what was coming up in the future, noted what we had would be good for awhile and then it could become a secondary system. Board Member Charles Main questioned when we bill for services on the Interstate do we bill people on their medical or vehicle insurance. Chief Caudle replied vehicle. Board Member Charles Main noted there may come a time that we will have to limit the how many we send on an Out of District call because of staff.

Chair Report:: Notes we are on schedule to appoint Board members and have received several letters of Interest, very good. Will be holding an organizational meeting once new members are duly appointed. Hopes the New Board will be open and embrace the Community. Hopes the Community will join in sub-committees so we can all work together for great District.

(Agenda Item #8) Review & Sign all invoices & checks to date

Chairperson Judy Henderson states we did review all the invoices and sign checks prior to the meeting would like to Discuss how invoices and checks will be signed in the future. Chairperson Judy Henderson states she feels that the day to day expenses should be handled by Administration anything that is under \$2500.00 That \$2500.00 and over should come to the Board for approval. No further comments.

(Agenda Item#9) Acceptance of Chief Caudle's resignation, approve posting for Interim Chief, form sub committee for hiring procedure of Interim Chief

Chairperson Judy Henderson read Chief Caudle's resignation (see attached) and wished him a speedy recovery. Chief Caudle gave short explanation of his health issues, told the district personnel was a pleasure working with them, said the Firefighters and Renee were all dedicated employees hats off to all and Thank you.

Chairperson Judy Henderson explained that Mike Fusco the Administrator had offered to stand in as Interim Chief should the Board desire. Mr. Fusco was in the audience and asked if he could speak for a moment. The Chair allowed. Mr. Fusco wanted to make it clear that he did not know when he became Administrator that this would happen, he in fact asked Chief Caudle to stay. He wants to make it very clear he is not looking for a permanent job, he is retired and plans to stay that way. But he would agree to help out until while they find a permanent Chief. Wanted them to know that there are good people here. There is discussion about using posting notice for the last Interim Chief with updated dates and a consensus.

Board Member Charles Main made a motion to post position open for Interim Chief to be posted on December 29, 2014 second by Clerk Harry Thomas, call for vote. Mr. Whittington advises the board needs to accept the Chief's resignation prior to this action.

Clerk Harry Thomas makes a motion to accept the Chief's resignation effective once an Interim Chief is appointed Second by Board Member Charles Main ,call for vote.

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

Board Member Charles Main made a motion to post position open for Interim Chief to be posted on December 29, 2014 second by Clerk Harry Thomas, call for vote.

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

(Agenda item #10) Business

A. Review and acceptance of recommended Strategic Initiatives presented at December 1, 2014 meeting

B. Discussion of possible consultant contract to assist management in above

C. Formation of and report from Sub-committee on recommendations for open board seats

A: There were no questions regarding the Strategic Initiatives presented at December 1, 2014 meeting, Chairperson Judy Henderson suggested maybe the Chief would like to start working on them. Motion by Clerk Harry Thomas to accept the Strategic Initiatives as stated, second by Board Member Charles Main ,call for vote.

Vote was taken and passed

Harry Thomas	yes
Charles Main	yes
Judy Henderson	yes

B: Board Member Charles Main said discussion of possible consultant contract at this time it is moot and makes a Motion to Table second by Clerk Harry Thomas, call for vote.

Vote was taken and passed (Line B. In business) see page 3

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

C. Sub Committee Chairperson Michael Haynes asked to address the board and reports the committee will consist of Chief Caudle, Firefighter Mike Holliday, Susan Haas, Homer Bigbey Virginia Miller and Michael Haynes as Chair. This is followed by a lengthy discussion between the Sub-committee Chair, **HVFDB**, members of the committee and public. Public and Committee disturbed over time line and not being able to interview possible candidates they state that without interviewing they feel they cannot give good recommendations. Clerk Harry Thomas says they were advised by Board of Supervisor to give the 24th as deadline. Pat Dennis from Board of Supervisor (BOS) Staff ask to speak reminds the **HVFDB** that BOS does not have any say in it that was only a recommendation and that it was up to **HVFDB** to decide. Chairperson Judy Henderson reminds the audience that no one came forth and turned in paper work to be elected which was held in November 2014 when there was two seats open.

Board Member Charles Main made a motion for a Sub-committee to interview potential applicants for the open board members. There was no second motion failed. Mr. Whittington (District legal counsel) suggested Decide on a committee, name it, then decide how they are going to do it.

Board Member Charles Main makes a motion to form a sub-committee to make recommendations for the open board seats, second by Clerk Harry Thomas, call to vote.

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

Mr. Whittington (District legal counsel) suggests a list of people and a chair have been given Micheal Haynes Chair, Chief Caudle, Susan Haas, Homer Bigbey, Virgina Miller and Mike Halladays and should vote on them. Board Member Charles Main made a motion to accept these people as the committee and chair as presented second Clerk Harry Thomas, call to vote

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

Chairperson Judy Henderson said now duties of the committee is to review all letters of interest and resumes of applicants, provide recommendation to **HVFDB** in writing from the Chair of the sub-committee to the Chair of **HVFDB** by December 29, 2014 6:00 pm Chairperson Judy Henderson ask for a motion. Clerk Harry Thomas makes a motion for the committee to review all letters of interest and resumes of applicants, provide recommendation to **HVFDB** in writing from the Chair of the sub-committee to the Chair of **HVFDB** by December 29,2014 6:00 pm. Second by Chairperson Judy Henderson, call for vote.

Vote was taken and passed

Harry Thomas	yes
Charles Main	no
Judy Henderson	yes

Mr. Whittington (District legal counsel) suggests the committee feels they were told they could interview potential applicants at a prior meeting and that the record should be cleared up. Chairperson Judy Henderson says this decision supersedes any other decisions. Calls for a Motion that only **HVFDB** interviews potential applicants and that sub-committee will give written recommendations. Clerk Harry Thomas makes a motion that only **HVFDB** interviews potential applicants and that sub-committee will give written recommendations. Second

by Chairperson Judy Henderson, call for vote

Vote was taken and passed

Charles Main	no
Harry Thomas	yes
Judy Henderson	yes

The vote was followed by further comment to the **HVFDB** by members of the public and committee strongly disagreeing with the outcome of the vote.

(Agenda item#11) Presentation by Mr. Whittington (District legal counsel) Open Meeting Laws & Board Roles & Responsibility Training.

Mr. Whittington asked **HVFDB** if they want to do the entire block of training which would run about 45 minutes He informed them that he will be teaching the same thing at the AFDA conference. Chairperson Judy Henderson asked how many people in the audience had turned in letters of interest to be on the board and asked them to stay for this Agenda item. Show of hands had 5 plus the sitting board they asked for the whole presentation. Mr. Whittington set up a power point and had handouts including The Arizona Open Meeting Law booklet, which has Chapter Seven of the Arizona Agency Handbook (Open Meetings) Mr. Whittington covered the do and don'ts of Open Meeting Law and suggested they all read the material he hands out. Went over procedure and what and what not to do on Posting Notice, touched on meeting procedure, including calling recess, declaring emergency, ratifying among other points. Gave a general description of Board member Roles and their responsibilities making it clear the Boards role is govern and the Chief's role is to Administer. Touched on the financial duties of the board. There were no questions and a short break was called while the power point was taken down.

(Agenda item 12) Executive Session Possible vote to convene in Executive Session pursuant to A.R.S.38-431.03
(a) (3) (4) re: Haynes Demand, IRS/Social Security Issue, Legal Advice for Attorney, Instructions to Attorney

Meeting called back to order by Chairperson Judy Henderson. Board Member Charles Main motions to adjourn to go into Executive Session second by Clerk Harry Thomas, call to vote

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

Meeting called back to order by Chairperson Judy Henderson. Clerk Harry Thomas makes a motion to adjourn second by Board Member Charles Main, call to vote.

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

Mr. Whittington has learned in the interim that there is information that the Board needs to hear and asks them to return to executive session. He declares that we are in break and going back into Executive Session.

Call to order back in regular session at 11:33pm Mr. Whittington states **HVFDB** is faced with an emergency situation in regards to IRS if action is delayed they could face further penalties and interest. Board could post for an emergency meeting for Monday or later and accrue more interest and penalties. Board Member Charles Main has dealt with IRS and feels the sooner they are paid the better. Clerk Harry Thomas concurs with him. Chairperson Judy Henderson agrees and declares an emergency action, the purpose to authorize payment to IRS of \$5460.43 the amount includes interest to be paid by December 22, 2014 on check number 2942 as failing to do so would expose the District to further interest and penalties.

Mr. Whittington advises **HVFDB** to be sure to Post Notice of this with in 24 hours. Renee is asked to get this done.

Board member Charles Main makes a motion to pay IRS \$5460.43 which includes interest by check #2942 by December 22, 2014. second by Clerk Harry Thomas call for vote.

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

HVFDB asked Renee to please give them an update when she receives it. She agreed to do that.

Board Member Charles Main makes a motion to adjourn second by Clerk Harry Thomas, call for vote.

Vote was taken and passed

Charles Main	yes
Harry Thomas	yes
Judy Henderson	yes

Meeting adjourned 11:45 PM