

# **HARQUAHALA VALLEY FIRE DISTRICT BOARD**

## **Minutes for Regular Meeting MONDAY, FEBRUARY 23, 2015 5:00 PM**

The Harquahala Valley Fire District Governing Board (**HVFDB**) convened in a Special Meeting on Monday, February 23, 2015 at 5:00 pm at Fire Station 371, 51501 W. Tonto Street, Tonopah, Arizona, 85354.

Chairperson Judy Henderson advised that the Board may vote to go into executive session on any agenda item, pursuant to A.R.S. 38-431.03 (A)(3)(4) for legal advice with the District's attorney on matters as set forth in any agenda item. Board Members or other participants may attend by telephonic conference. The following topics and a variable thereto will be subject to Board consideration, discussion, approval or other action. All items are set for possible action.

### **1. CALL TO ORDER**

Chairperson Judy Henderson called the Meeting to order at 5:04 P.M.

### **2. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance to the Flag of the United States was given by all in attendance.

### **3. ROLL CALL OF BOARD MEMBERS**

Roll call conducted; those present were Susan Combs, Judy Henderson, (Chairperson), Harry Thomas (Clerk), and Stacy Smith; Charles "Chip" Main – absent; 4 of 5 sitting Board Members present

Also present for this meeting were Brenda Tranchina, Human Resource Specialist (hired by the Board to assist in the hiring process for the Interim Fire Chief, and to conduct fact finding into EEOC and harassment allegations), and William Whittington, the District's attorney.

### **4. CALL TO THE PUBLIC**

- Robert & Karen Gueltzow – Mr. Gueltzow speaks on behalf of the both stating that there was a pancake breakfast was held the morning of Saturday, February 21, 2015. He stated his concerns about board not being present to help support the firemen and the community. He also expressed his concerns about floor in public/community area of Fire Station 371 being dangerous as it is needing repairs/replacement (missing tiles).
- No other comments made from the public.

### **5. RATIFICATION**

A. Discuss and possible action re: approval of Ratification Resolution No. 2015-0126. The items described in the Resolution are being considered for ratification due to an erroneous date on the prior Board Meeting Agenda. (See Attachment "Notice of Ratification Actions" x4 pages).

Stacy Smith makes a motion to accept the Ratification Resolution No. 2015-0126, 2<sup>nd</sup>  
– Susan Combs. Call to vote:

Susan Combs – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith - Yes

**4-0 – passed: The above Ratification has been adopted on this date, February 23, 2015, signed by Judy Henderson (Chairperson) and Harry Thomas (Clerk)**

## **6. APPROVAL OF MINUTES**

A. Special Board Meeting of January 19, 2015

B. Regular Board Meeting of January 26, 2015

C. Special Board Meeting of February 02, 2015

Judy Henderson makes a comment about the job Susan Combs is doing regarding the transcription of the minutes, saying that they are very detailed, and it's a job well done.

Stacy Smith makes a motion to approve the meeting minutes as listed above, 2<sup>nd</sup> – Harry

Thomas. Call to vote:

Susan Combs – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

**4-0 – passed; All aforementioned meeting minutes approved for archive purposes.**

## **7. JANUARY FINANCIALS**

A. Discussion and possible action re: approval of December 2014 and January 2015  
financials

William Whittington (attorney) asks Judy Henderson if the December 2014 financials are going to be considered as the section is titled “January Financials” yet in section “A”, both December 2014 and January 2015 are noted for discussion and possible action. Judy Henderson states that the December Financials had been tabled; Board is waiting for the hiring of the Interim Chief to have a meeting to discuss the financials due to budgeting issues (i.e. items over budget, items “that don't look good for the next 6 months” – Judy Henderson).

William Whittington states that the law contemplates that the Board review and approve the financials if accurate, not based on whether or not they “look good”, or cast the District in “good light”. The law requires that the Board approves the financials. William Whittington's recommendation is that if the financials are accurate, the Board approve them. If the Board finds issues other than accuracy (i.e. over budget, etc.) which the Board need to report to the County, then a Special Meeting can be held with the new Chief and the Board to review and implement solutions to the budget issues. The only time the Board should table Financials is if they are NOT accurate; then the financials are to be corrected then brought back to the Board for review and approval once corrections are made. The law says that the Board must approve the financials if they are accurate. It does not matter

what the condition of the finances are, the law does not say that the Board can postpone approval if “they don’t like them”.

Susan Combs makes a motion to approve the December 2014 and January 2015 financials based on their accuracy, 2<sup>nd</sup> – Stacy Smith. Call to vote:

Susan Combs – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

**4-0 – passed; Financials for BOTH December 2014 and January 2015 approved**

## **8. REPORTS AND CORRESPONDENCE**

### **A. Financial Report**

2015 Levy Limit Worksheet provided by the Office of the County Assessor, Maricopa Count, Paul D. Petersen – Assessor (See Attachment with same title)

Judy Henderson states that this worksheet will be useful when it comes time to work on the District’s budget. She states that in regards to the liquidity of the finances, she did make a report to the County Board of Supervisors about several items that are “over budget”. Judy Henderson makes reference to a House Bill and A.R.S. law that requires the Board to do their due diligence and report such discrepancies. Judy Henderson stated that she had sent them a letter outlining budgetary concerns with a copy of the budget, yet she has not heard back from the County Board of Supervisors. Renee Haynes (administrative manager) requested of Judy Henderson to provide a copy of the said letter to be filed with the financials/budget. Judy Henderson stated that she would do so.

No comments from the Board regarding this subject.

## **9. EXECUTIVE SESSION**

A. Possible vote to go into executive session for personnel matters pursuant to A.R.S. 38.431.03 (A)(1) re: possible interviews of applicants for Interim Chief position; for legal advice pursuant to A.R.S. 38.431.03 (A)(3) re: interview process and contract to be used for Interim Chief hiring; and for instructions pursuant to A.R.S. 38.431.03 (A)(4) re: Interim Chief contract. ***Pursuant to Open Meeting Laws – Chapter 7: 7.8.4. Confidentiality of Executive Session Minutes. The minutes of an executive session and all discussions that take place at an executive session are confidential and may not be disclosed to anyone, A.R.S. § 38-431.03 (B), except that they may be disclosed to the following people:***

- 1. Any member of the public body that met in the executive session and members who did not attend the executive session. A.R.S. § 38-431.03 (B)(1)*
- 2. Any officer, appointee, or employee who was the subject of discussion at an executive session authorized by A.R.S. § 38-431.03 (A)(1) may see those portions of the minutes directly pertaining to them. A.R.S. § 38-431.03 (B)(2)*

## **10. EXECUTIVE SESSION**

A. Possible vote to go into executive session for legal advice pursuant to A.R.S. 38-431.03 (A)(3) and instructions to legal counsel pursuant to A.R.S. 38-431.03 (A)(4) re:

pending harassment investigation; new EEOC complaint. ***Pursuant to Open Meeting Laws – Chapter 7: 7.8.4. Confidentiality of Executive Session Minutes.*** *The minutes of an executive session and all discussions that take place at an executive session are confidential and may not be disclosed to anyone, A.R.S. § 38-431.03 (B), except that they may be disclosed to the following people:*

- 1. Any member of the public body that met in the executive session and members who did not attend the executive session. A.R.S. § 38-431.03 (B)(1)*
- 2. Any officer, appointee, or employee who was the subject of discussion at an executive session authorized by A.R.S. § 38-431.03 (A)(1) may see those portions of the minutes directly pertaining to them. A.R.S. § 38-431.03 (B)(2)*

## **11. EXECUTIVE SESSION**

A. Possible vote to go into executive session for legal advice pursuant to A.R.S. 38-431.03 (A)(3) and instructions to legal counsel pursuant to A.R.S. 38-431.03 (A)(4) re: former Fire Chief contract; vacation pay. ***Pursuant to Open Meeting Laws – Chapter 7: 7.8.4. Confidentiality of Executive Session Minutes.*** *The minutes of an executive session and all discussions that take place at an executive session are confidential and may not be disclosed to anyone, A.R.S. § 38-431.03 (B), except that they may be disclosed to the following people:*

- 1. Any member of the public body that met in the executive session and members who did not attend the executive session. A.R.S. § 38-431.03 (B)(1)*
- 2. Any officer, appointee, or employee who was the subject of discussion at an executive session authorized by A.R.S. § 38-431.03 (A)(1) may see those portions of the minutes directly pertaining to them. A.R.S. § 38-431.03 (B)(2)*

William Whittington recommends to the Board that they go into Executive Session as follows: under A.R.S. 38-431.03 (A)(1) – personnel matters; under A.R.S. 38-431.03 (A)(3) to receive legal advice for Interim Chief’s hiring and contract; under A.R.S. 38-431.03 (A)(4) give attorney directives regarding the Interim Chief’s contract; under A.R.S. 38-431.03 (A)(3) to receive legal advice regarding the new EEOC complaint and harassment investigation; A.R.S. 38-431.03 (A)(4) give attorney directives regarding EEOC complaint and harassment investigation; under A.R.S. 38-431.03 (A)(3) regarding the former Chief’s contract and vacation pay.

Susan Combs makes a motion as recommended by William Whittington for the Board to go into Executive Session as listed above for sections 9, 10, and 11 as listed in the Meeting Agenda, 2<sup>nd</sup> – Stacy Smith. Call to vote:

Susan Combs – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

**4-0 – passed; Board to convene into Executive Session**

**Board recesses at 5:22 PM**

*The record is reflecting that Board Member, Charles Main arrived prior to the start of the Executive Sessions. All votes stand as noted above.*

**Board reconvenes Regular Session at 10:27 PM**

**12. BUSINESS**

- A. Discussion and possible action re: expansion of assignment of Brenda Tranchina to include new EEOC matter

Charles Main makes a motion to expand Ms. Tranchina's assignment to include new EEOC matter, 2<sup>nd</sup> – Harry Thomas. Call to vote:

Susan Combs – Yes

Charles Main – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

**5-0 – passed; Brenda Tranchina is expanding her assignment regarding EEOC issues to include new EEOC matter recently filed.**

- B. Discussion and possible action re: the hiring of an Interim Chief

Susan Combs makes a motion to have Brenda Tranchina continue background investigations on the candidates as instructed/discussed in Executive Session, 2<sup>nd</sup> – Charles Main. Call to vote:

Susan Combs – Yes

Charles Main – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

**5-0 – passed; Brenda Tranchina will continue further background investigation as instructed/discussed in Executive Session**

- C. Discussion and possible action re: former Fire Chief contract – vacation pay

Charles Main makes a motion to have William Whittington to proceed as instructed in Executive Session regarding the former Fire Chief's contract – vacation pay, 2<sup>nd</sup> Harry Thomas. Call to vote:

Susan Combs – Yes

Charles Main – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

**5-0 – passed; William Whittington is to proceed as instructed in Executive Session regarding the former Fire Chief's contract – vacation pay.**

**13. ADJORNMENT – Judy Henderson (Chairperson) has declared meeting to be adjourned at 10:31 PM.**