

HARQUAHALA VALLEY FIRE DISTRICT BOARD

Minutes for Special Meeting

MONDAY, MARCH 2, 2015

7:30 PM

The Harquahala Valley Fire District Governing Board (**HBFD**) convened in a Special Meeting on Monday, March 2, 2015 at 7:30 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 7:30 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, Charles Main, Judy Henderson, (Chairperson), Harry Thomas (Clerk), and Stacy Smith; all 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. APPROVAL OF MINUTES – N/A

5. FINANCIALS – N/A

6. REPORTS AND CORRESPONDENCE – The governing board may not propose, discuss, deliberate or take action on this matter 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 matter, or scheduling the matter for further consideration and discussion at a later date.

A. N/A

B. Susan Combs requests that letter submitted by the United Harquahala Valley Fire Fighters, IAFF Local 4677 AFL-CIO be acknowledged by the board regarding their support for Jeffrey McMenemy, and requesting the board consider him to be hired as the Interim Fire Chief be added to the archive. Judy Henderson acknowledges the letter for archive purposes.

7. EXECUTIVE SESSION

- A. Possible vote to go into executive session for personnel matters pursuant to A.R.S. 38.431.03 (A)(1) re: 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's contract. Charles Main makes a motion to go into Executive Session to discuss the aforementioned items; 2nd by Harry Thomas. Call to vote:

Charles Main – Yes

Susan Combs – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

5-0 passed; meeting adjourned for Executive Session @ 7:34 PM

Motion made by Charles Main to resume Regular Session Meeting, 2nd by Harry Thomas. Call to vote:

Charles Main – Yes

Susan Combs – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

5-0 passed; Regular Session Meeting resumes @ 8:55 PM

8. BUSINESS

- A. Discussion and possible action re: flooring condition and repair within the HVFD Station 371 – Judy Henderson notes that there are many areas where the floor in the station is missing tiles causing dangerous/hazardous conditions. Susan Combs addresses the fire fighters asking if there were extra tiles in the station for making such repairs to the floor. Engineer/FF George Denny states that there were some, but the tiles have been used for patch repairs for other tiles that were found broken and removed, which have all been used. More tiles were purchased for other repairs, but are now out as well. Susan Combs says that the reason the tiles are breaking is due to the settling of the building, and FF Denny confirms adding that the way the tiles were not laid correctly in the first place. FF Denny said that the short term fix they have been using is by securing the tile to the floor with “liquid nails” adhesive, then filling in the grout. FF Denny suggests that a purchase of approximately 200 tiles be made along with the adhesive and grout mix, tiles approximately \$1.00/tile, cost should be less than \$250.00 to purchase these items. Judy Henderson asks who would be removing the broken tiles, and FF Denny said that either he or one of the other fire fighters would. Judy Henderson notes that a discussion regarding replacing the floor had been brought up in the past, and a bid of approximately \$18,000 was given. Charles Main notes that the tiles were laid directly on the base plywood, and due to his research, tiles are not supposed to be laid directly on plywood. Charles Main continues noting that later for the long term fix, and for the next fiscal budget, the consideration for commercial grade linoleum be made and budgeted in order to avoid breaking tiles in the future. Charles Main says that for the short term, we look into the replacement tiles, and later consider the linoleum for long term next fiscal budget. Judy

Henderson inquires about fixing the spots that need repairs, and in the high traffic areas put an inset of linoleum (example: doorways). Charles Main says this could be a “medium grade fix”, because at some point in time, all of the tiles will eventually break and need to be replaced. Harry Thomas says that the floor should be fixed in a temporary manner, then look into the long term later, to fix the floor the “right way”. FF Denny approaches the Board table with a picture of the tile he took at Lowes showing the tile itself and the price tag (\$0.89) per tile. Judy Henderson asks about the grout space. Susan Combs reminds Judy Henderson that the tiles have already been removed, and the spacing is already there from the previous tile. FF Denny advises the Board that the bags of grout are approximately \$14.00 per bag. Judy Henderson asks for confirmation saying that first the tiles are going to be secured with “liquid nails” then the grout will be set following, and FF Denny affirms. Renee Haynes adds that there are more than just public areas and crew quarters where tiles have come up; her office is another area. Renee Haynes notes that there has already been a community member who has tripped on the damaged area in her office, and asks the board to consider the long term fix, possibly using Capital Monies. Judy Henderson states that due to the current budget situation, we consider the short term fix, then look into the long term fix at a later date. Stacy Smith notes that the issue is a safety concern and needs to be addressed immediately. Charles Main agrees that the patchwork should be completed first, then later look into the long term fix, also noting that the Capital Monies should be saved due to the current budget situation. Susan Combs makes a motion to address the short term fix now, and table the long term fix be until after the new budget has been implemented; a purchase to be made buying the tiles, “liquid cement” and grout not to exceed \$500.00 for the purchase, and repairs to be completed by the fire fighters (FF Denny said that he could only speak for himself, that he would make sure the purchase is made and the work is completed); 2nd by Stacy Smith. Judy Henderson asks if the public has any questions or comments:

- FF Arnaldo Rivera suggests that the repairs be completed in sections starting with the public areas, then work at the crew quarters and offices. He also says that the work to include the tearing out and the disposal would be easy; he has his own demolition crew, and notes that Charlie Kooistra is looking for used tiles for a project he is working on. This would refer to the long term fix.

Charles Main reiterates that the discussion is regarding the short term fix, not the long term, not discounting that the long term fix is not being considered.

- Engineer/FF George Denny brings up that the station is a mobile home, and that traditionally stations are built to last for 50+ years. He inquires if the fixes should actually be considered, or if the possibility of another station (permanent structure) be in the future. Judy Henderson reminds everyone that safety issues need to be addressed immediately, and that the fix is temporary, and the latter can be looked into in the future. Charles Main comments stating again that we are looking at the short term repairs to avoid any further safety issues, again look to the future for long term.

Judy Henderson asks for further comments or concerns from the public; nothing further from the public.

Call to vote:

Charles Main – Yes

Susan Combs – Yes

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

5-0 passed; Authorization given for purchase of flooring materials to fix areas that need attention not to exceed \$500; address immediate safety issues/areas.

B. Discussion and possible action re: VFIS Insurance – Judy Henderson advises the public that the Board had a workshop earlier in the evening. No action is necessary on this point. Insurance policy expires July 1, 2015. Judy Henderson suggests that after the Interim Chief is hired and is settled in, that Wiatt Wong (VFIS representative) return and give same presentation he gave to the Board to the Chief and the Fire Fighters regarding the benefits that are available. Charles Main suggests that at least once a year, if not every 6 months a presentation be given due to personnel changes and possible policy changes, to explain the benefits to all the employees.

C. Discussion and possible action re: hiring of the Interim Fire Chief – Susan Combs makes motion that the job of Interim Chief be offered to Jeffrey McMenemy in accordance to the updated/amended contract, giving him a deadline of Friday, March 6, 2015 at 12:00 PM (noon) to respond to the job offer; 2nd by Charles Main. Motion is open for discussion – Susan Combs states that she would like the Board to consider the facts that were presented and not base the hiring solely off past experience, where the department is not going to get caught up again in any erroneous challenges, or any other legal issues like the department faced in the past. Call to vote:

Charles Main – Yes

Susan Combs – Yes

Judy Henderson – No

Harry Thomas – No

Stacy Smith – No

2-3 not passed; offer is not to be offered to Jeffrey McMenemy

Harry Thomas makes a motion that the department makes an offer of employment contract to Michael Long contingent upon modifications as recommended; Michael Long must respond by Friday, March 6, 2015 at 12:00 PM (noon); 2nd by Stacy Smith. Motion is open for discussion:

- FF Mike Holliday asks the Board members what was wrong with the first recommendation, and reminds the Board that the Fire Fighters' Union backs Jeffrey McMenemy 100%. He feels that the recommendation for the Fire Fighters should be taken into consideration because they will be the ones inevitably having to work with the individual hired. He states that the Board take into consideration the letter submitted as the Fire Fighters have done their own investigations regarding both of the candidates, and points out that the information that was found regarding the second motion (Michael Long) would not be a good fit for the department due to the information received during their research. Judy Henderson responds saying that the position is only for interim, and appreciates the comments made.

- Engineer/FF George Denny comments reminding the Board that he presented the Board with a letter of recommendation. FF Denny precedes by reading the letter (see attachment to minutes “United Harquahala Valley Fire Fighters, IAFF Local 4677 AFL-CIO”) FF Denny’s concern is that in accordance to the Meet and Confer agreement, the Fire Board is not meeting with the Fire Fighters’ Union. Charles Main states that due to this subject matter not being on the agenda, it cannot be discussed at this time. FF Denny continues by saying that when decisions need to be made in the fire service, one of two things occur; you revert to your basic training, back to what you were trained to do, or make a fear based decision. He says that his concern is that the Board is not doing what they were trained to do, but making a “fear based decision”. He asks the Board to re-think their decision regarding the offering of the Interim Fire Chief position. He says that every day that each fire fighter comes to work, they put their equipment on the trucks not knowing if they will make it home at the end of their shift. He says that they care about the department and the community, and hopes that the actions they present show the care they have. He says that his concern is that the actions of the Board are not saying the same; that they care about the community and the feelings that are taken to heart by the fire fighters. He then says, “It scares me.”

No further comments from the public. Call to vote:

Charles Main – No

Susan Combs – No

Judy Henderson – Yes

Harry Thomas – Yes

Stacy Smith – Yes

3-2 passed; Michael Long is to be offered the position of Interim Fire Chief, contingent to the modifications to be made to the employment agreement, responding by Friday, March 6, 2015 by 12:00 PM (noon).

9. **ADJORN** – Meeting declared adjourned at 9:25 PM by Judy Henderson