

CENTRAL YAVAPAI FIRE DISTRICT
FIRE BOARD
REGULAR SESSION

April 11, 2011

MINUTES

1. **CALL TO ORDER/ROLL CALL OF BOARD MEMBERS**

Board Chairman John Range called the Fire Board Meeting to order on Monday, April 11, 2011 at 2:00 p.m. at Central Yavapai Fire District Training Center, 9601 E. Valley Road, Prescott Valley, Arizona.

Members Present: Board Chairman John Range, Board Members Bob Page, Tony Reiter and Mike Generalli

Members Absent: Board Clerk Bob Gardiner

Staff: Chief Michael Parrish, Assistant Chief Mary Dalton and HR Assistant Iveth Castro.

2. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

3. **CALL TO THE PUBLIC**

Chairman Range asked for comments and complaints from the public and stated: Those wishing to address the Central Yavapai Fire District Board need not request permission in advance. The Fire District Board is not permitted to discuss or take action on any item raised in the Call to the Public due to restrictions of the Open Meeting Law; however, individual Board members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct the staff to review the matter or that the matter be placed on a future agenda.

Mr. Tom Steele, resident, stated he had some concerns regarding:

1. The last regular Fire Board meeting where comments from the public were denied in the Call to the Public. He, as a tax payer and citizen of the District, resents that.
2. The Board Packet where letters and comments from the public are attached. This is the second month he has had a chance to see the packets and thinks that with all the disruption and comments relative to the new Chief, there would have been comments, other than those that are flattering, to the Department. He questioned whether someone might be leaving those out of the Board Packet.
3. His 2010 tax bill; stated that the HUSD portion went up 27% and he has contacted the school district regarding that issue as he has been on a fixed income for three years. His income has been unable to compensate these increases and CYFD's portion has increased 15%. He encouraged the Board to defer those projects that can be deferred and to limit raises so that next year's taxes do not increase.
4. The issue of the circulation/selection of a new Fire Chief. He has spent \$40.00 of his own money to investigate this matter. Among the documents that he accessed, was the Chief's pay scale 70, level 1 started at \$101,890 and goes to

step 13 at \$155,396. He mentioned this because he doesn't know what the Assistant Chiefs, Battalion Chiefs or anyone else makes, but it seems to be a little high, looking at this one item.

5. Attorney fees. He noticed that Attorney Bill Whittington is the process of creating an employment contract for the position of Fire Chief for Mr. Nies. His thought was that it would basically be boiler plate, having been approved once, and other than the pay scales and minor arrangements, he didn't feel it necessary to pay in the neighborhood of \$300-\$400 an hour for this. He stated attorneys can cost a lot of money and this is an instance where maybe a lot of money could be saved.

Ms. Sandy Griffis, resident, stated that the CYFD Division Report contained exceptionally good information but had concerns regarding the lack of follow through and additional information coming in follow up Division Reports. An example: January Division Report stated that the information from the Labor & Management Meeting would be finalized by the end of February. In reading the March report, it states the succession guidelines, graphs will be out by March 17th with further review for another committee. In her mind, a critical succession plan, that CYFD needs desperately, is being delayed and she recommended a strict deadline on it. She also has a concern regarding the suggestion that all supervisors go to the incident briefing class and that one of the Division reports now says "personnel". Ms. Griffis doesn't know the difference between supervisors, personnel or administration and questions who is going to those classes as she believes that is important information. As a citizen, she would like more clarity and follow through in the reports because they are a good piece of information.

4. **CONSENT AGENDA**

A. Approval of Minutes

March 14, 2011 – Regular Session

March 14, 2011 – Executive Session – Legal Advice

Board Member Reiter made a motion to approve the consent agenda as presented. Board Member Page seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli

NAYS: None

5. **REPORTS AND CORRESPONDENCE**

A. General Fund Financial Statements

Board Member Reiter made a motion to approve the March payroll, accounts payable check registers, direct deposit reports, and income statement as submitted. Board Member Page seconded the motion. MOTION CARRIED

AYES: Range, Reiter, Page, Generalli

NAYS: None

B. Bond Update - Financial Statements

Board Member Reiter made a motion to approve the March Financial Statements as submitted. Board Member Page seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli

NAYS: None

C. Bond Update

1. *Training Center Development*

Chairman Range asked Chief Dalton how the project is coming along. Chief Dalton stated that she had been out of state at the National Fire Academy for the previous two weeks and Chief Bliss had overseen the project during that time. Chief Dalton deferred to Chief Bliss for comment with regards to the recent progress.

Chief Bliss had nothing to report.

Chief Dalton stated, overall the project is going well, that an open house has been scheduled and construction is anticipated to end in the next couple of weeks. Chief Dalton added that the communication building is close to being finished and the drafting pit and gas line for props will be the only outstanding projects.

Jack Fowler asked what the date of the open house is and if it would be open to the public. Chief Dalton stated the open house is scheduled for the 19th of May from 2 – 5 p.m.

2. *Bond Update – Station 58*

Chairman Range asked Chief Cook and Architect Michael Taylor for an update. Mike Taylor stated that the project is coming along well, they have had preliminary meeting with Haley Construction. Haley Construction's schematic pricing came in over budget by 10% and have been working to make adjustments to the construction techniques to whittle the costs and fit solidly within the budget. They are working through design development and construction documents at this time. Civil engineering is 80% complete, ready for our review and other engineering disciplines should be ready at the end of the week. Completed design is anticipated to be ready for review by the District at the end of April and will be submitting to Haley for final pricing and to the Town for permits.

Chairman Range asked if the project is on scheduled and Mike Taylor replied that it is just a hare behind.

D. Letters from Citizens

Chairman Range shared a thank you letter to Captain Stooks, Engineer Beaudette and Firefighter Pruitt for participating in Granville Elementary School's reading program as well as Chief Cook and Chief Bliss.

Chairman Range confirmed Mr. Tom Steele's previous comment stating that the letters in the packet only demonstrated praise to the District. Chairman Range stated maybe we should consider other letters or letters of criticism also be added to this section.

Board Member Reiter asked if we should make up our own.

Chairman Range indicated that the matter would be looked into and that the letters are appreciated.

E. Monthly Division Reports – Reports from the Fire Chief and Staff

Chairman Range responded to Ms. Sandy Griffis' earlier comments regarding the Division Report and indicated that maybe more clarification can be achieved in the reports.

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Chairman Range asked for questions or comments regarding the Administration Report.

Chief Parrish addressed the tumble weed issue and stated that attempts have been to find assistance with this situation through a defensible space grant and were denied, citing this would be a maintenance issue not a defensible space issue. Though seasonal, we are trying to look at other ways to handle the matter.

Chairman Range suggested taking a proactive approach for next year in case the same issue comes up.

Chairman Range asked for questions or comments regarding the CRMD Report.

Chief Cook stated this is accurate and conservative but shows where we've come from, where we've been and where we are at. We are where we are because of the growth in the community.

Chief Range asked about future growth and Chief Cook replied that there is nothing on the drawing board at this time; some tenant improvements for mom and pop operations and some inquiries regarding medical marijuana facilities in Prescott Valley and Dewey/Humboldt.

Chairman Range asked if the District is involved in the expansion of Fain Road and Glassford Hill Road. Chief Cook replied that they asked for comments but they don't have a large impact on us.

Chairman Range asked for questions or comments regarding the Operations Report.

Chief Bliss added that Texas, Colorado and New Mexico have had large wildfires already this year and this may be an indication of things to come this year for Arizona.

Chairman Range stated he assumed the District is training for wildland fire control and things of that nature. He asked how the security lock project was coming along. Chief Bliss stated there have been some hardware issued but we are making progress, though no access cards have been issued.

Chairman Range asked for questions or comments regarding the Maintenance Report and noted that maintenance has been doing a lot of work for outside agencies.

Fleet Services Manager Scaife replied that much of their outside agency work is due to other department's preparations for the wildland season. Chief Dalton pointed out that the maintenance revenues portion of the budget has exceeded the expectations, which will help for next year as the revenue is carried forward.

Chairman Range asked for questions or comments regarding the Training Report.

Chief Small stated he had nothing to add but confirmed that wildland training would take place this quarter.

Chairman Range moved on to item #7 – Old Business.

7. **OLD BUSINESS**

A. **Training Center Drainage**

Chairman Range stated that the Executive Session has bearing on item 7A – Training Center Drainage, therefore, it would also be skipped.

B. **Fiscal Year 2011-2012 Budget Update**

Chief Dalton stated that staff, all employees, union members and program managers have reviewed the budget and reduced the draft budget by the 10%, from what was previously submitted, to bring the tax rate to \$1.85 (the goal set by the Fire Board last month). Chief Dalton indicated that there are three scenarios 1 – tax rate of \$1.95 with a levy to 12.6 million, which is a decrease of \$760,000; 2 – tax rate of \$1.85 with a levy of \$11.9 million, which is a decrease of \$1.4 million; and 3 – tax rate of \$1.75 with a levy decrease of \$2 million. Chief Dalton explained the impact to the tax payer with these scenarios noting that the \$1.75 tax rate would provide for no increase to tax payers as Board Member Reiter inquired about at the last meeting.

Chief Dalton provided examples of what the impact to a taxpayer would look like, based on these rates and explained the lag between commercial and residential taxes. A draft budget was provided for review and Chief Dalton clarified that, although the overall budget shows an increase of \$720,000, it is due to the capital purchases which are fully offset by grants and capital reserve funds. The capital reserve account is similar to a savings account, where extra wildland (or similar) revenues have been placed and then used for early pay off of capital leases that the District has had, in order to save interest.

Capital items planned for next year will be coming out of that account and that has no impact on the tax payers. Capital reserve monies can only be used for capital items; cannot be used for salaries, regular supplies or services. The legislature regulates how capital reserve monies are utilized. Chief Dalton explained that if you exclude the capital reserve projects from the budget, the overall budget is a reduction from last year.

Chief Dalton stated that the District has been extremely frugal in spending which resulted in a carryover of \$3.1 million on this year's budget and reduces the tax burden for next year. There is also a 20% contingency account, which in order to balance next year's budget to the \$1.85 tax rate, needed to be reduced to 14%. Chief Dalton added that the other item that may impact the budget is the pension rates for next year. It is anticipated that there could be a 31% increase and the draft budget is based on a 31% increase; however, it could vary. She also reviewed other increases to the budget and what the District has done to try to reduce expenses.

Chairman Range asked when the budget must be approved by and Chief Dalton replied that it needs to be approved by the July Board Meeting and explained the procedures associated with final submittal to the County. Chairman Range also asked Chief Dalton if she would recommend the budget with the \$1.85 tax rate and she replied affirmatively. Chairman Range questioned if there is anything else that can be done to further reduce the tax rate. Chief Dalton replied that, at this point, any additional cuts would be to personnel services.

Chairman Range called for questions from the other Board Members.

Board Member Reiter asked if we received any state shared revenues and Chief Dalton responded that we don't receive state shared revenues and clarified that we are limited to property taxes or providing programs such as outside vehicle maintenance. Board Member Reiter needed further clarification on some items and Chief Dalton clarified all of his questions.

Chairman Range suggested two draft budgets be prepared for the Board to consider at the next meeting; one with a 10.6% decrease at the \$1.85 tax rate and the other with 15.36% decrease at the \$1.75 tax rate. Chief Dalton indicated two drafts would be made available to the Board as soon as they were ready.

Board Member Reiter asked Chief Dalton if this budget was as itemized as it could be and Chief Dalton responded affirmatively.

Board Member Generalli expressed concern regarding the contingency account being reduced as that could have a negative impact on budgets for years to come. He asked what would happen if the contingency fund were to be depleted. Chief Dalton explained that options at that time would be to decrease personnel services or increase the tax rate. Board Member Generalli stated that it should not be just this budget but also next year's budget that should be looked at. Chairman Range concurred.

Board Member Reiter asked where the money that the shop makes goes and other questions regarding vehicle maintenance revenues. Chief Dalton explained that it goes to the general fund, by law, and also explained how the contingency fund and carryovers function, as well as the revenue questions.

Chairman Range asked Chief Dalton if she had sufficient direction to proceed and she responded affirmatively.

8. NEW BUSINESS

A. Approve Employment Contract between Central Yavapai Fire District and Paul Nies
Chairman Range stated that the Executive Session has bearing on item 8A, therefore, it would be skipped.

B. Approve Fire Protection Contract – Mingus Estate Residential Center, Incorporated
Chief Parrish explained that we have not received any requests for a fire protection contract but the District has met with them concerning the matter. Chairman Range asked if this could be tabled. Chief Parrish provided the history behind the hand-shake agreement of previous years and suggested the Board approve the contract in case Mingus wished to move forward with the matter.

Board Member Reiter moved to approve the fire protection contract with Mingus Estate Residential Center, Incorporated. Mike Generalli seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli
NAYS: None

Ms. Sandy Griffis expressed confusion as to how a contract can be approved with a hand shake. There is no letter of intent and the parties aren't even here and asked that the Board protect the Fire District above and beyond all else.

Chairman Range stated that it (the decision) goes with a matter of trust between the Board and Administration and Chief Parrish; that unless there is something terribly wrong; he would go with Chief Parrish's or Chief Dalton's recommendations.

Chief Dalton explained that we have a legal contract and the draft has been provided to Mingus Estate and one of the parties has to sign the contract first. Chief Dalton further expressed that this is to protect the District in regards to responses to Mingus Estate Residential Center.

C. Approve Master Fire Protection Contract

Chief Dalton explained that the District's standard fire protection contract has been modified and requires Fire Board approval. She also identified the changes that have been made and explained the reasons for the changes.

Chairman Range asked if this contract has been reviewed by Bill Whittington and Chief Dalton responded affirmatively.

Board Member Page made a motion to approve the sample fire protection contract as drafted. Board Member Reiter seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli

NAYS: None

D. Government Finance Officers Association (GFOA) Distinguished Budget Award

Chief Dalton stated this is just an informational item. The GFOA has a Distinguished Budget Award and our budget meets the guidelines but CYFD has never submitted for the award. Receiving this award would assist the District with the Accreditation, as they look to see if the District meets GFOA guidelines, and lets the community know that we have done our due diligence regarding the budget. Chief Dalton noted that there is a \$500 fee associated with this submission which has not yet been added to the budget and would be required every two years.

Board Member Page asked if this is required for Accreditation and Chief Dalton replied that it is not required. Chairman Range stated he is in favor of receiving awards. Board Member Reiter stated that is okay as long as we don't have to pay for it and Board Member Page concurred. Chairman Range noted it is only \$500 and would do good things for the District. Board Member Page stated he moved Chairman Range pay that out of his pocket.

Board Member Reiter asked when it needed to be submitted and if this could be renegotiated later after the budget. Chief Dalton stated it is due in September. Board Member Page suggested waiting to see where the budget is at first and Board Member Reiter asked Chairman Range if he was okay with that. Chairman Range agreed.

Board Member Generalli stated he doesn't have a problem with it as it breaks down to \$250.00 a year and doesn't see that as an issue, but it can wait.

Chairman Range tabled the matter.

E. Approve SWAT Paramedic Intergovernmental Agreement (IGA) with Prescott Valley Police Department

Chief Parrish explained that Firefighter Fournier has just graduated from this program and this is the first time the District has undertaken this venture and it has cost the District some money but feel this is an important partnership with the Town since we have the medic. With this agreement, the Town would agree to help with certain costs associated with the SWAT Paramedic and the Town is waiting for this agreement. Chairman Range asked how this program is intended to work and Chief Parrish explained the purpose and how it would function. Board Member Page indicated this is a standard practice between fire and police. Chairman Range asked if there would be future paramedics planned to go through this program. Chief Parrish stated that nothing has been budgeted for at this time and this would situation would be a good trial to determine future involvement.

Board Member Page moved to approve the SWAT Paramedic Intergovernmental Agreement (IGA) with Prescott Valley Police Department. Board Member Reiter seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli
NAYS: None

F. Appoint and Swear in PSPRS and Volunteer Pension Board Chairman

Chairman Range stated that Board Member Generalli has volunteered to Chair the PSPRS and Volunteer Pension Boards. Chairman Range swore in Board Member Generalli to Chair the PSPRS and Volunteer Pension Boards.

G. Discussion and Possible Approval to Reimburse Fire Chief Candidate

Chairman Range explained that the District received a request for reimbursement for expenses incurred during the Fire Chief Selection process. The request comes from a candidate that traveled from Illinois and incurred expenses in the amount of \$2,548.70. Board Member Generalli asked if there is a precedent or policy that would allow for this. Chairman Range indicated this would set the precedent and open up a Pandora's Box or domino effect for anyone from outside the District to request reimbursement. Chairman Range stated his opinion is to deny this request and have Administration send the candidate a notification denying his request.

Board Member Reiter made a motion to deny the request for reimbursement for travel expenses for the Fire Chief candidate. Board Member Page seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli
NAYS: None

Chairman Range directed Administration to issue a letter denying the candidate's request.

H. Appoint a Construction Manager at Risk Contractor for CYRTA Phase III

Board Member Reiter moved to table this item to the next month's meeting because as a Board they were not notified that this committee was put together and it would be a good opportunity to get the new Chief involved in the process. He added that he would have liked to have been involved since he was involved in the last process. Chairman Range asked what tabling the matter would do to the process. Chief Dalton indicated that the architects are present and they could answer that question and went on to explain that Chairman Range was originally going to sit on the committee with this

process and it was brought to the Board a couple months ago. She stated Board Member Generalli has significant construction experience and offered to sit on the committee. The selection process for the construction company was based on a points system and Danson Construction came out ahead and has prior class A burn building experience. The committee felt an added benefit was that Danson is on site and will not need to remobilize. Chief Dalton explained the provided AIA contract between CYFD and Danson Construction was the same as the CYFD / Haley Construction contract with the exception that the CYFD/Haley Construction contract provided for 8% of actual cost payment to Haley Construction and the Danson Construction contract specified a 7.25% of actual costs, as well as the preconstruction fees for Danson Construction begin set at \$25,860 and the Haley Construction fees being \$26,000.

Board Member Reiter stopped Chief Dalton and asked how not approving the Danson Construction AIA contract would affect CYFD if we don't move on this right now. Chief Dalton turned the question over to LEA Architects and Danson Construction to answer the question.

Randy Jones, from LEA Architects, replied that it can be delayed, however, if delayed, the architects would continue to move forward with the design and construction documents without a contractor assisting with the process, and the project would just be further behind.

Board Member Reiter then asked who was in charge of the committee.

Chief Dalton stated the architects helped with the committee, formed and oversaw it.

Board Member Reiter stopped Chief Dalton and asked if the architect was in charge of the committee or were "you in charge of the committee?"

Chief Parrish and Chief Dalton replied that Chief Dalton was not in charge of the committee.

Board Member Reiter again asked who was in charge of the committee.

Chief Dalton stated that no one person was in charge of the committee.

Board Member Reiter stated, last time, when Charlie ran it, he was in charge of the committee.

Chief Dalton replied that she is the CYRTA construction project manager, but did not chair the selection committee.

Board Member Reiter stated the reason why he is asking questions and is doing this is that the reason for going to the construction manager at risk (CMAR) process is because we are using bond money, voted by the voters to do these projects, and yet now we are going outside the local area for contractors again. He stated we need to keep this money up here in the Yavapai County area.

Chief Dalton stated it is against the law to specify that we will only use a local contractor and Attorney Whittington has brought forth several cases regarding the legalities of specifying we only use local contractors. She added that there were points awarded for having a local office and for being familiar with the site, as well as points for experience

with the CMAR process and experience with constructing similar type buildings. Local contractors did receive points having a local office and being familiar with the site. Captain Kelahan and Chief Small worked with the development of the Class A Burn Building, and the selection committee, therefore Chief Dalton asked for their input.

Chief Small added that all those factors were taken into account and Captain Kelahan agreed, stating he sat on the committee as a member at large.

Chief Parrish stated to Board Member Reiter that the CMAR process that he went through for Station 58 was the same process and the results in that case resulted in Haley Construction being awarded the contract, and with this process (training center burn building and warehouse) it just happened to be Danson Construction that was recommended.

Board Member Reiter stated that we also have the right to start over, by law. He added he did some checking and that this could be scrapped and put the committee together with some other folks and redo it. If that's the motion that needs to be made, he is willing to make that motion.

Chief Dalton reminded the Board of the time limitations on the bond funds and the potential penalties and associated fees which were previously provided to the Board.

Chairman Range asked Board Member Generalli for his input since was on the committee.

Board Member Generalli indicated that he could not have stated it any better than Chief Dalton had.

Chairman Range asked Board Member Generalli his reasons for replying this way.

Board Member Generalli stated that it was a fair process, based on the published point system, and that experience with class A burn building construction was a part of that.

Chairman Range asked Board Member Reiter, what are your reasons for wanting to delay the project 30 days?

Board Member Reiter stated that based on certain criteria, the process should be started again. He would have liked to have been involved and other folks that have construction background should be involved and he didn't know why you put together a whole new committee or who did that.

Chief Parrish stated that one reason was to give Board Member Generalli or whomever wanted to be involved an opportunity.

Board Member Reiter interrupted stating that we could have more than one Board Member on the committee, too.

Chief Parrish stated he was under the impression that it was known that this committee was being formed.

Board Member Reiter asked Board Member Page if he knew about it and Board Member Page replied no.

Chairman Range stated he knew about it. Chief Dalton has spoken to him and Board Member Gardiner about the committee. Chief Parrish stated that Board Member Reiter was involved with the Station 58 committee and they thought they would share the wealth.

Board Member Reiter stated he didn't know about it or he would have made sure he was on that committee, having the background experience as well and asked some other questions.

Chief Parrish indicated that he is unsure how that would change the outcome since they have a scoring system to work with to guide them through the process.

Chairman Range stated he wished to look at the money situation and the times associate with the bond. Board Member Reiter asked how much time we have.

Chief Dalton replied that we have approximately a year remaining. Board Member Reiter stated that we would be okay if we put it off for 30 days. Board Member Reiter made a motion to redo the process and include other folks that have some background and history with construction companies, period. He added, for instance, Charlie Cook, our fire guy, he knows all the history about who does what as far as construction companies go. Whether they have good or bad marks or otherwise, and he wasn't included in this process either. He said, I guess I don't understand why we wouldn't try to keep that uniform, even though the scores are the same, that doesn't really matter.

Chairman Range asked Board Member Reiter, if we did the process over, how would you like to have the committee made up, with two Board Members? Board Member Reiter responded, especially since we've been through it before, myself, and Charlie is well versed on this, so he should be on it. Actually, I would like to see him run it, like he did the last one.

Chairman Range asked if he would like to have Chief Cook as the coordinator.

Board Member Reiter replied, well she's the project manager, but he could be the coordinator and set the committee up.

Chairman Range asked if there would be any problem with that.

Chief Parrish responded that it was his (Chairman Range's) call.

Board Member Reiter made a formal motion to start the process over for CYRTA Phase III and have Charlie Cook run the committee, select committee members, along with him and Board Member Generalli. Board Member Page seconded the motion.

Chairman Range opened up discussion and asked if this would be resolved by the next board meeting. Chief Dalton stated that she doesn't think we can, but the architects are more familiar with the process. She added that we may need to re-advertise and is not sure if it is legal to just have another committee. LEA Architect Randy Jones indicated that the question would have to be deferred to Attorney Whittington.

Finance Assistant Tucker questioned the mobilization costs that have already been incurred with this and expressed concern with saving money in that respect.

Board Member Reiter stated that is not the concern; the concern is keeping the work in the local area if possible and if doesn't work that way, it doesn't work that way, but the process needs to be redone.

Mr. Dan Fontana, President of Danson Construction spoke regarding his experience and his experience with this Board and stated that a key component of this facility is the knowledge of the facility. He stated, if the Board is only worried about spending money locally, 86% of the value of this project can be kept with contractors in Yavapai County through the selection process. The people involved in procuring the subcontractors are involved in who actually builds the project. The general contractor is the knowledge source to help refine budgets, constructability, time frames and safety. From a stand point of who's building the project, 86% of the cost of the project can be directed to local subcontractors. What the Board is making a decision on, as far as the general contractor, involves the knowledge of this particular type of facility. Which, through the selection process, those people that have the knowledge of these types of facilities, were the chosen ones. He stated that he hasn't seen the scoring, but has built these types of facilities before and has worked on this particular facility before, saving this Board over \$40,000 to put back into the scope of this project and will do nothing short of that in the next phase. He moved that this Board select them and they will help this Board and the District with acquiring the people that are the best professionals to build it, locally, if at all possible.

Ms. Griffis stated that this project is not a true CMAR project.

Mr. Fontana replied exactly. We didn't have to save the District any money, we were low bid by \$60,000 plus, and yet we did save the additional money. They did that because of their professionalism.

Ms. Griffis stated that she feels there is some confusion with the committee and would like to see this start over again. That the architect should never be on the committee with the applicant that he is so closely tied to and that a general is needed that is from outside of this community to look at the scoring and to ask questions as well as a couple of Board Members. She encourages the process be started over.

Chief Parrish asked Ms. Griffis if she stated that the architect shouldn't be involved in this? Ms. Griffis replied that an architect should be involved, but not necessarily LEA, because they are too closely connected and it should be an outside source.

Mr. Fontana asked for clarification from Ms. Griffis. Ms. Griffis stated that LEA has been too closely involved with these projects and to keep it simple, would like to see a separation line.

Chief Parrish indicated that if this is the case then Station 58 committee should be dropped because Michael Taylor was involved and he is intimately familiar with our operations, as well as with Haley Construction.

Chairman Range stated his point of view is that we have done this process before, Tony, has been involved for Station 58, which this Board approved. This process is the same and Board Member Generalli was involved and now we are being asked to approve this. His feeling is that the process should go on as is and he opposes the motion. He proposed that when the next opportunity comes up, they go with the new

rules, two members of the Board involved. That to delay this 30, 60 or 90 days would be inappropriate.

Board Member Reiter added that this would be a perfect opportunity to involve the new Chief as part of this committee. Board Member Generalli stated that Chief Parrish was not part of this committee. Board Member Reiter replied that he was aware of what is going on and that it isn't going to hurt to delay it.

Firefighter Dennis Brown stated his concern is that, it has been three years since he or any other personnel has had a raise and there are things he has had to sacrifice to make sure that the District continues to run the way it is. He questioned if there is going to be an extra dime spent to do this process again, simply because people were unaware, and not because there was something wrong with the process. There were Board Members involved and the process worked and he doesn't understand why there are now talks about spending more money.

Board Member Reiter replied that it didn't cost the District any money to put the process on. Firefighter Brown stated that he doubted the architect did it for free and doesn't understand why District would spend more money when it was already done and with all proper and legal processes being followed.

Chief Parrish stated that it appears that part of this group doesn't trust the members on the committee to make that decision. Station 58 was completed and they did a great job and the CYRTA Phase III committee was professional and analyzed the proposals as well.

Board Member Reiter then suggested that instead of redoing the process, they hold off until next month to get some legal information about other things.

Chairman Range surveyed the Board regarding Board Member Reiter's suggestion: Board Member Page agreed, and Board Member Generalli disagreed and asking what legal advice is needed. Board Member Reiter replied that there are certain questions that they have on this and to see what he (Bill Whittington) knows about this process. Board Member Generalli stated that it was the same process as was used before. Board Member Reiter clarified that it would be concerning lateral movement within the confines of this process and what the options are. Chairman Range stated he is comfortable with the process and wishes to move forward, this was the same process as Station 58 and if there is a problem it needs to be corrected with future projects and the new Chief will be involved with those.

Chairman Range asked if there was any further discussion and no one replied. He asked for a vote of who is in favor of the motion. Board Member Reiter asked what motion was and Chairman Range replied that it was Board Member Reiter's motion to start the process over again.

Board Member Reiter withdrew his original motion and moved that this process be suspended for 30 days pending legal advice regarding lateral movement. Board Member Page seconded the motion.

Chairman Range opened up discussion regarding the motion to suspend for 30 days and questioned what legalities. Board Member Reiter stated he was not sure yet and

wanted to talk about lateral movement within the process itself. Chairman Range reiterated the need to move forward and that delaying it was unnecessary.

Board Member Reiter stated it was too bad Board Member Gardiner is not here, then we would have approval, and said if we are going to vote on this, vote on it. Chairman Range replied that unfortunately Board Member Gardiner is not here. He asked for a vote of those in favor of putting it off for 30 days pending legal advice.

AYES: Page, Reiter
NAYS: Range, Generalli

Chairman Range explained that when there is a two and two tie, the motion fails, so we move on with the process. Board Member Reiter stated that he didn't know about that being true. Chairman Range explained that is exactly what happened in the Fire Chief Selection process and stated we move forward with Danson Construction. Board Member Reiter asked if they voted to elect Danson and stated they didn't vote to elect Danson yet.

Chairman Range made a motion to appoint Danson as the CMAR contractor for the Training Center Phase III, as recommended by the committee, and approve the associated AIA contract. Board Member Generalli seconded the motion. MOTION CARRIED.

AYES: Range, Page, Generalli
NAYS: Reiter

I. Approve CYFD Policy Amendments

Chief Parrish asked the Board if they would like to go through them one at a time. Chairman Range indicated he has reviewed them all and saw no problem with them and asked why the changes were made. Chief Parrish explained the reasons for the modifications. Chairman Range asked who is on the Policy Committee and Chief Parrish named the Policy Committee Members. Chairman Range asked the Board if they had an opportunity to read the changes and if there were any questions. No one replied.

Board Member Reiter made a motion to approve the policy amendments as listed Tabs 223, 243, 403, 818, and 831. Board Member Page seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli
NAYS: None

J. Discuss Board Packet Preparation and Distribution

Chairman Range stated that some of the Board Members would like to see the Board Packet come out earlier and the goal is to get it out by Wednesday afternoon, prior to the meeting on Monday. The Board discussed the possibility of changing the meeting date to the third Monday of the month. Chief Dalton explained that part of the challenge is receipt of the financial statements from Yavapai County and moving to the third Monday would help in that respect. She added that Attorney Bill Whittington would have to be consulted since it would impact his schedule.

Chairman Range indicated that he would have a conflict with the third Monday of the month and would like to table this item pending verification of schedules by all Board Members and legal counsel. Board Member Reiter asked what the most challenging item was to have placed on the agenda and Chief Dalton stated the challenges are the financial statements and items submitted at the last minute. She suggested delaying the financials and setting a firm deadline for submissions.

Board Member Reiter stated that the Board's challenge is being able to ask questions or make changes due to the 24 hour posting notice. The Board discussed their options and all agreed they would like to have financials as current as possible. Chairman Range tabled the item to the May Board Meeting.

Chairman Range indicated legal counsel is still absent and cannot address the remaining items without him. Chairman Range recessed at 3:56 p.m.

Chairman Range resumed the meeting at 4:11 p.m.

6. VOTE TO GO INTO EXECUTIVE SESSION

Board Member Reiter made a motion to go into Executive Session for:

A. Legal Advice pursuant to A.R.S. §38-431.03(A)(3) and Instruction to District Legal Counsel pursuant to A.R.S. §38-431.03(A)(4) re: Training Center Drainage; and

B. Personnel Matters Pursuant to A.R.S. §38-431.03(A)(1) Regarding: Discuss Employment Contract with New Fire Chief; and

C. Legal Advice Pursuant to A.R.S. §38-431.03(A)(3) and Instruction to District Legal Counsel Pursuant to A.R.S. §38-431.03(A)(4) Re: New Fire Chief's Employment and Contract

Board Member Page seconded the motion. MOTION CARRIED

AYES: Range, Page, Reiter, Generalli
NAYS: None

At approximately 4:12p.m., the Board adjourned out of Public Session and into Executive Session.

At approximately 5:01 p.m., the Board reconvened in Public Session.

7. OLD BUSINESS

A. Training Center Drainage

Chairman Range indicated that legal counsel will be proceeding with this matter.

8. NEW BUSINESS

A. Approve Employment Contract between Central Yavapai Fire District and Paul Nies

Board Member Reiter made a motion to accept the contract just reviewed with the modifications discussed in Executive Session. Board Member Page seconded the motion. MOTION CARRIED.

AYES: Range, Page, Reiter, Generalli
NAYS: None

K. Discussion and Direction Regarding New Fire Chief's Employment and Contract
Chairman Range indicated that he is unsure what this item refers to and asked Chief Dalton for clarification. Chief Dalton indicated that it appeared to be a duplicate agenda item.

Chairman Range stated that the contract will take effect May 2, 2011 and welcomed the new Fire Chief.

9. **ADJOURNMENT**

The meeting was adjourned at 5:04 p.m.



Bob Gardiner, Board Clerk