Sonoita-Elgin Fire District

Minutes to the Board of Directors Meeting

May 22nd, 2023

**Chair of the board Chris Johnson call the meeting to order at 9:02a.m.**

1. **Roll call and confirmation of Quorum**

Chris Johnson, Russ Kolsrud, Robert Garber, Eddie McArthur, and Ruth Ann LeFebvre are present at the meeting and the Board has a Quorum.

1. **Pledge of Allegiance to the Flag.**
2. **Call to the public**
* Patrick Welsh regarding grievance discussion about Captain Jackson, an employee of Sonoita-Elgin Fire District. Mr. Welsh’s position is that the matter of appeal needs to be heard by the office of Administrative Hearings not by the board. Issue for the appeal is that there was an investigation of Captain Jackson by the Chief, where that investigation led to an investigation of Captain Jackson that he does not agree with a new requirement for a paramedic program to be attended by Captain Jackson.
* It is noted that this topic is action item number 12 on the current agenda for today’s meeting and the topic will be discussed further.
* Russ Kolsrud speaks about an actual citation to the statue that requires Captain Jackson’s appeal to be heard before the office of administrative hearings.
* Patrick Welsh replies that the policy manual states it and Mr. Jackson is required to follow the policy manual.
* Russ Kolsrud explains that we as the board cannot confer jurisdiction like a state agency such as the office of Administrative Hearings.
* Patrick Welsh explains that he feels that the only other option would be a special action appeal. There would be a savings for both sides in the legal processes if it were taken directly to administrative hearing.
* The appeal or grievance to the board is specifically limited to the changing of the job description specifically requiring a paramedic certification to serve as a Captain.
* Mr. Welsh recaps that the appeal he would like brought before the OAH would be an appeal of a determination to discipline Captain Jackson by reducing his pay and changing his job duties and the grievance matter would be a policy newly instituted that all fire captains would have to attend a paramedic training program.
1. **Approval of the minutes from the May 15th**
* Chris Johnson asks for a motion to approve the minutes as is
* Eddie McArthur Motions to approve the minutes. Robert Garber Seconds the motion. The board votes, and the motion carries unanimously.
1. **Report from the Fire Chief**
* **Administration and Budget**
* On May 15th we held the fiscal year 2023/24 budget hearing and the meeting went really well, we are happy to make a draft copy of that budget available to members of the community with a request.
* We will be sending our draft budget to Santa Cruz & Pima counties for review and then they can anticipate what we believe the final budget will be and in the June meeting the Board will then be asked to vote on adoption of the budget.
* Discussion of the budget draft being available for review on the website, Chief will confer with Kristen and let the board members know that we are in the transition phase from our current website to our new website.
* Update on the Legacy Foundation of Southern Arizona, the Chief did attend one of their grant workshops and is going to submit a grant for the responsive grant program for up to $5,000. The grant submission is due June of 2024.
* Reasons we are not following up on other grant options from the Legacy Foundation explains Chief is First that we have all the information and resources to submit the grant in a timely manner and secondly after attending the budget workshop it is best to apply for a smaller grant and develop a good track record before applying for larger grants.
* Update on PSPRS local board meeting, postponed their meeting for later this month and anticipate they will meet in June.
* March and April were busy months, in March we were over 70 incidents. April was also very busy and anticipate that this month will also be very busy.
* Clarification of incidents for board members, discussion of zone 3 1st busiest, zone 5 is 2nd busiest, zone 3 Elgin area is 3rd busiest and zone 2 which is the north of us was 4th busiest, and zone 4 was next in order. Elgin seems to be getting busier and some of that is attributed to new businesses as wineries and associated businesses.
* Recruitment: employment offer extended to Firefighter/EMT Finn Gibbs, who is already on the roster as a volunteer and will be joining us full-time in late June to early July. We have a new dispatcher Claire Williams and then Christopher Cocico a Firefighter/EMT and will be a volunteer with us.
* Member Accomplishments: firefighter Aileen Hardcastle and Evan Weaver have both completed structure training course and have completed all their state testing and are officially certified firefighter I &II in the State of Arizona.
* Apparatus: We did receive the insurance check from engine #822, repairs are ongoing and waiting for the correct part to come in.
* #CH820 is out and waiting for the correct turbo to come in.
* Incident Management is activated on First Due, completed incidences are getting reported to the state and that part is functioning well. Learning data entry on that system
* Legislative review: HB2028 is likely to move forward, which would reduce the amount of individual member contributions %’s from 11.654 to 7.65. PSPRS doesn’t feel this will be a negative impact on us and we will know if this will be a positive or negative and impact our firefighters.
* Legal: Chris Johnson comments that there are no updates on the investigation
* Impact of South32: Ruth Ann Lefebvre inquires about update on South32’s impact on roads. It is a concern due to an increase in vehicular traffic, they will be large heavy trucks coming and going from the mine, and the materials that will be hauled and there will also be an increase in employees from under 150 to over 800+ as early as November of 2024. Chief will be meeting with Melanie which is head of community relations department. Chief would like to also address the impact to Sonoita and our fire district as the mine gets busier.
1. **Presentation and Approval of Monthly Financial Reconciliation and Reports pursuant to ARS Sec. 48-807.**
* Chief discusses the reconciliation sheets where there were some extra 0’s. Ronda from payroll say’s they are extra unused lines in the template she uses.
* Reconciled Balance Sheet: We received an additional amount of tax money from both Santa Cruz and Pima County, the first amount of tax money comes in due in October and comes in November & December and the second tax money due is in April and posts in May & June. Right now, are accumulative balance sheets are just over $1,053,376 and our total assets which includes our PSPRS credits and some other equity items is $1,000,000. Bench marks we would like to meet in our current fiscal year 23/24 we are not spending more than we are taking in and then money in the bank for rainy day and reduction in property values. We would like to increase the amount in the bank to sustain the district through a recession.
* Profit & Loss Statements: We are ahead on revenue and running below on expenses. Most of the money spend in the budget is in vehicle maintenance. We still have a credit with PSPRS and that will help throughout the end of the year.
* Cash Flow Forecast: A forecast was run by Kristen and Ronda for a projection for spending and there were no warning signs for risk of over spending that came up. We will have another report done through end of April & May so we can have accurate information to have an opportunity to make some investments at the end of the year.
* Cash Flow Projection Report: Monthly statement Cash on hand for April 2023 is $1,053,376 and overall projection $21,039 at fiscal year end and since both balances are positive there is not adverse potential impact on liquidity.
* Motion to approve the financials as presented is made by Russ Kolsrud and Ruth Ann Lefebvre seconds the motion. The board votes unanimously in favor, and passes the motion to approve financials.
1. **Review, discussion, and possible action: placing a portion of NBAZ funds into a longer-term investment vehicle.**
* Discussion of Transfer of funds from our current balance of $187,000 in our a NBAZ checking and placing money into a NBAZ CD. Chief explains that $100,000 could safely be transferred, as the checking account is mostly an input account with only credit card payments coming out.
* Kristen Dineley explains that there will be a payment coming out in the amount of $12,000 the first of June.
* Chris Johnson explains that the NBAZ CD would be a long-term goal with a reserve fund of a $100,00 investment with higher interest and easily accessible. The minimum is $100,000 from the NBAZ commercial money market account into a NBAZ CD and then choose the term. 11 months is the longest, potential of $4500 accrued in interest, 5 months is the shortest, 7 months is the middle. No principal loss if the money needs to be pulled, easily accessible. Chris explains that penalties would be a minimum if you had to pull money out.
* Russ Kolsrud asks why we are limiting the investment to $100,00 when we could invest $150,000. Chief explains we did not want to draw down the checking account to low, there are a couple larger payments coming out.
* Ruth Ann LeFebvre inquires about Hughes account and closing it, Chief Meredith explains that eventually that is the plan.
* A motion to transfer $100,000 from the NBAZ money market account and put it into a NBAZ CD is presented by Chris Johnson, and Russ Kolsrud seconds the motion. The board votes unanimously in favor, and motion to transfer $100,00 into a NBAZ CD is passed. Only contingency is if anything has changed, any interest lost or parameters are not what was discussed.
1. **Review, discussion, and possible action: Board affirmation regarding authorized signers on Hughes Credit Union accounts. The SEFD Board of Directors affirms the following changes are being made regarding the department’s Hughes Federal Credit Union account: Individuals who continue to have transactional authority-Borad Chairperson Chris Johnson, and Fire Chief Marc Meredith. The Individual being removed from having transactional authority is past Board Clerk Reba Webber. The Individual being added to have transactional authority will be Board Clerk Ruth Ann LeFebvre.**
* Ruth Anne LeFebvre addresses the misspelling of her last name.
* Chris Johnson asks for a motion and a second, it is approved unanimously.
1. **Update on referral to AZ Attorney General’s office of investigation regarding department claim with former Chief.**
* Chris Johnson explains that there is no update and has not identified a person to communicate with about the investigation. Sherrif’s department investigated and referred it to the county and the county felt that there was a conflict of interest so they referred it onto the Arizona Attorneys General’s office sometime in February. Chris Johnson asked for records from the county’s attorney and they said that they forwarded it to the Attorney General’s office and from there it can not be traced.
* Russ Kolsrud explains that he would call the Attorney General’s office secretary to see if we could follow-up with some kind of timeline.
1. **Elgin Property Use update.**
* Chief has requested one quote from tank, and an estimate to sink a well on that property and reach out for estimates to clear the property and level the building site.
* Ruth Ann LeFebvre asks for location of site on a map. Chief explains that you would drive up Elgin Road up past all the wineries and then make a right turn onto Elgin Canelo Road and where the 3 Elgins meet at the bridge, then proceed onto Elgin Road to not quite as far as the vineyards are.
* The lot is 3+ acres, rough triangle shape and is sufficient enough for water access and for the Elgin community to go either direction. Elgin community would like to have a public community notice board, we could put up a sign to accomplish that.
* Russ Kolsrud asks about clearing the land, Chief explains that first we need to verify the value of the land.
1. **Recap of May 15th Budget Hearing for FY23-24**
* Chief wanted to have it on the minutes due to the fact that we will be voting on the budget next month. Chief feels the Budget hearing went well, the plan to meet expense needs, and creates a pay scale for our members and it does not require at tax rate increase for FY23-24.
1. **Discussion and possible action to consider whether the Board should schedule a hearing on grievance issues presented by Captain Brian Jackson. The board may vote to convene in executive [closed] session, pursuant to A.R.S. 38-431.03(A)(3) & (4), for the purpose of consulting with the Board’s attorney regarding the Board’s responsibilities in this matter.**
* Chris Johnson invited attorney Ed Gaines to be present via zoom. Ed Gaines presence was requested to advise the Board of the parameters of what can be discussed and items that should not be discussed when it relates to a personnel issue.
* Attorney Ed Gaines shares his appreciation for the department and the work they do. Mr. Gaines explains that today’s issue is: Do the members of the Board have an obligation to hold a hearing. In the written grievance the only issue is the written policy requiring Captains to have paramedic license. In the HR manual it is very clear that policies adopted by the policy board are not subject to grievance.
* Eddie McArthur is asking about attorney Mark Welsh’s comments on the grievance, about that policy and the comment in Captain Jackson’s grievance letter that he has been singled out.

Attorney Ed Gaines explains that it is a policy issue regardless of why or how it was done. Eddie McArthur reviews the grievance letter and paraphrases a bit on the favoritism content within Captain Jackson’s letter, commenting that it was not a well written grievance letter, and she suggests giving Captain Jackson a voice as he seems to be moving forward with legal action.

* Russ Kolsrud asks about the validity of the policy or application of the policy that is in question. Attorney Ed Gaines explains the nature of the policy does not matter, quoting from the HR manual, “there is no right to a grievance based on a policy of this board.”
* Robert Garber asks, is an issue of “letting the Chief be the Chief”, or is this a precedent being set here for the board, which he explains he would not be comfortable with.
* Chris Johnson explains that personnel policies can be driven by the Chief to do job descriptions and requirements and typically does not rise to the Board level for review like this grievance does from Captain Brian Johnson. This policy is not one that we have reviewed and but at any time we can review the policy and have a discussion if we do not feel that they are appropriate.
* Attorney Ed Gaines comments about precedent being set due to personnel grievances, if you open up a different procedure it will be more likely that there would be procedural glitch or some finding fact that would give them another handle to make a claim.
* Russ Kolsrud discusses the point of the policy requirement of a captain to be a paramedic and or being instituted for the wrong reason. Attorney Ed Gaines clarifies that the only issue today is whether or not you are required to hear this captain’s grievance as a board. He explains that this is a very well-defined issue if you read the manual, there is no authority in the manual to have a grievance hearing and could be problematic in the future.
* Chris Johnson discusses that just if the Board voted to not have a grievance hearing, that does not mean that sometime in the future that Mr. Jackson couldn’t file a formal grievance that this policy is discriminatory. Attorney Ed Gaines explains that the Board has to decide if they want to conduct these types of meetings and go that direction.
* Chief reiterated that the current human resources manual does have a specific policy when it relates to discrimination.
* Robert Garber discusses the position of the Chief and the boards intention should not be to micro manage the position, the board should trust the chief and the whole department.
* Chris Johnson is clarifying that the agenda item is specific to deciding on if a hearing will or will not be scheduled to hear grievance items that the Board will not be opening the meeting up to the public at this time.

**Chris Johnson opens up the floor for comments from Mr. Welsh recommending a 5-minute maximum at this particular time.**

* Mr. Welsh attorney for Captain Brian Jackson, comments that he is not aware of the Board approving and voting on this policy. He comments that even if it is a policy, it has been something that potentially targets one individual to create the paper trail necessary to remove them. Mr. Welsh continues by saying If a policy is not rationally tied to anything but it is just used to target a particular member then that’s going to be discriminatory. Mr. Welsh also comments on the Chief having unchecked authority, will have an effect on people bringing forth grievances and that may not protect the individual.
* Russ Kolsrud discusses the definition of grievance and through discussion the Board discusses that this decision does not prevent other people from bringing grievances forward.
* Robert Garber makes a motion to not schedule a hearing for this matter. Russ Kolsrud seconds the motion. Russ Kolsrud votes aye; Robert Garber votes aye; Chris Johnson votes aye, Ruth Ann LeFebvre votes nae, and Eddie McArthur votes nae. 3 votes in favor of the motion and 2 object the motion.

Chris Johnson makes a motion to adjourn the meeting. Ruth Ann LeFebvre seconds the motion. All are in favor, and the motion to adjourn carries. Chris Johnson calls the meeting to a close at 10:30a.m.

A digital copy of this meeting is available to the public at the Sonoita-Elgin Fire District, located at 3137 AZ Highway 83 Sonoita, AZ 85637

**NOTICE: The Sonoita-Elgin Fire District Board of Directors may go into executive session for the purpose of obtaining legal advice from the fire district’s attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3)**

Minutes approved by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Board Clerk, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Ruth Ann LeFebvre Date