

**MINUTES OF A REGULAR MEETING OF THE
MESCAL-J6 FIRE DISTRICT GOVERNING BOARD
HELD WEDNESDAY, APRIL 26th, 2023, AT 6:30 PM**

The meeting was called to order at 1829 hours by Board Chair Phyllis Ellis. Present at roll call were Board Members: Phyllis Ellis, Dana Law, Debi Wise, JoAnne Ellsworth and Bob Murray. A quorum existed.

Item 1: **Call to the Public:** This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date."

Mary McCool, chair of J6/Mescal CDO, presented Board members with paperwork (included as an attachment in the District's official minutes) inclusive of questions and concerns regarding policies and procedures, policy 103, approving and revision practices, costs of subscription fees, contractual verbiage inquiries, and draft records release.

Item 2: **Minutes:** Review, discuss, and possible action to approve the Draft minutes of the March 29th, 2023, Regular Board meeting.

Debi Wise made a motion to approve the March 29th, 2023, Regular Board meeting Draft minutes. Bob Murray seconded. Motion carries 5 – 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes, and Bob Murray - yes.

Item 3: **Financial Report:** Natalie Galgano-Pinkley of Municipal Accounts & Consulting, will provide a brief summary of the District's recent financial activities. Board Members to review, discuss and possible board action to approve the March 2023 Financial Report, as prepared by Natalie Galgano-Pinkley of Municipal Accounts & Consulting.

Dana Law made a motion to accept as given the March 2023 Financial Report. Debi Wise seconded. Motion carries 5 – 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

Item 4: **Fire Chief Report:** Fire Chief John Moran's report is included as an attachment in the District's official minutes.

No board action taken.

JoAnne Ellsworth asked the Chief if Benson Hospital will be putting on additional events to which the Chief responded, it would be nice to see more participation from the community with Bagels and Blood pressure as it is being used as a theater to what the participation would be for future events and what the community would like. More participation means more events.

Item 5: Policies & Procedures: Review, discussion and possible action to approve the following policies & procedures:

Mission Statement	Firefighter Code of Ethics	
200 Organizational Structure	205 Electronic Mail	100 Fire Service Authority
101 Chief Executive Officer	202 Interim Directives	206 Administrative Communications
102 Oath of Office	203 Training Policy	029 Member Participation
103 Policy Manual	204 Liability Policy	

Mission Statement

Bob Murray made a motion to approve with changes; adding back the purpose, scope and policy previously omitted from the MJFD original mission statement. Dana Law seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

Firefighter Code of Ethics

Bob Murray made a motion to table until more research can be done on verbiage options and the use of gender-neutral terms. Dana Law seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

100 Fire Service Authority

Dana Law made a motion to table until more information is obtained on mandatory reporting. Debi Wise seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

101 Chief Executive Officer:

Bob Murray made a motion to table until further review of the by-laws takes place. Dana Law seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

102 Oath of Office

JoAnne Ellsworth made a motion to accept as written. Bob Murray seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

103 Policy Manual

Bob Murray made a motion to accept with changes at 103.2.2 removing “or District”; at 103.3 change ultimate authority and adoption to “the Fire Chief shall be considered the ultimate authority for the content and presentation to the board for approval of the provisions of this manual”; at 103.6 add after Fire Chief will ensure the policy manual is periodically reviewed and updated as necessary, “upon approval of the Board”.

JoAnne Ellsworth seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

200 Organizational Structure

Dana Law made a motion to accept with changes at 200.3 removing Fire Operations Division and adding Operations Division in its place. Debi Wise seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

202 Interim Directives

Debi Wise made a motion to accept as written. JoAnne Ellsworth seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

203 Training Policy

Dana Law made a motion to accept with changes, adding a space between designee and it. Bob Murray seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

204 Liability Policy

Policy 204 was not presented for review in the meeting; hence this item will be addressed at a later date.

Bob Murray made a motion to table. Dana Law seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

205 Electronic Mail

Debi Wise made a motion to accept as written. Dana Law seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

206 Administrative Communications

Bob Murray made a motion to accept with changes to 206.4 eliminating in addition to and replacing it with “or”. Dana Law seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

029 Member Participation

Dana Law made a motion to accept as written. Debi Wise seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

Item 6: **Five-Year Plan Priorities:** Review, discussion and possible action to identify and prioritize specific goals to be included in the District’s Fiscal Year 2024 Five-Year Plan.

JoAnne Ellsworth made a motion to table the discussion for the Five-Year Plan Priorities until the next meeting on 5.03.2023. Bob Murray seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

Item 7: **Cell Phone Use:** Discussion and possible action to restrict board member use of cell phones during public meetings and work sessions.

Phyllis Ellis remarked, having phones present and texting at meetings takes away from focus. Emergency calls can be taken as a call versus a text and if someone needs to step out to take that call, that is totally understandable. Debi Wise added that it is standard operating procedure in most meetings to not allow cell phones.

Dana Law made a motion to accept no cell phone use by any Board member at meetings and cell phones shall be put away and not on the table during meetings, with exceptions for the Chief overall and for the Board Chair who uses it to record time.

Debi Wise seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

Item 8: **Draft Records:** Discussion and possible action related to the release of draft records to the public.

Dana Law said, Roberts Law is the public does not get records ahead of the meetings, they get them at the time of the meetings, if they so desire. Debi Wise Agreed.

Phyllis Ellis asked Chief Moran to speak in regard to the previous Ombudsman ruling, now in regard to this issue. Chief Moran explained, the prior practice of providing email Draft records originated several years ago when Cochise County represented us, it was a concession made in an effort to make easier getting records to the public and lessen the amount of work on staff fulfilling public records requests. Emails that went out to the Board with the Agenda and supporting documentation had included a community member, Draft or otherwise. Chief Moran went on to say that after speaking with two attorneys, they have confirmed that Draft records are public but there is nothing saying we need to provide those Draft records and that they don't need to get them at the table, like everyone else.

Bob Murray inquired if a check with the Ombudsman was done on what their feeling is. Chief responded that this was done with the Cochise County Attorney at the time, not the Ombudsman. Chief further added that the Ombudsman might have an opinion on the matter but he couldn't tell Mr. Murray what that would be. Dana Law added that yes, these are public records, but the issue is the public doesn't get drafts prior to the Board members, they get it at the meeting.

Chief Moran added the Agenda is made available to the public at time of posting, supporting documentation is not.

Phyllis Ellis added, the Draft Agenda is not posted to which Chief Moran replied no, it is not. Bob Murray said he understands but you can put a request in to get it. Phyllis Ellis responded, only if you know it exists.

Debi Wise remarked that this is not standard operating procedure for any other Agencies. Bob Murray replied he doesn't know about any other Agency.

Phyllis Ellis remarked that the Board volunteers their time here and in doing so, she thinks they should be given some prior chance to look at things that the general public doesn't. If there are members of the public who wish to be on the board, they

can fill out the paperwork for that process.

Phyllis Ellis concluded by saying she does not believe that we are crossing any legal boundaries in doing so. Dana Law agreed, we are not. Chief added, he doesn't believe we are either but we will be finding out soon enough.

Dana Law made a motion to cease emailing supporting documents to District residents prior to Board meetings, unless specifically mentioned or requested. Debi Wise seconded the motion. Motion carries 4 - 1 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - abstain.

Item 9: **Adjourn:** Dana Law made a motion to adjourn the meeting. Bob Murray seconded the motion. Motion carries 5 - 0 with Phyllis Ellis – yes, Dana Law - yes, Debi Wise – yes, JoAnne Ellsworth – yes and Bob Murray - yes.

Phyllis Ellis adjourned the meeting at 2041 hours.

Minutes compiled and submitted by:
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Office Administrator