

**MINUTES OF A REGULAR MEETING OF THE
MESCAL-J6 FIRE DISTRICT GOVERNING BOARD
HELD WEDNESDAY, May 31st, 2023, AT 6:30 PM**

The meeting was called to order at 1832 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 email correspondence with Cathy Traywick regarding questions related to the budget process, special forms for the District, the link to access those forms and snapshots regarding forecasting.

Item 2: **Board Meeting Etiquette:** Board Chair Ellis will present a prepared statement regarding board meeting procedures and etiquette and will then open the floor for further discussion from board members.
No Board action taken.

Phyllis Ellis said she has tried to have a casual atmosphere in meetings, especially in the Work Sessions but in light of recent events, she believes Mrs. Wise is correct and protocol needs to be followed better in meetings. Ellis submitted a cheat sheet of Roberts Rules, obtained online for reference on meeting practices. Ellis will instruct everyone to refrain from speaking until they are acknowledged by the Chair and asks Board members to not interrupt others while speaking. Ellis concluded by saying she feels she has been too timid in the role of Chair and moving forward she will be actively addressing these issues in a more dominant way. Ellis further clarified that supplementary materials presented by the Chief or any member of the Board, are not required to be sent in advance.

Robert Murray spoke in reference to the May 17th Work Session disruption and presented Board members with paperwork (included as an attachment in the District's official minutes) regarding being interrupted by Board member Dana Law, remarks made by Board member Debi Wise, how Board Chair Phyllis Ellis handled the interruption,

Murrays working connection with Mrs. Mary McCool, his allegiance to the District and going over the Chiefs head with Lexipol. Murray said he felt he was due an apology to which Dana Law apologized for the interruption and his rant but stated he still stands by what he said in regard to where Murray obtained the information presented, in question. Debi Wise added, she agrees with Dana.

Item 3: **Minutes:** Review, discuss, and possible action to approve the Draft minutes of the April 26th, 2023 Regular Board Meeting and the Draft minutes of the May 3rd, 2023 Special Meeting.

Debi Wise made a motion to approve the April 26th, 2023, Regular Board meeting Draft minutes with corrections to Bob Murrays vote on Item 8, change to reflect an abstaining vote and confirmation of “is’ or “is not” in Debi Wises statement in Item 8, second from the bottom paragraph, first sentence. Dana Law seconded. Motion carries 5 – 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes, and Bob Murray - yes.

JoAnne Ellsworth made a motion to approve the May 3rd 2023, Special Meeting Draft minutes with corrections to Wises statement, Item1 last paragraph, to be changed to “four other members of my organization, that I know of, are also affiliated with Fire Departments and two are Chairs”. Correction to Item 3, first paragraph after “Chief Moran replied”, adding Chief Moran’s reply; the answer to Murray’s question regarding if we are required to have an audit versus a review is whether we are or not, we are getting closer to that threshold and although we haven’t hit it, we are moving forward like we are going to have an audit. Dana Law seconded. Motion carries 5 – 0 with Phyllis Ellis – yes, Dana Law – yes, Debi Wise – yes, JoAnne Ellsworth – yes, and Bob Murray - yes.

Item 4: **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 April 2023 Financial Report, as prepared by Natalie Galgano-Pinkley of Municipal Accounts & Consulting.

Dana Law made a motion to accept as given the April 2023 Financial Report. 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.

Ellis asked if on the budget versus actual, why the \$13,000.00 is not showing in the actual. Mrs. Galgano-Pinkley replied, that is due to limitation with QuickBooks online and how funds are set up. They are merged together, to avoid over or under stating the overall financials. Instead of a budget line item it is just a transfer between bank accounts. Ellis replied but it shows on the budget side but not on the actual side. Mrs. Galgano-Pinkley replied she is able to fudge it into the budget for approval process but when the transfer occurs, it doesn't hit that budget line because its not an expense. Galgano-Pinkley went on to explain that this is the way it has been historically presented even before she started with the District and with the auditors and the financial review, that it is the correct presentation.

Item 5: **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 Chief Moran if he sends out press releases. Chief Moran replied he has not. Ellsworth said it's really easy to do. Chief Moran replied, that's a good idea, thank you.

Dana Law asked if the June 7th and June 14th meeting times are 6:30pm. Chief Moran replied, yes sir.

Bob Murray inquired as to the response time on a fire. Murray said he heard from a couple people that there was an extended period of response time getting to the scene. Chief Moran replied he is happy to check on that but no, there was no extended response time. Murray said he heard it was like 30 minutes to which Chief Moran replied, absolutely not, he was out the door before the information was out over the radio. We didn't have a lot of personnel, but we had one and we had response from St. David and Benson. Chief concluded that SSVEC was here quickly and that is incorrect.

Item 6: **Policies and Procedures:** Review, discussion and possible action to approve the following policies & procedures:

100 Fire Service Authority	204 Liability Claims
207 Minimum Staffing Levels	208 After Action Review
209 Annual Planning Master Calendar	210 Solicitation of Funds
211 Petty Cash Management	212 Physical Asset Management
213 Purchasing & Procurement	T1003 Accounts Payable
T1002 Payroll	

100 Fire Service Authority

Dana Law made a motion to approve with changes at 100.4, separating or and appointed. 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.

204 Liability Claims

Debi Wise made a motion to approve with changes at 204.3, adding comas after “as” and “manager”. Removing coma after receive. Replacing practicable with possible. All “Districts” should be corrected to begin with a capital “D”. 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.

207 Minimum Staffing Levels

Dana Law made a motion to approve with changes at 207.3; remove “an” and add “a” in its place. Second paragraph, first line, replace Company Officer with Fire Chief. Second line of second paragraph, replace “Company Officer with Fire Fighter and add an “or a driver operator” after Company Officer. All “Districts” should be corrected to begin with a capital “D”. Remove last sentence entirely from third paragraph. 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.

208 After Action Review

Bob Murray made a motion to approve with changes at 208.2; third paragraph. remove “v” after AAR. At 208.3 replace “than30” with “than 30”, separate An and AAR. At 208.4.1, second sentence, remove “a” and add “an”. At 208.4.2 c) replace “PIAs” with “AAR” and reformat the numbering sequence, first paragraph and sentence after number 6 replace “Chiefs” with “Chief’s”. All “Districts” should be corrected to begin with a capital “D” 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.

209 Annual Planning Master Calendar

JoAnne Ellsworth made a motion to approve with changes at 209.3 replace “TheFire” with “The Fire”. All “Districts” should be corrected to begin with a capital “D”. 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.

210 Solicitation of Funds

Bob Murray made a motion to table for an opportunity to review the old policy. 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.

211 Petty Cash Management

Dana Law made a motion to approve with changes; 211.2.1 replace “Chiefas” with “Chief as”, at j) add a space between the semicolon and “When” and drop at “When” to the next line. All “Districts” should be corrected to begin with a capital “D”. 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.

212 Physical Asset Management

Dana Law made a motion to approve with changes; 212.5, second to last line, add a space between the period and Equipment. All “Districts” should be corrected to begin with a capital “D”. 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.

213 Purchasing & Procurement

Bob Murray made a motion to approve with changes. All “Districts” should be corrected to begin with a capital “D”. 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.

T1003 Accounts Payable

Dana Law made a motion to approve with changes. At II. Add a period at end of Sentence. At III. Remove Etc. At IV. second sentence, replace “with” with “within”. At c. replace his with Chief’s. At d. add an apostrophe to Chiefs. At bottom of page replace “Approved” with “Revised”. 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.

T1002 Payroll

Dana Law made a motion to table giving Chief Moran an opportunity for further review. 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: **Job Descriptions**: Review, discussion and possible action to approve the following job descriptions:

Volunteer Apparatus Driver
Fire Chaplain
Fire Lieutenant
Non-Operational Volunteer

Apparatus Maintenance Coordinator
Fire Captain
Firefighter

Dana Law made a motion to approve ALL job descriptions with corrections to the Fire Chaplain Job Description; second page, drop down sentences so they are not in the header. 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: **Fiscal Year 2024 Budget**: Discussion related to the Fiscal Year 2024 Operations and Maintenance Budget and Reserve Budget.

No Board action taken.

Bob Murray asked why there is only discussion and no changes permitted. Phyllis Ellis responded it has been posted and we are in our posting window so any changes made would start that widow over. Bob said so we can't make any changes. Ellis replied at the meeting on the 14th for the hearing changes can be made prior to the budget being adopted but we can't make changes and repost at this point. Chief Moran added, that is correct, the public needs to have their say before. JoAnne Ellsworth asked about the extended out two years being removed, if it will be added back and if the Board will see the documentation of numbers before it goes somewhere else. Chief Moran replied yes. Ellsworth further inquired if there is a line that can be added for the publics better understanding. Chief Moran responded probably; we can add something to better explain it but we can't understand it for them. Phyllis Ellis asked if there is a policy coming up that explains the budget. Chief Moran replied he doesn't recall, we can look through the table of contents and if there isn't one we can make one. Murray asked if the SAFER Grant was being budgeted in. Chief Moran replied we have the reserve find money and we can adopt a different budget if we get the SAFER Grant. Simpler to do it that way, we are already over the half million mark to have an audit so that is not a concern. We don't want to budget for expenses that we don't know we will get, there are over 8000 applicants this year which is not encouraging but Lexipol did the best they can for us and we will have to wait to see what happens. Chief Moran further explained

due to low staffing we have more money in that account than we anticipated at this time of year. Debi Wise added she had a conversation with a Fire Department Grant writer who said when we are ready, we can contact her. It's what she does exclusively.

Item 9: **Draft Records:** Review, discuss and possible action to revise the April 26th, 2023 governing board action regarding draft records and public records requests.

JoAnne Ellsworth made a motion to rescind the action from the April 26th meeting And follow the advice from our legal counsel and the Ombudsman. 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.

Chief Moran said the attorney advised that a draft agenda is for the Board only, until it is approved. When it goes out to the public and gets posted, it is a public record. Chief Moran went on to explain that supporting documentation however, becomes public record as soon as it goes to the Board. The procedure of doing a draft agenda on Friday and the Board having the weekend for evaluation and then putting it out Monday afternoon is acceptable but any other supporting documents go out immediately and that applies to anyone having a reoccurring records request. Chief Moran said he has an email chain between the Attorney, Ombudsman and himself that he can't disclose right now due to Attorney /Client confidentiality but they are waiting on a final version to put out to the public. Chief Moran said he hoped to have that today but we are awaiting a response with clarification from the Ombudsman on a couple points and they are very busy. The Chief said the Attorney also told the Ombudsman we would be putting the policy on paper so its black and white and there is no confusion in future. Debi Wise added that posting it on the website also would solve a lot of problems. Phyllis Ellis said that what we did on the 26th is not legal. Chief Moran replied correct. Ellis went on to say that as of now, because we want to stay legal, the Friday draft agenda goes to the Board and once its approved and set after adjustments, then it gets posted and then sent to the Board along with other documents that go with it. Ellis said at that point any people in District with a standing order for public records will have it emailed to them at the time the Board gets it. Wise asked why they can't just get it off the website. Chief said it's just as much work to get it from the website than to send an email. Ellis said we don't need to add more work to the staff. Wise responded that putting it on the website for whoever wants to access it is what other agencies do. Ellis replied but if someone's has a standing order to have it emailed, we need to honor that and we do have people that have that standing order. This is the conversation from the Attorney and Ombudsman and to stay legal we will be doing what they have advised us to do. Chief Moran said he thinks it's a happy medium and it could have gone a much different way. Chief Moran concluded with the ACC, Arizona Corporation

Commission, just passed a similar rule in their organization that they are not giving out draft agendas until their Board has time to review them and get them set before posting.

Item 10: **Governing Board Handbook:** Review, discussion and possible action to approve a Governing Board Handbook as submitted by Board Member Debi Wise.

No Board action taken.

Debi Wise said she's been looking at different things with different Fire Departments and came across this one that she liked. Wise followed it through Fire Departments that have used it and was told it's used as a Board standard. Wise contacted the original Fire Department that put it together for permission to use it. Wise ran it by Dana and Chief, who both liked what they saw. Wise said she believes her name was Katheen that composed this for one Fire Department. Ellis asked if it was Kathleen that gave her the permission to use it. Wise replied no, she not there anymore. It was Susan that gave the permission and I have her number if you'd like it. Ellis said she wanted to make a note of who gave permission for use and if Wise could get Susan's last name. Wise said its at home. Ellis asked if Wise could email over. Chief Moran added he doesn't think there is a copyright or anything like that on a government document. Ellis replied that is something worth looking into. Wise said that's why she called and asked for permission instead of just doing it. Wise said she was told it is no problem, they are used to getting those phone calls. Wise went on to explain she took off a few that didn't apply to us, she didn't add any of her own, and a couple things from another handbook found that did apply were added and then ran by Chief and Dana. Wise said the rest of it she doesn't know if it applies to us or not. Wise added she thinks it's done very well. Wise went on to add that Denise, not our Denise, had told her also that when she was done doing what Wise was just did, for her Fire Department she also ran it by their Attorney who said it looked great. Wise recommends we do the same, though we are not there yet. Ellis said we definitely would want to run it by the attorney also. Ellis added she has looked through it for a couple days now and does wish Wise had sent it her as well. Ellis added that anything Wise wants on the Agenda, she would appreciate if she could send it to her as well, as asked in the past. Wise said we were still working on it today. Ellis replied I have had it for two days. Debi replied we were still testing it but ok. Ellis said she sees some possible duplications of policies in here so it would need to be reviewed to make sure it corresponds with Lexipol's. Ellis added that she thinks everyone needs to take more time with this, it's a large book and she agrees it is important but it needs to be reviewed and we will circle back at a later date. Dana asked if Lexipol would look at this at all. Chief Moran replied he thinks for an extra fee and our Attorney is pretty involved. Chief added with either way he thinks worthy of a legal review. Ellis and Dana said absolutely. Chief Moran concluded with

maybe we can incorporate this into the June 7th Work Session and just have it with us and make notes along the way so we don't have to start with a blank slate again next time we pick it up. Ellsworth said she did research copyright and it's not especially copy written but there is a document needed saying it can be re-used.

Item 11: **Governing Board By-Laws:** Review, discussion and possible action to revise the current MJFD Governing Board By-Laws.

No Board action taken.

Ellis stated this Item has to be on the Agenda twice if we decide to make any changes. Ellis added that the reason she asked for it to be on here is in regard to the Board Chairman being the CEO, which after research, Ellis finds the Board Chair is never the CEO of an organization. Ellis said a CEO is typically a paid employee and by referencing the Chair as CEO it may lead District members to believe the Board Chair is a paid position and Ellis would like to see it removed. Ellis went on to say she didn't see much else specifically to be changed. Ellis added she does think where it says the Fire Chief is Chief of Administrative and Operations fits the job the Chief does very well but Ellis suggests to remove the first bullet in section 3 Duties of the Board and the Fire Chief, "serve as the Chief Executive Officer". Chief Moran added it currently conflicts with Lexipol. Ellis said since this has to be a 30-day thing, we will not be voting on this tonight correct. Chief Moran replied no, we propose make the motion, sit on it for the next 30 days and revisit it again at the next meeting.

Item 12: **Adjourn:**

Dana Law made a motion to adjourn. 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. Meeting end time was not stated.

Minutes compiled and submitted by:
Denise Serna
Office Administrator