

**MINUTES OF A REGULAR MEETING OF THE
MESCAL-J6 FIRE DISTRICT GOVERNING BOARD
HELD WEDNESDAY, May 29th, 2024, AT 6:30 PM**

The meeting was called to order at 1830 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."

Keith Rogers, resident of the J6/Mescal community, presented Board members with paperwork (included as an attachment in the District's official minutes) inclusive of concerns regarding multiple violations of open meeting law by the Chair and Clerk of the Board to include, failure to adopt and follow an updated handbook, allowing special interest groups to be represented above the citizens sworn to be represented, sharing information to special interest before being released to the public, allowing special interest to author emails and responses for Board business, hiring outside financial oversight due to the pressures of one special interest group in turn costing taxpayers thousands, failing to follow chain of command and attempting to manage day to day operations/micromanaging, fostering a culture of us versus them, failure to foster positive working relationships, failure to work as a professional and productive body. Mr. Rogers expressed concern that the above have caused significant disruption and cost to the District and led to the resignation of the Fire Chief. Mr. Rogers also expressed that allowing these violations to go unaddressed sets the precedent that the laws and handbook are flexible/optional. Further, Mr. Rogers and several members of the community ask the Board Chair and Board Clerk to resign at once, given the recent conduct and lack of professionalism. Mr. Rogers also submitted to the Board a petition containing 28 signatures from the community supporting the above.

Sue Dupee, resident of the J6/Mescal community, presented Board members with paperwork (included as an attachment in the District's official minutes) inclusive of concerns and regarding the current and ongoing discourse occurring and is disturbed that the turmoil, if not settled peacefully, could lead to the destruction of the District. Mrs. Dupee expressed hope that residents will become more involved. Dupee also expressed support for Fire Chief Moran in hopes that he would reconsider and stay on.

Mark Lee, resident of the J6/Mescal community and former Board Chair, presented the Board with paperwork (included as an attachment in the District's official minutes) inclusive of concerns regarding Board responsibility, Fire Chief responsibility, Board interference with operations of the Fire Chief, Chain of Command, Junior Officers going around their superiors, Board members and specifically the Board Chair going

around the Fire Chief and consulting with Junior Officers/Fire Fighters, micromanagement from Board members, control of the Board via the Chair and Clerk, who chooses what goes on meeting Agendas, and personal agendas.

Dennis Lee, resident of the J6/Mescal community, presented Board members with concerns regarding the costs associated with public safety operations, the Districts financial struggles in relation to funding of manpower and the District's needs, the raising of taxes not being an issue as the costs of running the District and serving the community are realized, fighting amongst people over what needs to be done and should be done, the need for job accountability and accountability from all sides, ongoing issues not being resolved over the years, the time consuming aspect of the Boards job and the hope that the Board is doing the best job they can do, and the study of laws.

Owen Kieley, resident of the J6/Mescal community, presented Board members with paperwork (included as an attachment in the District's official minutes) inclusive of concerns regarding Board Clerk Bob Murray and Board Chair Phyllis Ellis conduct, Board Clerk Bob Murrays previous comments, statements and criticism of Mr. Kieley as a private citizen, removal of the Call to the Public and an email system put in its place due to the CDO using the Call to the Public as a platform for its own organization, Bob Murrays affiliation with the CDO, CDO refusal to retract proven false statements published in their articles, resignation of previous Board members due to the CDO, threats to the District from the CDO of lawsuits, CDO costing taxpayers money and time.

Mescal-J6 Fire District Board Clerk Bob Murray presented the Board and public with paperwork (included as an attachment in the District's official minutes) in response to public criticism explaining previous years of experience with another Volunteer Fire Department enable his sense to understand future needs and focus of the District, the Chief working at the pleasure of the Board, his having no issue with Fire Fighters or the Department, his issue with some of the Fire Chiefs decisions and attempted resolutions, his belief that micromanagement has not been an issue, accusations made by the public are unproven and embellished lies, taxpayers complaining have attended very few meetings and know little of how a District is run, his attendance of meetings prior to becoming a Board member, apologies for his mistakes, his votes being mostly with the Board, his right to vote regardless of if it aligns with a special interest group, his resignation from the CDO upon accepting the District's Board position, dislike of a person from a special interest group being disruptive, denies conflict of interest, claims CDO newsletter and Call to the Public from a specific community member are of legitimate concern.

Mescal-J6 Fire District Board Chair Phyllis Ellis presented the Board and public with paperwork (included as an attachment in the District's official minutes) in response to public criticism explaining that she had the previously removed Call to the Public added back to meeting Agendas, she believes all members of District have the right to speak/be heard, attendance of a mandatory Board training and comments made there regarding a funds transfer within the District, County Treasurer Ms. Traywicks

implementation of account handling training for the Board, Ms. Traywicks correction to the Board Chair and Fire Chiefs practices, previous Board meetings where Ellis was called out while being on the right side of issues, being respectful and in support of the all people in all matters despite claims to the contrary when issues are agreed upon or not, her working together with the Fire Chief in most matters, the public only having heard one side of the story and that she would gladly to talk with anyone regarding their concerns for the future of the Mescal-J6 Fire District.

Item 2: **Minutes:** Review, discuss, and possible action to approve the Draft minutes of the April 24th, 2024, Regular Board Meeting and the May 8th, 2024, Special Meeting and Executive Session meeting.

JoAnne Ellsworth made a motion to approve the April 24th, 2024, Regular Board meeting Draft minutes. Dana Law seconded. Motion carries 5–0 with Phyllis Ellis – yes, Dana Law- yes, Debi Wise – yes, JoAnne Ellsworth- yes and Bob Murray – yes.

Dana Law made a motion to approve the May 8th, 2024, Special Meeting and Executive Session Draft minutes. JoAnne Ellsworth 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 provided the District’s recent financial activities. Board Members to review, discuss and possible board action to approve the April 2024 Financial Report, as prepared by Natalie Galgano-Pinkley of Municipal Accounts & Consulting.

Bob Murray made a motion to accept as given the March 2024 Financial Report. 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.

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.

Item 5: **Acceptance of the Resignation of Fire Chief, John Moran:** Chief Moran has submitted his resignation to the Board. The Board will consider taking action to accept his resignation.

Dana Law made a motion to accept the Chiefs resignation with an open end to his leaving based upon future communication at the Work Session.

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.

Discussion took place regarding the following:

- If Fire Chief Moran would consider staying on past the initial 6 weeks until a new Fire Chief has been found
- Items being discussed at a Work Session but not voted upon

Item 6: **Ratification of Previous Action of the Board Taken During the May 8, 2024, Special Meeting:** The Board will discuss and take action to ratify the action it took at its Special Meeting earlier this month. At that meeting, the Board voted unanimously to begin the search for a new, full-time fire chief, and to ask that Chief Moran stay on the job for six weeks. The Board voted unanimously, 5-0, to take these steps. However, they might have been taken in violation of the Open Meeting Law. Therefore, the Board will consider ratifying this action. A detailed description of this proposed ratification is attached here to.

Bob Murray made a motion to ratify the past actions taken at the May 8th meeting. 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.

Item 7: **FY 2024/2025 Budget:** Review, discussion and possible action to approve the DRAFT Fiscal Year 2025 budget All revenues and expenses may be discussed may be discussed. Topics may include the acquisition or disposal of District assets, future needs, current and future tax collections and other topics directly related to the Fiscal Year 2024/2025 Operations & Maintenance Budget and the Fiscal Year 2025 Reserve Budget.

Dana Law made a motion to accept the Draft Budget as presented this evening for posting. 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.

Discussion took place regarding the following:

- Spreadsheet “wonkiness”
- Inflation of numbers due to the spreadsheet capabilities
- Removal of side by side from Five-Year Plan

Item 8: **FY 2024/2025 Five-Year Plan:** Review, discussion and possible action to approve the DRAFT Fiscal Year 2025 Five-Year Plan. Topics for discussion may include property acquisition, future development, tax rates, future facility and staffing needs and other topics related to the District’s goals for the next five years.

Dana Law made a motion to accept the Draft Five-Year Plan with the change of moving the purchase of the 4X4 side by side to 2026. 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.

Discussion took place regarding the following:

- Removal of side by side and pushing further discussion on the matter to 2026
- Grant for battery operated hydraulic extraction tool
- Timeline, posting and requirements regarding the Five-Year Plan

Item 9: **Grant Writer:** Review, discussion and possible action to approve an agreement for grant writing services.

Debi Wise made a motion to hire the Grant Writer with a \$1000.00 cap to start, to apply for grants and try and get some equipment paid for. 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.

Discussion took place regarding the following:

- The minimum in regard to compensation of Grant Writer
- Board members confidence in Grant Writer

Item 10: **Equipment Purchases:** Review, discussion and possible action to approve the purchase of fire hose, battery operated extrication tools and automated external defibrillators. If approved, the board may elect to expend funds from the operations & maintenance fund (warrant) or the reserve fund.

Dana Law made a motion to have the Chief buy the hose with up to \$3000.00 and

take it out of the line item of supplies. 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.

Discussion took place regarding the following:

- Quality differences in fire hose
- Price difference in fire hose
- Urgency of purchases
- Implications of waiting on Grant funding
- Hydraulic tool technology
- Highway Grant
- Ak-Chin Casino donations
- Gary Sinese Foundation donations
- Grant Writer assistance
- Budget versus actuals; \$2500.00 budgeted for tools and minor equipment with about \$1000 remaining
- Using funds from the Reserve
- Hose qualifying as supplies

Item 11: **Intergovernmental Agreement, Election:** Review, discussion and possible action to approve an Intergovernmental Agreement for Election Services with Cochise County.

Debi Wise made a motion to approve the intergovernmental agreement with Cochise County to run the election. 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.

Discussion took place regarding the following:

- Call of Election posted on Districts FB page, website and Next Door Mescal
- Cost of Election through the County around \$2000.00
- New Director of elections
- Duties/Responsibility of canvassing the election put back on special Districts

Item 12: **Future Meeting Schedule:** Review, discussion and possible action to schedule work sessions and/or special meetings.

No Board action taken.

Discussion took place regarding the following:

- Work Session scheduled 6.05.2024
- Budget Meeting 6.19.2024
- June Regular Meeting scheduled 6.26.2024
- Board availability
- Chief Moran's timeline of how long additionally he can stay on to help
- Job descriptions and discussion pertaining to moving forward with the hiring of a new Fire Chief
- Work Sessions open to the public with no Call to the Public or interaction from the community
- Will determine on 6.05.2024 if a 6.12.2024 Work Session is needed

Item 13: Adjourn:

Dana Law made a motion to adjourn. 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.

Phyllis Ellis adjourned the meeting. Meeting End Time 1940 hours.

Minutes compiled and submitted by:

Denise Serna

Office Administrator