

**MINUTES OF A SPECIAL MEETING AND POSSIBLE
EXECUTIVE SESSION OF THE
MESCAL-J6 FIRE DISTRICT GOVERNING BOARD
HELD WEDNESDAY, June 12th, 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."

Bruce Andrews, resident of the J6/Mescal community, presented the Board with paperwork (included as an attachment in the District's official minutes) inclusive of inquiries and concerns regarding Chief Levi Garners record of financials losses, liquidity issues, over drawn account and low reserve fund cash balance at Pearce Sunsites Fire District. Andrews further expressed concern bringing a Chief to the Mescal-J6 Fire District with a track record of poor financial management skills. Andrews further questioned the process the Board and Board Chair have implemented in seeking a new Fire Chief, vetting Levi Garner and having a hiring committee in advance of candidate selection. Andrews concluded expressing that based on his professional receive he will not support the hiring of Fire Chief Levi Garner.

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 inquiries and concerns regarding the approach of Board Chair Ellis's husband at the Admin office requesting his phone number, Board Chairs husband seeking out the Board Chairs critics and possible intimidation tactic, why agreements with geographically connected successful Districts not being explored, concerns surrounding Fire Chief Levi Garners financial track record in his current District, how Board authority to solicit a new Chief was granted as there is no record, who authorized negotiations with SPFD and when decisions were made as there is no record, authorization of District personnel to by-pass chain of command and engage another District in conversation, Chief Moran's resignation not yet accepted in accordance with statues, as an equal opportunity employer obligation not met, position not publicly posted, veterans/other qualified individuals not considered. Rogers went on to explain that the new Chief appeared seemingly out of nowhere just one week after Chief Moran resigned, Board Chair Ellis's rush, concerns with the review Board and hiring committees process, and no opportunity for the publics input. Rogers further expressed concern regarding ethical and legal practices, concerns with the Board Chair and Board Clerk being dismissive of citizens concerns, and previously prepared

responses from the Board Chair and Board Clerk to Facebook postings versus the Call to the Public.

Mark Lee, resident of the J6/Mescal community, presented the Board with (included as an attachment in the District's official minutes) a reading of the remaining portion of Keith Rogers paperwork beginning where Rogers calls into question the Board Clerks confused demeanor after reading his prepared statement and that the Clerks response did not align.

Mary McCool, chair of J6/Mescal CDO, presented Board members with paperwork and email communications (included as an attachment in the District's official minutes) inclusive of concerns and inquiries regarding training materials presented to the Board via email pertaining to the 2025 Auditor Generals Form, misinformation produced by the training model, the Chiefs response to concerns with training model, errors recognized by the Board in training model, protocol for 2025 Draft Budget is more credible, further errors found in Work Session, no additional discussion held at public meeting to account for changes, and numbers from May 29th Draft not present on the posted document.

Leigha Woolums, resident of the J6/Mescal community, presented the Board with concerns regarding how things have been handled not by any one specific Board member or community member but overall, politics and personal issues creating a divide with reasonability in the middle, lack of posted job description for Fire Chief, lack of communication in general regarding Levi Garner as a candidate for Fire Chief, the Fire Chief job description, state law regarding sick time to be provided for employees and subsequent training available on said topic. Mrs. Woolums added that the Fire Chief, Captain and Office manager position should have been fulltime 5 years ago and it's a big reason why she left and that personally she things Chief Garner would be asset to the District in any helping capacity. Mrs. Woolums also shared her and her father's extensive background with the Mescal-J6 Fire District over the years while expressing disgust and shame, as a taxpayer, for how matters are handled now.

Item 2: **FY 2024/2025 Budget:** Discussion related to the District's Fiscal Year 2025 budget, as approved at the May 29th Regular Board Meeting. Topics may include the acquisition or disposal of District assets, future needs, current and future tax collections and other topics directly related to the upcoming budget process. Actions may include directing staff to provide specific budgetary and/or expenditure information at a future meeting or work session, but the board will take no action to adopt a Fiscal Year 2025 Budget at this time.

No Board action taken.

Discussion took place regarding the following:

- Draft budget re-posted, per legal advice due to errors in the posting processes first attempt

- Draft budget posted on website
- Public Hearing and Special Meeting moved to July first to meet posting deadline requirements
- Draft budget posted is the same with no changes, as what Board members received on the 29th
- Items later discovered on the Draft budget have yet to be updated
- Draft budget presented today is a working copy only for comparison against Board notes in preparation for the Public hearing July 1st
- Questions on the presented Draft budget should be directed to the Fire Chief Moran

Item 3: **FY 2024/2025 Five-Year Plan:** Review of existing Five-Year Plan, as approved at the May 29th Regular Board Meeting. 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. Actions may include directing staff to provide specific expenditure information at a future meeting or work session, but the board will take no action to adopt a Fiscal Year 2025 Five-Year Plan at this time.

No Board action taken.

Discussion took place regarding the following:

- Possible correction of semiannual to annual on the Chiefs state of the District report

Item 4: **Fire Chief Vacancy:** Review, discussion and possible action to discuss options, candidates and the processes necessary to fill the vacant fire chief position. Additional discussion may include a presentation from Sunsites-Pearce Fire Chief Levi Garner regarding a potential agreement with the Sunsites-Pearce Fire District for shared fire chief services.

Pursuant to A.R.S. 38-431.03(A)(3) the governing board may vote to enter into an executive session for "discussion or consultation for legal advice with the attorney or attorneys of the public body."

Pursuant to A.R.S. 38-431.03(A)(4) the governing board may vote to enter into an executive session for the purpose of discussion or "consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation."

Debi Wise made a motion to deny moving forward on Agenda Item 4 until a Special Meeting can be convened. Dana Law seconded the motion. Motion fails 3-2 with Phyllis Ellis – no, JoAnne Ellsworth - no and Bob Murray – no.

Debi Wise departs meeting at 6:53pm due to potential legal issues
Dana Law leaves meeting at 6:54pm due to potential legal issues

JoAnne Ellsworth made a motion to table discussions for Fire Chief vacancy and have a Work Session to discuss/put together a job description for the interim Fire Chief while working with legal counsel to ensure it stays legally correct. Bob Murray seconded the motion. Motion carries 3-0 with Phyllis Ellis – yes, JoAnne Ellsworth- yes and Bob Murray – yes.

Discussion took place regarding the following:

- Board Chair ego, arrogance and seemingly blatant disregard for law and policy inclusive of misunderstanding and unwillingness to abide by the limited scope of duties held by the Board Chair
- Speculation from Board member that business has been conducted outside of public view
- Speculation that individuals on the Board have conducted business without authorization of the Board as a whole
- Speculation that not all known information has been presented to the entire Board prior to votes
- Boards previous reprimand for not following open meeting laws
- Speculation of violation of open meeting laws presently occurring
- Attorney advice sought prior to meeting by Board Chair
- Board Chair Ellis explained Attorney advised open meeting law has not been violated with current Agenda items
- Public inquiry pertaining to Fire Chief vacancy and if the Board Chair had conversations with the Board as a whole or with Board members individually regarding the subject. Board Chair said no
- Board Chair Ellis explains Chief Garner contacted her in an effort to assist the District, not to obtain the vacant Chief position
- Chief vacancy posting presented tonight is only a rough draft to be worked and revised
- Board Chair Ellis explained Chief Garner advised an intergovernmental agreement with Sunsites Fire District might be possible for assistance in the interim of filling the Chief vacancy
- Board Chair Ellis explained Board members had expressed that they did not want to be without a Fire Chief
- Chief Garner has discussed the intergovernmental agreement with his Board and that Boards attorney
- Board Chair Ellis explains the Mescal-J6 Fire Districts attorney has been consulted about the intergovernmental agreement, no decisions have been made and that it is only being presented to the Board tonight as an option to the Fire Chief vacancy
- Chief Garner explained his surprise to Chief Moran's resignation
- Chief Garner confirmed he reached out to Captain Olander, as the ranking officer in Chief Moran's absence, out of concern and to offer the District assistance. Garner

further added he is not seeking the Chiefs position permanently; he is currently in a full-time job with a contract that extends well beyond MJFDs hiring process for a Chief, he is only offering interim assistance

- Chief Garner corrected Board Chair Ellis previous statement stating he did speak with his Board Chair, but his Board has not yet approved any action and no action has been taken
- Advertising for an interim Chief

Item 5: **Future Meeting Schedule:** Review, discussion and possible action to establish additional work session and/or special meetings for the purpose of filling the vacant fire chief position, reviewing the FY2025 Five Year Plan and/or reviewing the FY2025 Budget

No Board action taken.

6.19.2024 Work Session

6.26.2024 Regular Board Meeting

7.01.2024 Special Meeting and Public Hearing

Item 6: **Adjourn:**

Bob Murray made a motion to adjourn. JoAnne Ellsworth seconded the motion. Motion carries 3-0 with Phyllis Ellis – yes, JoAnne Ellsworth-yes and Bob Murray – yes.

Phyllis Ellis adjourned the meeting. Meeting End Time 1914 hours.

Minutes compiled and submitted by:
Denise Serna
Office Administrator