



Golden Valley Fire District

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MINUTES OF REGULAR MEETING OF THE GOLDEN VALLEY FIRE DISTRICT GOVERNING BOARD

The Governing Board of the Golden Valley Fire District met in regular session on **January 26, 2022 at 9:00 a.m.** The meeting was held at the Golden Valley Fire District Public Safety Training Center, located at 423 South Colorado Road, Golden Valley, AZ 86413. The Board may vote to go into executive session on any agenda item, pursuant to A.R.S. §38-431.03(A) (3) for legal advice with the District's attorney on matters as set forth in the agenda item. Board members or other participants may attend by telephonic conference. The following topics and any variables thereto, will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.

MINUTES

1. CALL TO ORDER.

- Chairperson Foster called the meeting to order at approximately 9:00 a.m.

2. ROLL CALL OF BOARD MEMBERS.

- Director George Payntar; Director Gary Juneau; Clerk Tony DeMaio; Chairperson Sue Foster; Director Jack Hommel were all present.

3. PLEDGE OF ALLEGIANCE.

- The Pledge of Allegiance was recited.

4. APPROVAL OF MINUTES

A. Regular Meeting Minutes of December 15, 2021.

- Director Hommel motioned to approve the minutes as presented. Director Juneau 2nd. All in favor, motioned carried.

5. REPORTS AND CORRESPONDENCE.

A. December 2021 Operational Report. (Chief Cunningham)

- Chief Cunningham stated for the month of December 2021 there were 277 calls total; Station 11 ran 121; Station 12 ran 94; Station 13 ran 54 and 8 at Admin. Total calls for 2021 was 2862 vs 2045 in 2020, this is a 17% increase. Just in the EMS calls alone increased to 24% probably due to Covid. With more residents moving to the area, we are looking to run about 3,000 calls this year.

B. Fire Chief's Report. *The governing body may not propose, discuss, deliberate or take legal action on this matter unless the specific matter is described in detail. Therefore, action taken as a result of the Chief's report will be limited to directing staff to study the matter or scheduling the matter for further consideration and decision at a later date. (A.R.S. 38-431.02. K)*

- District properties – Assistant Fire Chief Martin
 - Station 11 had some signage lights replaced from halogen lights to LEDs, due to the lights burning out from the weather.
 - PSTC had the HVAC repaired
- Equipment – Assistant Fire Chief Martin
 - Attack 125, replaced brake calipers
 - Attack 126, replaced dip stick tube
 - Water Tender 118, replaced four tires
 - Support 117, replaced water pump
 - Attack 115, replaced alternator
 - Brush 116, electrical shortage that operates the fuel injector pump repaired
- Training
 - Public Education Training hosted by Bullhead; we have personnel attending
 - Wildland Engine Boss Training, hosted at the PSTC; two GVFD personnel attended the class

- Hazmat Training, hosted by Lake Havasu Fire; we three personnel attending for their Hazmat Tech.
- Meetings Attended
 - KRMC Pre-Hospital Care
 - Mohave County Economic Developers
 - Wildland Pre-Season Meeting
- Projects in the works
 - ISO Evaluation ongoing
 - Firehouse Sub Grant, for \$34,598.00 submitted by Captain Gifford for a Polaris Ranger for district calls in hard to reach areas and for wildland.
 - Homeland Security Grant, for a generator for the PSTC. The County has asked to use the building for the surrounding area for emergencies. These generators run about \$35,000.
- Thank-You
 - None
- Anniversaries
 - Firefighter Jeremy Celsi with 3 years
 - Captain Boyd Lewis with 19 years

6. BUSINESS. *Public wishing to speak on agenda items must complete a speaker card and present to the Board Clerk prior to the start of the meeting.*

A. Discussion and possible action regarding: Approval of December 2021 Financial Reports.

(Administration)

- Comptroller Kindelberger noted for the month of December 2021, the ending register balance for the warrant account at Wells Fargo Bank was \$1,323,148.21. Payroll account at National Bank of Arizona ending register balance \$88,639.58. Income \$329,922.92; Expenses \$296,364.24.
 - Director Payntar motioned to approve the December 2021 report as presented. Director Hommel 2nd. All in favor, motion carried.

B. Discussion only: Review records request for the month of December 2021. (Administration)

- Comptroller Kindelberger stated on December 1st, Sarah Watkins/Owner requested a fire report, no charge, completed on 12/01. December 9th, O'Steen & Harris Law requested an EMS report, \$2.00 charge, ready on 12/16. December 28th, Metropolitan Reporting requested a fire report, not completed in the month of December.
 - No Action

C. Discussion only: Review of Attorney invoices. (Administration)

- Comptroller Kindelberger state we have an invoice in the amount of \$1,575, \$1,305 is for citizens' complaints regarding the 10% stipend and \$270 is for rescinding the annexation of the Kingman Windmills.
 - No Action

D. Discussion and possible action regarding: Review the board use of tablets in place of printed packets; possible purchase of additional tablets. (Administration)

- Comptroller Kindelberger stated that during the July meeting is where the board voted to purchase one tablet to see how the board members liked it. Each board member had a chance to use it and we are bringing it back to get your opinions on the tablet and to see if the board would like to move forward with purchasing more. Clerk DeMaio stated that personally he thought the tablets were too small, it was more difficult to follow along than the paper. Comptroller Kindelberger stated that the larger tablets are more expensive. Chief Cunningham stated that we are not looking at the upfront cost of the tablet as these will be used for a long time. Director Payntar stated he thought it would be a great idea to use the tablets. It will keep the cost down on the printer, ink and paper. Director Hommel stated he agrees with Director Payntar to keep the cost down on the printing he thinks they should get the tablets. Director Payntar motioned to purchase the tablets, Director Juneau 2nd. Discussion: Clerk DeMaio asked for a show of hands of who would like tablets, two board members raised their hands. Director Juneau rescinded his 2nd, Directory Payntar rescinded his motion and made a new motion.

- Director Payntar motioned to approve admin to purchase two tablets. Director Juneau 2nd. All in favor, motion carried.
- E. Discussion only: Six-month review of the IGA with Northern Arizona Fire District for emergency response services to Chloride. (Hommel)
- Director Hommel wanted to know how this was working out, to see if it is feasible for this district for the overall health and welfare for both districts. Chief Cunningham stated that when it was discussed in July before entering the agreement, I told the board that if we went into the agreement, we will be making about \$300 - \$325 per call. We have run about 30 calls in the last six months, and it puts us right in the average of this amount. We can review this in the last six months of the agreement and review it to see if we need to bump it up in the next budget year. Out of the 30 calls we had one fire and the rest were EMS call, and some of them we were cancelled enroute due to AMR getting there before us. Clerk DeMaio asked if the sever of the IGA with Kingman and Northern Arizona going to affect how we will be doing business with Chloride. Chief Cunningham stated that it wouldn't affect it. Director DeMaio would like to see this on the agenda again to review it at the end of the agreement.
 - No Action
- F. Discussion only: Review opinion letters from the CPA and Attorney regarding the payment of the 10% stipend in lieu of retirement for non-sworn employees. (DeMaio)
- Chairperson Foster stated we have a speaker for this item. Citizen Lovelle Barnett stated that she would like to see the office personnel have a true retirement and has voiced her opinion on this issue a lot. She is glad that it came back to the board so a decision can be made on it. Mrs. Barnett believes the firefighters have been discriminated against with this 10%. The fire personnel and the office personnel both have retirements whether it be via Social Security or PSPRS. This extra 10% gifting should not be handed to them, they don't have any type of certs that requires them to earn this. They are not required to invest any of these wages and the 10% is handed to them each paycheck, there is no oversight and no accounting as to what we, the taxpayers are gifting. The budget shows how much we pay in PSPRS and Social Security, but the district hides the 10% in wages and this is not wages. The 10% is a gift and the fire district owes the fire personnel 10% in back wages because they didn't get the 10%. The fire personnel must be vested in PSPRS but this 10%, there is no vesting for the personnel. Firefighters don't get any of their retirement on their paychecks every month to spend it monthly, retirement is to be collected when they retire from work, not to be added to their monthly wages. Clerk DeMaio thanked Lovell for her comments. DeMaio stated he agrees in some areas and disagrees in other areas. We received letters from our attorney and CPA to the best of their knowledge, what is being done, whether we agree with it or disagree with it, it is not illegal for the department to do it. This has been researched for years and years and with all the research we have done we have put it all in one box, looked at it again, received a determination from not only our legal counsel but from our CPA as well. They gave us these letters, and the reason I wanted these letters is because if there was any questions or complaints about the district looking into this again the letters would be the first documents they would receive from the district. We have spent many hours and many dollars of taxpayer's money researching this, fighting this and answering the complaints, responding to the complaints. These letters will go out as our first response and won't have to involve the attorney's and will save money there. If a citizen comes up with a legal reason, whether it be State or Federal payroll that this is not in ordinance with the law, then we will go to the attorney and fix it. As it is now, regarding this item of the 10% stipend in-lieu of retirement for the non-sworn employees it is not violating any law that we know of or can find. I believe the board, CPA and the attorney has done their part to research this and has found that what we are doing currently is not in any violation of any law. I am directing staff to use these letters as our first response for any complaints that come in regarding this issue. Mrs. Barnett stated that the office people get social security when they retire just like the fire personnel gets PSPRS. Mrs. Barnett stated the 10% is extra, its given to them on their paycheck, they don't have to earn it, they don't have to put any wages or any vesting into it, they get it on their paycheck to spend on whatever, the tax payers don't know what they do with this 10%, whether they put it in a retirement, it's not on the budget and is hidden in the wages.

Nobody seems to know how much the tax payers are paying each year on this 10%, and they get it every paycheck. Clerk DeMaio stated the salaries are listed in the annual budget and if you took the salaries and calculated back the 10% then you would know what they are getting. Mrs. Barnett stated that is true but, it's not wages, it shouldn't be in the wages. Clerk DeMaio stated that his current employer pays social security and has a 401K plan, and his employer cannot tell him how to spend his 401k monies. Mrs. Barnett stated she wanted to see the office girls have a 401 plan or the Arizona State Retirement plan. Director Payntar asked Mrs. Barnett, why do the citizens care what the staff members spend their money on. The citizens don't know if they have a 401K or are putting monies away, it's not the Board, the state, or the citizens reasonability to direct them how to spend their monies. Mrs. Barnett responded that it's not wages, why is it budgeted in wages? It's just given to them. Mrs. Barnett asked how they earn the 10%. Director Payntar stated they earn it by being in the office for hours on end. Mrs. Barnett stated that the office personnel get social security as retirement just like the fire personnel get the PSPRS retirement why do the office people get an extra 10% and the fire guys don't get it? Director Payntar stated that the original intent was that because they didn't qualify for the PSPRS because of not being a sworn employee that the 10% would subsidize their retirement. Director Hommel asked the chairperson to terminate this discussion, due to it being nothing but an argument. Mrs. Barnett asked why her question wasn't being answered, why the office personnel doesn't have a retirement? Comptroller Kindelberger said she could answer it, Mrs. Barnett stated she didn't want her to answer she wanted the answer from the Board. Clerk DeMaio intervened and stated that when he asked this question, he was told that the office personnel were given a choice, and this is what they chose. They were given the choice under what we have now and that's what they chose. It is perfectly legal for the fire district to pay them.

- No Action

G. Discussion and possible action regarding: Removal or change of the 10% stipend in lieu of retirement for non-sworn employees. (DeMaio)

- Chairperson Foster stated that we have a speaker for this item. Mrs. Barnett stated that she already discussed this, and she is done. Clerk DeMaio has brought this to the Board because they know it's a sore subject and has been going on for a long time. With all the information we have received from our attorney and CPA we are not violating any laws and is perfectly legal. In the past I have voiced my opinion on the matter about how I personally feel about the matter, it was brought up again and was not taken away.

- Clerk DeMaio motioned that from today, new non-sworn employees do not receive the 10% stipend, the current non-sworn employees that choose to stay with the current 10% stipend, will be grandfathered in. Moving forward no other employee will have this option. We will come up with something different for the new employees whether it be retirement, PSPRS or something different. Chairperson Foster 2nd.

Discussion: Direct Hommel asked if the Board elects to continue this program for the office personnel and later someone come aboard doing the same job, what is the legal liability and discrimination. Clerk DeMaio stated there won't be because we are allowed to make changes. We can change policies anytime. Comptroller Kindelberger stated you can't offer different benefits to the same class of employees. When you offer benefits to one employee and not the other you get into a discriminatory situation. Clerk DeMaio stated it is perfectly legal to change benefits. Director Hommel stated he disagrees with Clerk DeMaio. Director Juneau stated that what Lovelle's concern is with the 10% is that she wants this to be put away for their retirement plan and not paid to the employee on payroll. Comptroller Kindelberger stated it's not possible to do this and the district has looked at all possible options. All retirement plans are set up to be non- discriminatory therefore the PSPRS sworn employees are already in a social security replacement plan so they would be exempt from the state retirement, but the POC (paid on call firefighters) would not be. We would have to enter all the POC's in order to enter the office staff. Once you work more than 20 hours a week and 20 weeks out of a year you would have to be entered into the state retirement, that's why we can't just carve out the two-office people. Chairperson Foster asked if there are other departments in the area that give the

10% stipend. Chief Cunningham stated that most of the fire departments entered the state retirement a long time ago, we failed to do so. State retirement is not an option now. If we were to do state retirement it would limit how often we could use the part time firefighters. The POC's save us money on overtime. If we limit our POC's then we will end up paying more in overtime. Chairperson Foster rescinded her 2nd of Clerk DeMaio's motion. Clerk DeMaio stated he would like to rescind his original motion.

○ Clerk DeMaio motioned to direct staff to contact legal counsel and have legal counsel at the next meeting, with an executive session and would like legal counsel to give us guidance on whether we can or cannot do this. Director Hommel 2nd. All in favor, motion carried.

- H. Discussion and possible action regarding: Adopting the 2018 Fire Codes; approve resolution regarding same. (Cunningham)
- Chief Cunningham stated that this was brought to the Board last month that we are moving forward with the 2018 Fire Codes, and we just need Board approval and a resolution to move forward.
 - Director Hommel motioned to approve as presented. Clerk DeMaio 2nd. All in favor, motion passed.
- I. Discussion and possible action regarding: Approval of partnership purchase of confined space training vault in the amount of \$900.00. (Hommel)
- Director Hommel stated that the \$900.00 sum is within the spending limits of the Chief. I have asked to have this put on the agenda to make the Board aware of this. As it is known I am a functionary of the Rural Water Association of Arizona, we are federally funded, but in certain areas we don't have funding, for example this vault for confined space training. The \$900.00 is a split of fees between the WAA and GVFD. The vault is being donated from Jenson Pre Cast Concrete in Las Vegas free of charge. The purchase will be two manhole covers, transportation from Las Vegas, a crane from Kingman for a total of \$1800, this to be split with Golden Valley Fire. Valley Pioneer Water has offered the use of an operator and backhoe to dig the location for the vault. We are still working on the dates. The benefit of this is to the public. The confined space training is very difficult and sometime dangerous. In the past a water tank was drained of two million gallons of water to do this training. This training will benefit WAA, Golden Valley and any other public agency who engages in confirmed space training. There will be small fees associated with the training that will be split between Golden Valley Fire and Rural Valley Water of Arizona.
 - No Action
- J. Discussion and possible action regarding: Rural Water Association and So Hi Water District training conference to be held at the GV Public Safety Training Center. (Hommel)
- Director Hommel stated Rural Water is bound by law to provide training to any agency that can benefit from it. Rural Water is asking to use the PSTC for occasional trainings by Rural Water of Arizona.
 - Clerk DeMaio motioned that we allow Rural Water Association, So HI Water and Rural Water of Arizona conference to be held at the Golden Valley Public Safety Training Center along with occasional trainings as needed with the item discussed previously in the confined space training vault. Chairperson Foster 2nd. All in favor, motion carried.

7. CALL TO THE PUBLIC. *Consideration and discussion of comments and complaints from the public. Those wishing to address the Golden Valley Fire District Board need not request permission in advance. The Fire District Board is not permitted to discuss or take action on any item raised in the call to the public, unless the item is specifically noticed for discussion or legal action. However, individual Board members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct that staff review the matter or that the matter be placed on a future agenda. The Fire District Board cannot discuss or take legal action on any issue raised during the Call to the Public that is not on the Agenda due to restrictions of the Open Meeting Law.*

- None

8. ADJOURNMENT.

- Chairperson Foster adjourned the meeting at approximately 9:48 a.m.

MINUTES prepared by: Tina Cripe / Mindy Kindelberger
(This is a working draft, until Board approval)

Date: 01/27/2022

By: _____
Board Clerk, Tony DeMaio

Approved:

DRAFT