

**PONDEROSA FIRE DISTRICT (PFD) GOVERNING BOARD
REGULAR BOARD MEETING MINUTES**

Held September 24, 2020
at Ponderosa Fire District Station 82
11951 W. Shadow Mountain Drive
Bellemont, AZ 86015

- 1. Call to Order/Roll Call:** Chairman Christian called the regularly scheduled Board meeting to order at 6:05 p.m.

Members Present:

Mark Christian, Chairman Julie Mabry, Clerk Thomas Humphrey, Member Marina Mitchell, Member
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Members Absent:

Kurt Wildermuth, Vice-Chairman-excused
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Fire District Personnel Present:

Lee Antonides, Fire Chief

Members of the Community:

Carl Whiting Casey Gonzales, Chapter President of Local 1505 Caleb Garcia, Chapter Exec Vice-President Local 1505

Guests:

Paul Fox, Manager with Stephens & Co.

- 2. Pledge of Allegiance**

- 3. Call to the Public** – none

- 4. Approval of Minutes**

- a. Review of Regular Board Meeting minutes of Thursday, August 20, 2020*

Action: stand approved as written.

- 5. Financial Reports**

- a. Discussion and possible action regarding financial reports – August 2020*

Paul Fox stated that for August 2020 we ended the month with \$521,000 in cash. The general fund has \$84,712. This is a big improvement over the last couple of years. We may need to transfer funds from the capital to make sure we do not go in the red. PSPRS has a liability because Mike Allen and Chris Jeffers needed to be transferred over from DEMA. Paul stated that we had \$108,000 in expenditures and receipts of \$25,531. There is a little bit of a variance with wages but that typically has to do with wildland assignments. Ending year-end projection is \$429,392 which includes the station remodel.

Action: Clerk Mabry made a motion to approve the August 2020 Financial Statements, Member Humphrey seconded; unanimous.

- 6. NEW BUSINESS**

- a. Discussion with Coconino County Attorney regarding conflicts of interests with IGA for Assistance to Firefighter Grant Program*

Chief Lee stated this is a regional grant that we will be done with the Greater Flagstaff Region. Brian Furuya, Deputy County Attorney, stated that Ponderosa Fire District has chosen the county attorney's office to represent them. Other fire districts have chosen to have the county attorney's office to represent them as well. Therefore, Ponderosa Fire District, as well as other fire districts,

need to understand that the Coconino County Attorney's office would represent all fire districts involved equally. Currently, all parties have agreed with this contract. If the Board chooses to adopt this IGA, the District is also adopting the joint representation from the county attorney's office.

Action: Member Humphrey made a motion to accept the IGA as written, Clerk Mabry seconded; unanimous.

- i. A.R.S. § 38-431.03(A)(3); Legal Advice re: appeal filed by Ponderosa Fire District employee

Action: At 6:34 p.m. Member Mitchell made a motion to go into executive session for legal advice, Member Humphrey seconded; unanimous.

RECONVENE: 7:05 p.m.

- b. Presentation of Ponderosa Fire District employee appeal of termination

Discussion:

Deputy County Attorney Furuya: Mr. Chairman and members of the board, as was explained by the chairman, we're here to hear a disciplinary proceeding. This is an appeal. For the next little bit, I'm going to be driving to settle on some procedures, and make sure that the board is dotting I's and crossing T's. With that being said, there are some things that should be clarified first. Mr. Whiting.

Mr. Whiting: Yes, sir.

Deputy County Attorney Furuya: Mr. Whiting, we have scheduled an executive session pursuant to Arizona revised statutes 38-431.03A1. Would you prefer to have this matter heard in executive session? It is your right to have the matter heard in open session. Would you please let the board know what your decision is on whether or not you would like this done open session or an executive session?

Mr. Whiting: I would like to have it in an executive session.

Deputy County Attorney Furuya: Executive session. Have I heard you correctly?

Mr. Whiting: Correct.

Deputy County Attorney Furuya: Thank you. The second thing is pursuant to the district's policy 20.03. This is an appeal pursuant to that policy. You, as the employee, have the obligation to present your stance on the issue. You have the right to produce evidence, call witnesses, and have peer or legal representation. Have you brought legal or peer representation with you?

Mr. Whiting: I have peer representation.

Deputy County Attorney Furuya: Is your peer representation going to be making your case for you?

Mr. Whiting: He'll be speaking partially on my behalf, but I will be making my own case.

Deputy County Attorney Furuya: We'll deal with how you mean that in the executive session, okay?

Mr. Whiting: Yeah.

Deputy County Attorney Furuya: Mr. Chairman, then it would be the advice of counsel that we enter executive session pursuant to ARS 38-431.03A1.

Possible Executive Session relating to the following items pursuant to:

A.R.S. § 38-431.03(A)(1); Personnel Matters; re: firefighter discipline and termination for violation and failure to observe fire district policies.

Action: At 7:09 p.m. Member Humphrey made a motion to go into executive session for personnel matters, Member Mabry seconded; unanimous.

Chairman Christian: Motion is carried. Executive session means that only those who are necessary to the proceeding may remain. That obviously means you, sir. It also means your counsel and witnesses. Who are your witnesses?

Mr. Whiting: We did not bring any witnesses.

Chairman Christian: Then all others will need to clear the bay.

Mr. Whiting: Is Chief part of the executive session, too?

Chairman Christian: Yes, he represents the district.

7. RECONVENE INTO PUBLIC SESSION

- a. Discussion and possible action regarding Ponderosa Fire District employee appeal and board ruling

Deputy County Attorney Furuya: We are convened again in open session now. This is now a public meeting. We now come to the point of this agenda item where the board will take a vote on the question. Shall the district, by its board, uphold or overrule the chief's decision with regard to discipline of Carl Whiting? That is the question. It will be resolved by the making of a motion, recede of a second, and then a vote.

Chairman Christian: This is Mark Christian and I will make a motion that we uphold Chief Antonides disciplinary action for termination of Carl Whiting.

Deputy County Attorney Furuya: We have a motion. Do we hear a second?

Member Mabry: I'll second that.

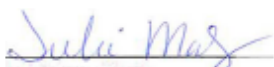
Deputy County Attorney Furuya: We have a second. All in favor?

Together: Aye.

Deputy County Attorney Furuya: Any opposed? Nay? The vote is unanimous. That concludes this agenda item. Mr. Chairman, I will now cede back control of the meeting to you.

Chairman Christian: Thank you, everyone, for being here tonight.

- 8. Adjournment** – At 8:38 p.m. Member Mabry made a motion to adjourn, Member Humphrey seconded; unanimous.



Julie Mabry, Board Clerk