



# Superstition Fire & Medical District

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## Governing Board Special Meeting Minutes June 17, 2017

PURSUANT TO A.R.S. §38.431.02, NOTICE IS HEREBY GIVEN TO THE GENERAL PUBLIC THAT THE SUPERSTITION FIRE & MEDICAL DISTRICT GOVERNING BOARD OF DIRECTORS HELD A MEETING ON SATURDAY, JUNE 17, 2017. THE MEETING WAS HELD AT THE SUPERSTITION FIRE & MEDICAL DISTRICT'S ADMINISTRATION OFFICE, 565 N. IDAHO ROAD, APACHE JUNCTION, ARIZONA.

THIS MEETING WAS OPEN TO THE GENERAL PUBLIC AND BEGAN AT 2:00 P.M.

### A. Call to Order

Chairman Cross called the meeting to order at 2:00 P.M.

### B. Pledge of Allegiance

Pledge of Allegiance was led by Acting Fire Chief Mike Farber.

### C. Roll Call

Chairman Jeff Cross, Clerk Gene Gehrt, Director Todd House, Director Jason Moeller, and Director Larry Strand as present.

Senior Leadership Team in attendance: Acting Fire Chief Mike Farber and Finance Director Roger Wood.

Legal Counsel Donna Aversa was also present for the meeting.

- 1. Executive Session for Legal Advice. The board may vote to go into executive session pursuant to ARS §38-431.03(A)(3) and/or ARS §38-431.03(A)(4) for discussion or consultation for legal advice with an attorney for the district in order to consider the board's position regarding contracts that are subject of negotiations, in contemplated litigation, or in settlement discussions to avoid or resolve litigation as related to the fire chief's employment contract, district's by-laws, and the letter dated May 24, 2017 from the fire chief's attorney regarding breach of contract and possible resolution or compromise of potential claim . (BOD #2017-06-05)**
- 3. Executive session for Legal Advice. The board may vote to go into executive session pursuant to ARS §38-431.03(A)(3) and/or ARS §38-431.03(A)(4) for discussion and consultation for legal advice with an attorney for the district in order to consider the board's position regarding contracts that are subject of negotiations, in contemplated litigation, or in settlement discussion to avoid or resolve litigation as related to June 15, 2017 letter from attorney Kim Mooney. (BOD #2017-06-07)**
- 4. Executive Session for Legal Advice. The board may vote to go into executive session pursuant to §38-431.03(A)(3) for discussion or consultation for legal advice with an attorney for the district regarding interim fire chief. (BOD #2017-06-08)**
- 6. Executive Session for Legal Advice. The board may go into executive session pursuant to ARS §38-431.03(A)(3) for discussion or consultation for legal advice with an attorney for the district regarding Assistant Chief Schirmer's sick leave payout. (BOD #2017-06-10)**
- 8. Executive Session for Legal Advice. The board may vote to go into executive session pursuant to ARS §38-431.03(A)(3) for discussion or consultation for legal advice with an attorney for the district regarding board member fiduciary duties. (BOD #2017-06-12)**

**Motion** by Director Strand at 2:08 P.M. to go into Executive Session pursuant to ARS §38-431(A)(3) and/or ARS §38-431(A)(4) for discussion or consultation for legal advice with an attorney for the district, in order to consider the board's position regarding contracts that are the subject of negotiations, in contemplated litigation, or in settlement discussions to avoid or resolve litigation as related to the fire chief's employment contract, district's by-laws, and the letter dated May 24, 2017 from the fire chief's attorney regarding breach of contract. To consider the board's position regarding contracts that are subject of negotiations, in contemplated litigation, or in settlement discussion to avoid or resolve litigation as related to June 15, 2017 letter from attorney Kim Mooney. For discussion or consultation for legal advice with an attorney for the district regarding interim fire chief. For discussion or consultation for legal advice with an attorney for the district regarding Assistant Chief Schirmer's sick leave payout. For discussion or consultation for legal advice with an attorney for the district regarding board member fiduciary duties. **Seconded** by Director House.

**Vote** 5 ayes, 0 nays. **MOTION PASSED.**

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**\*\*Back in Regular Session at 3:28 P.M. Chairman Cross reminded everyone that items discussed in the executive session is confidential up to returning to regular session.\*\***

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**2. Review, discussion, and possible action regarding the fire chief's employment contract and the letter dated May 24, 2017 from the fire chief's attorney regarding breach of contract and possible resolution or compromise of potential claims. (BOD #2017-06-05)**

Legal Counsel Donna Aversa reminded the board that the settlement that was presented still needed some minor formatting changes, but the substance of the agreement as presented was in tact.

**Motion** by Director House to approve the agreement as presented inform as substantiated as presented and to approve the chair and the clerk to sign on behalf of the fire board. **Seconded** by both Director Moeller and Director Strand.

**Vote** 5 ayes, 0 nays. **MOTION PASSED.**

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**5. Review, discussion, and possible action regarding interim fire chief. (BOD #2017-06-09)**

Legal Counsel Donna Aversa reminded that board that currently Mike Farber was the Acting Fire Chief, this item was brought forth to motion for an Interim Fire Chief until a permanent chief is found through the testing process.

**Motion** by Director Moeller to place Mike Farber as the Interim Fire Chief, until a search for a permanent chief has been completed. **Seconded** by Clerk Gehrt.

**Vote** 5 ayes, 0 nays. **MOTION PASSED.**

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**7. Review, discussion, and possible action regarding Assistant Chief Schirmer's sick leave payout. (BOD #2017-06-11)**

Legal Counsel Donna Aversa introduced this item to the board, stating that Chief Schirmer did resign, however, he did agree to stay on as long as Chief Farber needed and will assist with anything the department needs.

Chairman Cross led the discussion stating that because Chief Schirmer resigned, per policy, he was not entitled to the sick leave payout, Clerk Gehrt, Director Moeller, and Director Strand all stated the same sentiments.

**Motion** by Director House to deny Assistant Chief Schirmer's sick leave payout pursuant to district policy. **Seconded** by Clerk Gehrt.

**Vote** 5 ayes, 0 nays. **MOTION PASSED.**

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**9. Adjourn (BOD #2017-06-13)**

**Motion** by Director House at 3:38 P.M. to adjourn the meeting. **Seconded** by Director Moeller.

**Vote** 5 ayes, 0 nays. **MOTION PASSED.**

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Governing Board Approval:



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Gene Gehrt, Board Clerk

*Jasmin Jones*