



# **Superstition Fire & Medical District**

Phone (480) 982-4440 ~ [sfmd.az.gov](http://sfmd.az.gov)

**Administration Office**  
565 North Idaho Road  
Apache Junction, AZ 85119  
Fax (480) 982-0183

**Regional Training Center**  
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**Fleet & Facilities Services**  
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## **Governing Board Meeting Minutes**

### **November 20, 2019**

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 WEDNESDAY, NOVEMBER 20, 2019. 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 5:31 PM.**

#### **A. Call to Order**

Chairman House called the meeting to order at 5:31 PM.

#### **B. Pledge of Allegiance**

The Pledge of Allegiance led by Director Cross.

#### **C. Roll Call**

Board Members in attendance were Chairman Todd House, Clerk Kathleen Chamberlain, Director Larry Strand, Director Jeff Cross and Director Jason Moeller.

Senior Leadership Team in attendance were Fire Chief Mike Farber, Assistant Chief Richard Mooney, Assistant Chief Rick Ochs, Finance Director Roger Wood, Deputy Chief Jeff Cranmer and Administrative Services Director Anna Butel.

Legal Counsel William Whittington and Board Secretary and HR Generalist Sherry Mueller attended.

#### **1. Review and approval of the October 2019 financial reports and bank reconciliations. (BOD #2019-11-01)**

**Motion** by Director Moeller to approve the October 2019 financial reports and bank reconciliations.

**Seconded** by Director Strand.

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

#### **2. Recognition of employee performance, achievements, and special recognition for community members. (BOD #2019-11-02)**

### **SFMD Early Organizational History – Fire Chief Jim Geil**

#### **November Service Anniversaries**

**28 Years:** Captain / Paramedic **Mark Gomez**

**13 Years:** Information Systems Coordinator - **Lauren Daniel**

**6 Years:** Account Clerk Specialist – AP/AR **Jenn Burke**



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**4 Years: EMT Ron Demarzo**      Paramedic **Trevor Overson**  
                 EMT **Justin Mueller**      Paramedic **Jim Tucci**

**2 Years: Firefighter Mark Nelson**      EMT **Lucas Martinez**  
                 Paramedic **Jake Millan**

### **Special Recognition – Crystal Martin – Paramedic of the Year Award from Banner Goldfield Medical Center**

**3. Call to the Public. (BOD #2019-11-N/A)**  
None.

- 4. Consideration and possible approval of all consent agenda items listed below (BOD #2019-11-03):**
- A. Board Meeting Minutes from October 16, 2019
  - B. Executive Session Minutes from October 16, 2019
  - C. Revised Intergovernmental Agreement with Mesa Fire and Medical Department Regional Dispatch System
  - D. Disposition of Surplus Property
  - E. Renewal Insurance for 7710 for 2020
  - F. Renewal for Pre-Planners LLC

**Motion** by Director Strand to approve consent agenda items A through E.

**Seconded** by Director Cross.

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

There was some discussion pertaining to Consent Agenda Item F.

**Motion** by Director Cross to approve consent agenda item F.

**Seconded** by Director Moeller.

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

- 5. Discussion and possible approval regarding changing the time of future Board of Directors meetings. (BOD #2019-11-04)**

Director Strand proposed a change of time for future Board Meetings to 4:00 p.m. or 7:00 p.m. After some discussion between the Board Members, most agreed that 5:30 p.m. worked best for the majority.

**Motion** by Director Strand to leave the time of future Board Meetings at 5:30 p.m.

**Seconded** by Director Moeller.





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**Vote 4 ayes, 1 nay, MOTION PASSED.**

**Ayes:** Chairman House  
Director Cross  
Director Moeller  
Clerk Chamberlain

**Nay:** Director Strand

**6. Discussion, direction and possible approval on whether or not A.R.S. Statutes would allow the District to not have to get 3 bids for professional services pertaining to the search for the next Fire Chief, alignment of current procurement policy and definition of “professional services”. (BOD #2019-11-05)**

Director Cross stated this came up in the recent Ad-Hoc committee meeting. Legal counsel William Whittington shared that the law states there is no statutory obligation for Fire Districts to go to bid for professional services (unless they adopt a procurement code under state law). Fire Districts are bound by their common law fiduciary standard and take into account the various factors that SFMD deems relevant. Best practice means that Districts have generally adopted a policy for the bidding process they want to use. Most Districts do not go out to bid for professional services.

Director Cross said the Ad-Hoc committee had another question in regard to our procurement policy and if the Board chose to go out for a bid or request an RFP. Legal counsel William Whittington said Staff would want to “paper their file” – call around and develop a sense of what is being charged in the industry to make sure we’re not over-paying for services, and document that in the file to show they met their fiduciary responsibility.

Clerk Chamberlain stated we need to find the best service for the best price. Chairman House would like Chief to direct staff (Human Resources) to look in to getting quotes for services.

Finance Director Roger Wood said we need to realign our current procurement policy to incorporate language to provide an exception for professional services.

**No Motion**

**7. Discussion presentation and possible approval of the following Policies brought for review at the October 16, 2019 Board Meeting for final approval at the November 20, 2019 Board Meeting. (BOD #2019-11-06)**

- 700 – Use of District-Owned Property
- 702 – Vehicle and Apparatus Inspections, Testing, Repair and Maintenance
- 322 – Child Abuse
- 326 – Adult Abuse
- 1040 – Family and Medical Leave



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**MOTION** by Director Strand to approve policies: Use of District-Owned Property, Vehicle and Apparatus Inspections, Testing, Repair and Maintenance, Child Abuse, Adult Abuse and Family and Medical Leave.  
**Seconded** by Director Cross.

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

**8. Discussion and presentation of the following Policies brought for review at the November 20, 2019 Board Meeting for final approval at the December 18, 2019 Board Meeting. (BOD #2019-11-07)**

- **1008 – Tuition Reimbursement**
- **1041 – Military Leave**

There was some discussion with Fire Chief Farber and Board members regarding tuition reimbursement and members who are in the DROP as it applies to promotional opportunities. It was recommended by Director Cross to make sure the current MOU aligns with the Tuition Reimbursement policy,

**No Motion**

**9. Reports (BOD #2019-11-08)**

**Senior Leadership Team (SLT):**

Fire Chief Mike Farber

- Battalion Safety Officer Testing Process 10/10/19
  - Geof Shively was successful in the process
- Veteran's Day Parade 11/11/19
- Doctor Smith – Daughter's funeral 11/19/19
- RBO Labor/Management Summit
- President Elect for Horizon Health and Wellness Board of Directors
- Co-Chair for the TRWC (communication network for the Valley)

Assistant Chief of Operations Richard Mooney

**Incidents**

- Structure Fire, October 17th at 1058 S. Lawther
- Assist MCSO with lost hikers, October 17th in Bulldog Canyon
- Garage Fire, October 31st at 2934 N. Geronimo
- Garage Fire, November 17th at 1135 E. Scenic

**Training**

- TRT Confined Space Drill
- Quarterly Fire Training, Extrication/Air Bag ops.

Assistant Chief of Planning & Logistics Richard Ochs

**Planning & Logistics**

- New Pumper design
- Business Inspection Training





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- Pre-Fire Plans

### **Community Outreach**

- Nov. 23rd Super Scout Day Camp; crew training at LDS Church
- Dec. 7th City of AJ Holiday Event; Booth & EMS Standby, Lead parade with Santa
- Dec. 14th Holiday Outreach at FS265; Superstition Mtn. HOA adopts Headstart families

### **Growth & Development**

- Banner Goldfield Hospital
- Masonic Lodge
- Dutch Brothers Coffee

### Administrative Services Director Anna Butel

- Tactical Athlete
- Solicitation of Interest for the Engineer Promotional process in Spring 2020 – 14 firefighter have expressed interest in the process
- Solicitation of Interest for Paramedic School. 2 candidates, testing process 12/12/19

### Finance Director Roger Wood

- FY 18/19 Financial Audit fieldwork is on-going this week.

- 10. Possible vote to go in to Executive Session for legal advice pursuant to §A.R.S. 38-431.03(A)(3) and possible instructions to legal counsel pursuant to §A.R.S. 38-431.03(A)(4) RE: IRS quarterly payment concerns; reporting requirements; software issues relating to the same. (BOD #2019-11-09)**

Chairman House stated that for transparency purposes, he would prefer to not go in to an Executive Session but have this discussion in public. He would like to go right to agenda item # 11 and the Board Members agreed.

### **NO MOTION**

- 11. Discussion and possible action regarding the Executive Session for the IRS quarterly payment concerns; reporting requirements; software issues relating to the same. (BOD #2019-11-10)**

Fire Chief Mike Farber gave an overview of what occurred. Our accounting software, CYMA, pushes out updates each year with new tax tables and updated forms. In January 2018, the 2018 tax code updates came out, yet the first page of the 2018 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Quarter 941 Quarterly Federal Tax Return form did not have the year updated to 2018. The first page said 2017, yet the second page was updated with the correct year of 2018. (The forms were presented through a PowerPoint presentation.)

The IRS received our 2018 - 3<sup>rd</sup> Quarter tax return payment on November 7, 2018, which had 2017 listed on the first page. (It is important to stress that all employee's payroll taxes have been paid and there is no concern about tax withholding issues for employees.) With the 2017 vs. 2018 year error on page 1, the



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taxes were applied (by the IRS) to 2017 instead of 2018, giving a surplus in 2017. This resulted in a check refund from the IRS to SFMD, which was returned uncashed to the IRS. Then there was a second refund check sent to SFMD by the IRS, which was also sent back uncashed. After a series of communications between SFMD and the IRS, SFMD received a letter from the IRS stating our account was paid in full.

Then, an IRS representative came to SFMD on July 23, 2019 to meet with the Chairman of the Board of Directors. The representative provided different forms that needed to be completed, which were completed and returned to the IRS by SFMD. Yet this effort has not resulted in a complete resolution of the issue.

SFMD has contacted the IRS Tax Advocacy group for assistance in reaching a final resolution, and the matter was given a case number. The IRS representative said the matter should be closed by January 28, 2020.

The Board Members would like to have been notified of this matter sooner. Chairman House would like to get all correspondence to and from the IRS for review. Chairman House would like CYMA to pay the \$810 fee that was charged by the IRS for filing incorrect returns.

**12. Possible vote to go in to Executive Session for legal advice pursuant to §A.R.S.38-431.03(A)(3) and possible instructions to legal counsel pursuant to §A.R.S. 38-431.03(A)(4) RE: pending personnel matter and possible settlement of claim pertaining to the Brooks matter. (BOD #2019-11-11)**

**Motion** by Director Cross to go into Executive Session at 7:02 p.m. for legal advice pursuant to ARS §38-431.03(A)(3) and possible instructions to legal counsel pursuant to §A.R.S. 38-431.03(A)(4) RE: pending personnel matter and possible settlement of claim pertaining to the Brooks matter.

**Seconded** by Director Strand.

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

**13. Discussion and possible action regarding the Executive Session for the Brooks matter.**

The public session resumed at 8:12 p.m.

**Motion** by Director Moeller to direct Fire Chief Mike Farber to tender the demand letter to the insurance company for consideration, administration and handling of the Brooks demand letter. **Seconded** by Director Strand.

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





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### 14. New Business / Future Agenda Items. (BOD #2019-11-12)

Director Strand would like to add an agenda item for December pertaining to the cost of SFMD's Finance Director's operation vs. the cost of the James Vincent Group over a fiscal year.

### 15. Announcements (BOD #2019-11-N/A)

Director Strand thanked Captain Tanner Fox and his crew for their service for his domestic partner's recent emergency.

Director Cross announced he had a very good meeting with the Henry and Horne auditors and thanked Finance Director Roger Wood for all his thorough work and diligence on preparing for the annual audit.

### 16. Adjourn (BOD #2019-11-14)

**Motion** by Director Cross at 8:15 p.m. to adjourn the meeting  
**Seconded** by Director Strand.

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

### Governing Board Approval:

A handwritten signature in black ink, appearing to read "K. Chamberlain", written over a horizontal line.

Board Clerk Kathleen Chamberlain

*Sherry Mueller*