

VERSION 1.0

January 14, 2021



BOARD OF DIRECTORS SPECIAL MEETING

JANUARY 14, 2021

SUPERSTITION FIRE & MEDICAL DISTRICT BOARD

TODD HOUSE, BOARD CHAIRMAN

KATHLEEN CHAMBERLAIN, BOARD CLERK

JEFF CROSS, BOARD DIRECTOR

JASON MOELLER, BOARD DIRECTOR

SHAWN KURIAN, BOARD DIRECTOR



Superstition Fire & Medical District

Serving the Communities of Apache Junction and Gold Canyon since 1955

Phone | (480) 982-4440

Website | sfmd.az.gov

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the citizens of the Superstition Fire & Medical District and the general public that the Superstition Fire Board will hold a Special Board Meeting at **4:30 p.m., Thursday, January 14, 2021**, at the Administration Office located at 565 North Idaho Road, Apache Junction, AZ 85119. The meeting is open to the public or by phone conference at 480-646-1864 pin 1234.

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

The following agenda items are scheduled for discussion at the board meeting. The Governing Board may or may not decide to take action on any or all items. The order of the agenda items may or may not be taken in the order listed.

1. **Call to the Public. (BOD #2021-01-n/a)** A.R.S. §38-431.01(H) A public body may make an open call to the public during a public meeting, subject to a reasonable time, place, and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.
2. Discussion and possible approval of the Consent and Waiver regarding the representation by William R. Whittington of the law firm of BOYLE, PECHARICH, CLINE, WHITTINGTON & STALLINGS, PLLC ("BPCWS") of the SFMD Public Safety Personnel Retirement System Local Pension Board. **(BOD #2021-01-01)**
3. **Possible vote to go into Executive Session. The Board may vote to go into Executive Session pursuant to A.R.S. §38-431.03(A)(1) for personnel matters re: discussion of candidate qualifications and A.R.S. § 38-431.03(A)(3) for legal advice; re: pending Fire Chief's employment issues; the recruitment and selection of the Fire Chief position. (BOD #2021-01-02)**

Note: Executive Sessions are confidential pursuant to A.R.S. §38-431.03(C).

4. **Discussion and possible direction regarding the Fire Chief selection process. (BOD #2021-01-03)**
5. **Discussion and possible direction regarding the next meeting date. (BOD #2021-01-04)**
6. **Adjourn (BOD #2021-01-05)**

NOTICE: The governing board may go into executive session for the purpose of obtaining legal advice from the fire district's attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3). One or more members of the governing board may attend the meeting telephonically. Governing Board meeting agenda dated and posted (at least 24 hours before the scheduled meeting date and time):

Posted on: January 12, 2021 / at 5:00 p.m. / by Sherry Mueller

Administration Office
565 North Idaho Road
Apache Junction, AZ 85119

Regional Training Center
3700 East 16th Avenue
Apache Junction, AZ 85119

Fleet Services
1455 East 18th Avenue
Apache Junction, AZ 85119

Governing Board Meeting – January 14, 2021

Agenda Item: 1

BOD#: 2021-01-n/a

Agenda Item Title

Call to the Public

A.R.S. §38-431.01(H)

A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body.

At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda.

However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

Background / Discussion

Call to the Public is provided so citizens may address the public body (Governing Board) with matters concerning the fire district. Arizona public meeting law provides that the public body may discuss, consider, or decide only matters listed on the agenda and other matters related thereto. Since the public body will generally not know what specific matters may be raised at call to the public, they will be unable to act until the matter is placed on a subsequent meeting agenda (at the Board’s discretion). The Board may also direct staff to follow up on the issue with the citizen.

Scheduled

None



Go to Item 2

Go to Agenda

Governing Board Meeting – January 14, 2021

Agenda Item: #2

BOD#: 2020-01-01

Agenda Item Title

Discussion and possible approval of the Consent and Waiver regarding the representation by William R. Whittington of the law firm of BOYLE, PECHARICH, CLINE, WHITTINGTON & STALLINGS, PLLC (“BPCWS”) of the SFMD Public Safety Personnel Retirement System Local Pension Board.

Submitted By

Fire Chief Mike Farber

Background/Discussion

Please see attached explanation letter from Mr. Whittington.

Financial Impact(s)/Budget Line Item

Enclosure(s)

Explanation Letter

Consent and Waiver form

Recommended Motion

“Motion to approve the CONSENT and WAIVER allowing William R. Whittington of BPCWS to represent SFMD and the Public Safety Personnel Retirement System Local Pension Board.”



Go To Item 3

Go to Agenda

LAW OFFICES
BOYLE, PECHARICH, CLINE, WHITTINGTON & STALLINGS, P.L.L.C.

Robert S. Pecharich	125 North Granite Street	G. Eugene Neil
William R. Whittington	Prescott, Arizona 86301	Bryon M. Ackerman
John C. Stallings	Telephone: (928) 445-0122	Nancy Hargiss–Tatlock
Donald C. Zavala, Jr.	Facsimile: (928) 445-8021	Stephen W. Polk
Jonathan A. Millet	www.prescottlawoffices.com	Tyler J. Godbehere
		Hans N. Clugston, Of Counsel
		James P. Boyle, Jr. (1913–2003)
		Barry B. Cline (1938–2016)
		<i>Serving Arizona since 1950</i>

January 12, 2021

Via Email

Anna Butel, Director of Admin. Services
Superstition Fire & Medical District
565 N. Idaho Road
Apache Junction, AZ 85119
Anna.butel@sfmd.az.gov

Re: Superstition Fire & Medical District PSPRS Board

Dear Anna:

As you know, our office represents the Superstition Fire & Medical District Governing Board, on an ongoing basis, and now the Superstition Fire & Medical District PSPRS Local Board. It has recently been suggested to us that we should obtain consents from both the Public Safety Board and the Fire Board, consenting to our representation of the PSPRS Local Board. This is because the expenses incurred by the PSPRS Board are paid out of the budget approved by the Fire Board. We do not see this as an issue of significant concern, as we exercise independent judgment while representing the PSPRS Board, and exercise no control over the budget development by the District. Nevertheless, this letter is intended to inform you of the various issues relating to that representation.

The nature of our firm's role in advising the District Board and the Pension Board does not preclude effective representation. While the matter is not anticipated to produce contentious matters, each entity may have subtly different interests which need to be taken into account in deciding whether or not we can assist on each participant's behalf. Rest assured that if different needs or perspectives arise which interfere with our independent professional judgment, we would recommend that any affected party secure alternate, independent counsel to resolve the issues.

There is little to no expectation that our firm's individual relationship with each client would change. In such a representation, possible effects on confidentiality and the attorney/client privilege can be of consideration. In this matter, discussions relating to the matter will not be privileged among or between the districts. That being said, confidences

Anna Butel, Director of Admin. Services
Superstition Fire & Medical District
Re: Superstition Fire & Medical District PSPRS Board

January 12, 2021
Page 2 of 2

between the parties in unrelated matters remain as such. No confidential information will be utilized to the advantage or disadvantage of the other.

If you understand the issues outlined above and believe that proceeding with our representation of the Pension Board is desirable, please have both Consent and Waivers approved and executed, and return them to our office. If you have any questions or concerns, please do not hesitate to contact me directly.

Please make sure to place these on the Agenda's for the upcoming respective meetings for each Board's consideration and approval.

Should you have any questions, please feel free to contact us.

Sincerely,

BOYLE, PECHARICH, CLINE,
WHITTINGTON & STALLINGS, P.L.L.C.

A handwritten signature in cursive script that reads "W. R. Whittington".

William R. Whittington, Esq.

WRW/aro

Enclosures

C: Fire Chief
Sherry Mueller
Todd House
Kathleen Chamberlain

CONSENT AND WAIVER

The undersigned hereby consents to the representation by WILLIAM R. WHITTINGTON of the law firm of BOYLE, PECHARICH, CLINE, WHITTINGTON & STALLINGS, PLLC (“BPCWS”), of the Superstition Fire & Medical District Public Safety Personnel Retirement System Local Board.

In connection therewith, the undersigned acknowledges that William R. Whittington and the law firm of BPCWS represent the Superstition Fire & Medical District regarding a variety of matters unrelated, and does hereby waive any conflict of interest arising thereby.

Dated this _____ day of _____, 2021.

SUPERSTITION FIRE & MEDICAL DISTRICT

By: _____
Board Chair

Governing Board Meeting – January 14, 2021

Agenda Item: #3

BOD#: 2021-01-02

Agenda Item Title

Possible vote to go into Executive Session. The Board may vote to go into Executive Session pursuant to ARS §38-431.03(A)(1) for personnel matters re: discussion of candidate qualifications and ARS § 38-431.03(A)(3) for legal advice; re: pending Fire Chief’s employment issues; the recruitment and selection of the Fire Chief position.

Note that executive sessions are confidential pursuant to ARS §38-431.03(C)

Submitted By

Legal Counsel William Whittington

Background/Discussion

Financial Impact(s)/Budget Line Item

N/A

Enclosure(s)

N/A

Recommended Motion

“Motion to go into Executive Session pursuant to ARS §38-431.03(A)(1) at (STATE TIME) for personnel matters and ARS §38-431.03(A)(3) for legal advice re: the recruitment and selection of the Fire Chief position”



Go to Item 4

Go to Agenda

Governing Board Meeting – January 14, 2021

Agenda Item: #4

BOD#: 2021-01-03

Agenda Item Title (Public Session)

Discussion and possible direction regarding the Fire Chief selection process.

Submitted By

Legal Counsel William Whittington

Background/Discussion

Financial Impact(s)/Budget Line Item

Enclosure(s)

N/A

Recommended Motion

TBD



Go to Item 5

Go to Agenda

Governing Board Meeting – January 14, 2021

Agenda Item: #5

BOD#: 2021-01-04

Agenda Item Title (Public Session)

Discussion and possible direction regarding the next meeting date.

Submitted By

Legal Counsel William Whittington

Background/Discussion

Financial Impact(s)/Budget Line Item

Enclosure(s)

N/A

Recommended Motion

“Motion to confirm (State the Date) as the date of the next scheduled Special Board Meeting regarding the Fire Chief selection process.”



Go to Item 6

Go to Agenda

Governing Board Meeting – January 14, 2020

Agenda Item: 6

BOD#: 2021-01-04

Agenda Item Title

Adjournment

Recommended Motion:

“Motion to adjourn the Board meeting.”



[Go to Agenda](#)