

VERSION 1.0
October 20, 2021



BOARD OF DIRECTORS MEETING

October 20, 2021

SUPERSTITION FIRE & MEDICAL DISTRICT BOARD

KATHLEEN CHAMBERLAIN, BOARD CHAIRMAN

JEFF CROSS, BOARD CLERK

TODD HOUSE, 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

Meeting Call-in Number (480) 646-1864 Access Pin Code: 1234

PURSUANT TO A.R.S. §38.431.02

Notice is hereby given to the general public the Superstition Fire & Medical District (SFMD) will hold a meeting on **Wednesday, October 20, 2021**. The meeting will be held at the Superstition Fire & Medical District's Administrative Office, located at 565 N. Idaho Road, Apache Junction, Arizona. The meeting will be open to the general public and will begin at **5:30 p.m.** local time.

- 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. Review and approval of the September 2021 financial reports and bank reconciliations.**
- 2. Recognition of employee performance, achievements, and special recognition for community members.**
- 3. 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 all 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.
- 4. Consideration and possible approval of all consent agenda items listed below:**
 - A. Board Meeting Minutes from September 15, 2021
 - B. Executive Session Minutes from September 15, 2021
 - C. Special Board Meeting Minutes from September 20, 2021
 - D. Fire Inspector Contract for Services with Jerome Hansen
 - E. Lost Dutchman Marathon Medical Staffing Agreement
 - F. Disposition of Surplus Property – Seven Apparatus Seats
- 5. Discussion, consideration, and possible action regarding the approval of the Tentative Amended Budget for Fiscal Year 2021 / 2022 Revenue and Expenditure Budget, and the adoption of Resolution 2021-10-20-06 which sets the date and time for the Special Board following the 20-day Public Comment Period as November 17, 2021 at 5:30 p.m. where the Board will discuss and possibly approve the Final Amended Budget for Fiscal Year 2021 / 2022.**

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

6. **Discussion regarding the certificate of destruction for District records.**
7. **Discussion and possible approval regarding the Fire Chief's annual evaluation process.**
8. **Senior Leadership Team Reports**

Fire Chief John Whitney
Assistant Chief Richard Ochs
Assistant Chief Richard Mooney
Deputy Chief Jeff Cranmer
Administrative Services Director Anna Butel
Finance Director Roger Wood
Transportation Services Director Billy Warren
Captain John Walka

9. **Possible vote to go into 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: the pending White personnel matter; AND**

Possible vote to go into 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: the pending Martinez personnel matter;

10. **Discussion and possible action re: the pending White personnel matter; possible directions to the Fire Chief, staff and legal counsel relating to the same;**
11. **Discussion and possible action re: the pending Martinez personnel matter; possible directions to the Fire Chief, staff and legal counsel relating to the same;**

12. New Business / Future Agenda Items

13. Announcements / Document Signing

14. Adjourn

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: October 14, 2021
At: 1600 Hours
By: Sherry Mueller

The Superstition Fire & Medical District (SFMD) Administrative Office Board Meeting Room is accessible to the handicapped. In compliance with the Americans with Disabilities Act (ADA), those with special needs, such as large-type face print or other reasonable accommodations, may request those through the SFMD Administration Office (480-982-4440) at least 24-hours before the Board Meeting.

Governing Board Meeting – October 20, 2021

Agenda Item: 1

Agenda Item Title

Review and approval of the September 2021 financial reports and bank reconciliations.

Submitted By

Finance Director Roger Wood

Background/Discussion

The District's accounting department staff prepares the monthly financial reports. The District's annual budget, which is adopted by the Board each June for the following fiscal year (July 1 – June 30), is formatted to mirror the monthly financial statements. The financial reports provide the Board with a monthly recap of expenditures and revenues, along with year-to-date account balance information.

In compliance with A.R.S. §48-807(O), the following reports have been added to the monthly financial statements packet:

1. Cash Flow – All Governmental Funds.

The Cash Flow report consists of the combined cash balances of all District Funds. These balances include the General (100), Transport Services (150), Capital Projects (200), Bond Proceeds (300), Special Revenue (400), Debt Principal (500), and Debt Interest (600) Funds. The Cash Flow report is updated monthly with the actual revenues deposited into and actual expenditures disbursed from the District's cash accounts. It is important to note the revenues and expenditures are reported on a Cash Basis. This report is generated to demonstrate that the fire District maintains sufficient cash available to satisfy the projected expenditures budgeted over the course of the fiscal year.

2. Fund Account Bank Reconciliations.

The reconciliation of each of the District's Fund Cash Accounts (General (100), Transport Services (150), Capital Projects (200), Bond Proceeds (300), Special Revenue (400), Debt Principal (500), and Debt Interest (600) Funds) between the Pinal County Treasurer's monthly bank statement and the District's Fund balance sheet report is provided. To signify Board approval of the monthly financial statements and bank reconciliations, the Board Chairman is requested to sign the attached Letter of Acceptance which will be kept on file at the District.

Financial Impact(s)/Budget Line Item

N/A

Enclosure(s)

*Monthly Financials provided under separate cover

Recommended Motion

"Motion to approve the September 2021 financial reports and bank reconciliations."



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Superstition Fire & Medical District
Governing Board Acceptance of Fire District's
Financial Statements and Bank Reconciliations

Pursuant to A.R.S. §48-807, by the signature(s) below, the Governing Board of the Superstition Fire & Medical District attests to the review and approval of the following financial report(s) of the fire district for the month of **September 2021**:

1. Financial Statement
2. Bank Reconciliations
 - a. General (100) Fund
 - b. Transport Services (150) Fund
 - c. Capital Projects (200) Fund
 - d. Bond Proceeds (300) Fund
 - e. Special Projects (400) Fund
 - f. Debt Principle (500) Fund
 - g. Debt Interest (600) Fund

Kathleen Chamberlain, Board Chair

Date



September 2021

Governing Board Meeting – October 20, 2021

Agenda Item: 2

Agenda Item Title

Recognition of employee performance, achievements, and special recognition for community members.

Submitted By

Fire Chief John Whitney

Background/Discussion

This is a recurring monthly item to provide the Board with information concerning superior employee performance, achievements, and special recognition for community members.

October Service Anniversaries

22 Years:

Engineer / Paramedic **Mitch McCollough**

Captain / Paramedic **Craig Horvath**

Battalion Chief **Dave Pohlmann**

Captain / Paramedic **Jeremy Rocha**

14 Years:

Firefighter / Paramedic **Sammy Ramirez**

Captain **Chris Robson**

Captain / Paramedic **John Walka**

7 Years:

Engineer / Paramedic **Jason Chapman**

Firefighter / Paramedic **Sean Matuszewski**

Engineer / Paramedic **Jay Nelson**

Engineer **Casey Schreiner**

Firefighter / Paramedic **Andrew Tryon**

Engineer / Paramedic **Colt Weddell**

6 Years:

Firefighter **Wes Fimbrez**

Firefighter **Trace Leggett**

Firefighter **Trey Schow**

Fire Mechanic II **Roger Nasello**

5 Years:

EMT **Sarah Koupal**



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4 Years:

Firefighter **Chris Wohlforth**

3 Years:

Firefighter **Shane Gereg**

EMT **Stephan Gereg**

Paramedic **Ryan Markham**

2 Years:

Firefighter Recruit **Sedona Aulik**

Firefighter / Paramedic **Joe Potter**

1 Year:

Firefighter **Caleb Brown**

Firefighter / Paramedic **Sophie Boukatch**

Firefighter **Anthony Pezzino**

Firefighter **Luke Mays**

Promotions / Pinning's

Captain **Chris Robson**

Engineer / Paramedic **Dave Endres**

Recognition of Retirements

Engineer **Robert Vande Krol**

Firefighter / Paramedic **Randall Vande Krol**



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Governing Board Meeting – October 20, 2021

Agenda Item: 3

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



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Governing Board Meeting – October 20, 2021

Agenda Item: 4

Agenda Item Title

Consideration and possible approval of all consent agenda items as listed below:

- A. Board Meeting Minutes from September 15, 2021 – **Appendix A**
- B. Executive Session Minutes from September 15, 2021- **Appendix B**
- C. Special Board Meeting Minutes from September 20, 2021- **Appendix C**
- D. Fire Inspector Contract for Services with Jerome Hansen - **Appendix D**
- E. Lost Dutchman Marathon Medical Staffing Agreement – **Appendix E**
- F. Disposition of Surplus Property – Seven Apparatus Seats – **Appendix F**

Background/Discussion

The consent agenda allows the Board of Directors (BOD) to consider contracts, purchases, and other routine administrative matters having authorized funding within the current fiscal year budget as a single decision. Items may be withdrawn from the consent agenda and discussed separately upon request by any member of the BOD or staff. Information for each consent agenda item and corresponding supporting document is within the packet.

Recommended Motion

“Motion to approve the consent agenda items for October 20, 2021.”



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Governing Board Meeting – October 20, 2021

Agenda Item: #5

Agenda Item Title

Discussion, consideration, and possible action regarding the approval of the Tentative Amended Budget for Fiscal Year 2021 / 2022 Revenue and Expenditure Budget, and the adoption of Resolution **2021-10-20-06** which sets the date and time for the Board following the 20-day Public Comment Period as November 17, 2021 at 5:00 p.m. where the Board will discuss and possibly approve the Final Amended Budget for Fiscal Year 2021 / 2022.

Submitted By

Fire Chief John Whitney
Finance Director Roger Wood

Background/Discussion

A Tentative Amended Fiscal Year 2021 / 2022 Revenue and Expenditure Budget is scheduled to be adopted at this board meeting in correlation with the opening of a 20-day public comment period.

The Board will be presented with a budget that may still be modified and adjusted as the Board decides. It is suggested that the Board adopt a tentative budget by adopting **Resolution 2021-10-20-06** at this meeting after any adjustments, changes, or other modifications. This allows sufficient time for staff to post the budget as required by law and meet timelines necessary for allowing at least 20-day public review and comment period.

The Tentative Amended Budget the Staff is presenting represents a tax rate of \$3.25 per hundred dollars of secondary valuation for District operations, a \$0.25 special assessment related to the Tax Override Initiative, and a \$0.13 special assessment related to the JPMorgan Chase Refinancing Bond debt principal and interest repayment.

Staff Recommendation:

Approval of **Resolution 2021-10-20-06**: Tentative Amended FY 2021 / 2022 Budget

Financial Impact(s)/Budget Line Item

N/A

Enclosure(s)

Resolution 2021-10-20-06

Recommended Motion:

“Motion to Adopt Resolution 2020-10-20-06 adopting a tentative amended budget in the amount of \$55,056,329.67 for the fiscal year beginning July 1, 2021 and ending June 30, 2022 and giving notice to the public of the tentative budget, as well as a time and place for a public meeting to hear comments prior to final adoption of the budget as required by law.”



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RESOLUTION 2021-10-20-06
Superstition Fire & Medical District Medical
BUDGET HEARING

A RESOLUTION OF THE CHAIRMAN AND GOVERNING BOARD OF DIRECTORS OF THE SUPERSTITION FIRE & MEDICAL DISTRICT, ADOPTING A TENTATIVE AMENDED BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022, AND GIVING NOTICE OF THE TIME AND PLACE FOR HEARING TAXPAYERS COMMENTS PRIOR TO THE ADOPTION OF THE BUDGET.

WHEREAS, in accordance with the provisions of Section 48-805, Arizona Revised Statutes, the Governing Board has on this twentieth day of October 2021, made amended tentative estimates of the amount required to meet the public expenses for the ensuing year, and the receipts from sources other than direct taxation by the Superstition Fire and Medical District; and

WHEREAS, in accordance with said section of the Arizona Revised Statutes, the Governing Board wishes to establish a date of public comments.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF DIRECTORS OF THE SUPERSTITION FIRE AND MEDICAL DISTRICT AS FOLLOWS:

That the amended estimates of revenues and expenditures provided for adoption now establish the adopted estimates of the proposed expenditures by the Superstition Fire & Medical District for the fiscal year beginning July 1, 2021 and ending June 30, 2022, and;

The Governing Board of Directors hereby authorizes the Clerk of the Superstition Fire & Medical District to publish, in the manner prescribed by law, the adopted estimates. The Governing Board of Directors will meet for the purpose of holding a public hearing and taking public comment prior to adopting the annual budget for the 2021 / 2022 fiscal year for the Superstition Fire & Medical District, on November 17, 2021. The hearing and meeting will take place at 5:00 p.m. at the Administrative Office, located at 565 N. Idaho Rd., Apache Junction, Arizona.

PASSED AND ADOPTED THIS TWENTIETH DAY OF OCTOBER 2021, BY THE CHAIRMAN AND GOVERNING BOARD OF DIRECTORS OF THE SUPERSTITION FIRE & MEDICAL DISTRICT.

Kathleen Chamberlain, Board Chairman

Jeff Cross, Board Clerk

Todd House, Board Director

Jason Moeller, Board Director

Shawn Kurian, Board Director

Signed Copy on File with Board Secretary

Governing Board Meeting – October 20, 2021

Agenda Item: #6

Agenda Item Title

Discussion regarding the certificate of destruction for District records

Submitted By

Anna Butel
Fire Chief Whitney

Background/Discussion

The Superstition Fire & Medical District follows and complies with the Arizona State Library Archives and Public Records retention schedule. The records maintained by Arizona’s state and local governments are among the most valuable resources in their care.

Permanent records have enduring, historical, or research value that is retained permanently in an office or the Arizona State Archives after a period of use. Records are considered permanent if they have enduring administrative, fiscal or legal value to government or if they possess significant secondary research value beyond those for which they were created.

As you are aware, SFMD board meetings (including executive sessions) are recorded to assist in the production of minutes. The following is being adhered to, and we are moving forward with destruction to comply with the records retention schedule. Please see the schedule below.

Record Series Number	Record Series Title	Retention Period	Retention Remark	Legal Citation(s)	Approval Date
10262	Minutes Records - Audio or Video Recordings of Meetings These records are created by public bodies that are subject to open meeting law. The purpose of these recordings is to assist in the transcription / creation of the Minutes. Includes Governing boards, commissions, committees and councils; other decision	3 Months	After date of meeting and after minutes transcribed or summarized and approved.		12/29/2015

Financial Impact(s)/Budget Line Item

N/A

Enclosure(s)

Records Destruction List 9-20-2021

Recommended Motion

N/A



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Governing Board Meeting – October 20, 2021

Agenda Item: #7

Agenda Item Title

Discussion and possible approval regarding the Fire Chief’s annual evaluation process.

Submitted By

Board Chairman Chamberlain

Background/Discussion

As part of the Fire Chief’s contract, the SFMD Board of Directors will conduct an evaluation at the six-month mark. The evaluation form lays out goals and objectives for the Fire Chief on an annual basis. This form will create a record of those goals and feedback the Chief receives.

Financial Impact(s)/Budget Line Item

N/A

Enclosure(s)

Fire Chief Evaluation Form

Recommended Motion

“Motion to approve the Fire Chief Evaluation Form”



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Superstition Fire & Medical District

Fire Chief Performance Evaluation Process

Purpose:

The Fire Board shall evaluate the Fire Chief's performance on an annual basis. This document sets forth the process to be used by the Board in its annual evaluation of the Fire Chief.

Process:

1. The Administrative Services Director will provide the Governing Board the Fire Chief Performance Evaluation packet in the November Board meeting.
2. The Governing Board members will return completed evaluations to the Administrative Services Director within two weeks after receiving the Performance Evaluation packet.
3. The Administrative Services Director will compile the responses into one packet and distribute to the Governing Board Members in preparation for the December board meeting.
4. Barring any corrections or changes, the Governing Board Chair may convene an executive session at the December meeting. The board members and the Fire Chief will discuss the responses from the completed packet.
5. Upon completion of the evaluation process, the Board Chair, Board Clerk, and Fire Chief will provide a signed copy to the Administrative Services Director for inclusion in the Fire Chief's personnel file.
6. The Board Chair will announce at the Board Meeting that the process was conducted and completed.

Instructions:

There are four primary areas of this evaluation;

- Operational and Strategic Initiatives
- Organizational Culture
- Financial accountability
- Board, Stakeholder, and Community Relations

The Fire Chief is responsible for:

Indicating progress toward goals on this form. Goals that were not achievable due to shifting priorities can be modified as needed. Goals will be evaluated using a Not Started (NS), In Progress (IP), and Completed (C) scale. Following each rating, there will be a section to describe success, obstacles, and resources associated with each category.

The Fire Chief will also provide a self-evaluation for the competencies associated with each area. These will be evaluated using a Growth Required (GR), Meets Expectations (ME), and Exceeds Expectations (EE) scale.

The Fire Chief will also prepare three developmental goals for the next rating period. These can include stretch assignments, formal training, leadership position in other agencies, and informal training.

Each Board Member is Responsible for:

Reviewing the attached information along with observations, feedback, and other interactions to provide a rating for each of the four sections.

5	4	3	2	1
<i>Exceeds Expectations</i>		<i>Meets Expectations</i>		<i>Growth Opportunity</i>

The Scale in [Appendix A](#) will be used for this evaluation.

The Fire Board Chair is responsible for:

Coordinating with staff to hold an Executive Session item for Fire Chief Performance Evaluation to provide feedback from the recommendations of the different board members.

The Fire Chief will then:

Modify the goals of each section based on the feedback, progress, and other factors and use these to guide actions during the next evaluation period.

Operational and Strategic Initiatives:

To demonstrate success in this category, the Chief shall align systems, processes, people, and technology to achieve strategic initiatives and organizational success. The Chief will consider innovative and creative ways to address challenges and opportunities. Communication and motivation of staff to achieve objectives will be critical.

Goal	Status

Fire Chief comments regarding operational and strategic initiative goal success, obstacles, and resources allocated:

--

Board Member Rating - Operational and Strategic Initiatives:	<u>Rating (1-5):</u>
Governing Board Member Comments:	

Organizational Culture:

To demonstrate success, the Fire Chief shall develop and maintain a results-driven, accountable, and customer-focused culture. The Chief will create a culture that leverages diversity, manages conflict, develops others, and builds successful teams. The Chief will develop and execute a strategy that best uses available resources and capabilities.

Goal	Status

Fire Chief comments regarding organizational culture goal successes, obstacles, and resources allocated:

--

**Board Member Rating -
Organizational Culture**

Rating (1-5):

Governing Board Member Comments:

Financial Accountability:

To demonstrate success, the Chief will prepare and maintain a budget to achieve organizational goals and strategic initiatives. The Chief will exercise fiscal responsibility to maximize funds and research other funding opportunities. The Chief will monitor expenditures, set financial priorities, and develop a strategy for future spending.

Goal	Status

Fire Chief comments regarding financial accountability goal success, obstacles, and resources allocated:

Board Member Rating - Financial Accountability	<u>Rating (1-5):</u>
Governing Board Member Comments:	

Board, Stakeholder, and Community Relations:

The Chief will engage in effective, transparent, and clear communication with different stakeholder groups to demonstrate success. The Chief will demonstrate the ability to build coalitions with other local, state, and federal agencies to achieve common goals. The Chief will ensure that both internal and external communications foster trust and demonstrate accountability.

Goal	Status

Fire Chief comments regarding Board, stakeholder, and community relations; goal successes, obstacles, and resources allocated:

**Board Member Rating -
Board, Stakeholder, and Community Relations**

Rating (1-5):

Governing Board Member Comments:

Overall Performance:

This area is provided as an additional opportunity for Board Member feedback on Fire Chief performance.

Governing Board Member Comments - Overall Performance:

Fire Chief Self Evaluation Competency Assessment:

These will be evaluated using a *Growth Required (GR)*, *Meets Expectations (ME)*, and *Exceeds Expectations (EE)* scale. It is expected that some competencies may require growth, so please evaluate honestly.

Competency	Rating	Competency	Rating
Action Oriented		Interpersonal Savvy	
Active Listening		Learning Agility	
Approachability		Managerial Courage	
Business Acumen		Managing Diversity	
Caring about Direct Reports		Managing Through Systems	
Communication (Verbal)		Managing Vision and Purpose	
Communication (Written)		Motivating Others	
Compassion		Negotiation	
Composure		Organizational Agility	
Conflict Management		Organization Skills	
Confronting Direct Reports		Patience	
Customer Focus		Peer Relationships	
Dealing with Ambiguity		Perseverance	
Dealing with High-Status Individuals		Planning	
Decision Quality		Political Savvy	
Developing Direct Reports		Presentation Skills	
Directing Others		Priority Setting	
Effective Team Building		Problem Solving	
Ethics and Values		Process Management	
Fairness to Direct Reports		Self-Development	
Functional/Technical Skills		Self-Knowledge	
Humor		Strategic Agility	
Innovation		Time Management	
Integrity and Trust		Timely Decision Making	
Intellectual Capacity		Work/Life Balance	

Individual Development Plan:

Please prepare at least three developmental goals for the rating period. These can include stretch assignments, formal training, leadership positions in other agencies, and informal training.

Developmental Goal #1

Developmental Goal #2

Developmental Goal #3

Developmental Goal #4

Board Member Comments

Fire Chief

Date

Board Chair

Date

Appendix A:

The Board will use the information provided, observations, and feedback to provide ratings.

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">5 - Exceeds Expectations</p>	<p>Aligns people, process, and systems with mission activities and strategic initiatives in a creative and innovative way</p> <p>Engages staff to embrace change and achieve high standards</p> <p>Forecasts situations, develops plans to achieve them, and communicates specific strategies to staff</p> <p>Analyzes budgets and considers creative ways to gain funding or shift priorities</p> <p>Actively seeks the input of others when analyzing situations and determining the appropriate response</p> <p>Achieves majority of stated goals and objectives that are controllable</p> <p>Demonstrates long-term vision for all evaluation areas</p> <p>Creates a high performing organization and engages staff to achieve high standards of performance, customer service, and communication</p> <p>Exhibits a high degree of self-development, encourages feedback from others and demonstrates improvements</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">3 - Meets Expectations</p>	<p>Aligns people, process, and systems with a majority of mission activities and strategic initiatives; develops plans to address areas that are not aligned</p> <p>Able to forecast situations and address them in a proactive manner</p> <p>Communicates with trust, confidence, and appropriate tone in most situations</p> <p>Reviews budgets and recommends changes</p> <p>Analyzes situation and develops creative or innovative solutions where appropriate</p> <p>Achieves stated goals and objectives</p> <p>Able to demonstrate vision for most evaluation areas</p> <p>Most staff are engaged to demonstrate high performing work behaviors for performance, customer service, and communication</p> <p>Aware of most growth areas and is able to develop strategies to address these</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">1 - Growth Opportunity</p>	<p>Some alignment of people, process, and systems with organizational mission and strategic planning</p> <p>Demonstrates a reactive approach to some situations that could have been addressed proactively</p> <p>Engages in communication that can be perceived as vague or unclear on some occasions</p> <p>Demonstrates a methodical approach to decisions that may lack innovation or creativity</p> <p>Adheres to current budget without modification based on revised needs or changes to funding sources</p> <p>Adopts short-term approach to goals and timelines</p> <p>Achieves minimal stated goals and timelines</p> <p>Exhibits some behaviors that are consistent with a high performing work organization, but not all staff are engaged to achieve the goals</p> <p>Not able to identify growth areas and develop plans for self-development</p>

Governing Board Meeting – October 20, 2021

Agenda Item: 8

Agenda Item Title

Reports

Background / Discussion

This item is for the fire chief and his staff to share information with the Board of items occurring within, or related to, the fire district. Any item shared is for information only. Upon request of the Board, any item shared during this agenda item may be moved to the agenda for future meetings. Board discussion, other than clarifying questions, cannot occur and no action, position, or direction may occur until the specific item is placed on the agenda.

- Senior Leadership Team
- Labor

Recommended Motion:

N/A



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Governing Board Meeting – October 20, 2021

Agenda Item: 9

Agenda Item Title:

Possible vote to go into 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: the pending White personnel matter; AND

Possible vote to go into 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: the pending Martinez personnel matter;

Submitted By:

Legal Counsel William Whittington

Background/Discussion:

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

Note: Legal action involving a final vote or decision shall not be taken at an executive session.

Financial Impact:

N/A

Enclosure(s):

None

Recommended Motion:

“Motion to go into Executive Session #1 at (State Time) 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: the pending White personnel matter; AND Motion to go into Executive Session #2 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: the pending Martinez personnel matter.”



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Governing Board Meeting – October 20, 2021

Agenda Item: 10

Agenda Item Title

Public Session. Discussion and possible action re: the pending White personnel matter; possible directions to Fire Chief, staff and legal counsel relating to the same.

Submitted By

Legal Counsel William Whittington

Financial Impact(s)/Budget Line Item

Enclosure(s)

n/a

Recommended Motion

TBD



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Governing Board Meeting – October 20, 2021

Agenda Item: 11

Agenda Item Title

Discussion and possible action re: the pending Martinez personnel matter; possible directions to Fire Chief, staff and legal counsel relating to the same.

Submitted By

Legal Counsel William Whittington

Financial Impact(s)/Budget Line Item

Enclosure(s)

n/a

Recommended Motion

TBD



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Governing Board Meeting – October 20, 2021

Agenda Item: 12

Agenda Item Title

New Business / Future Agenda Items

Financial Impact

N/A

Enclosure(s)

N/A

Recommended Motion:

"TBD"



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Governing Board Meeting – October 20, 2021

Agenda Item: 13

Agenda Item Title

Announcements and Document Signing

Background / Discussion

The BOD and staff may share and discuss items to be placed on future BOD agendas.

Recommended Motion:

N/A



Go to Item 14

Go to Agenda

Agenda Item Title

Adjournment

Recommended Motion:

“Motion to adjourn the Board meeting.”



Appendix A

A. Board Meeting Minutes from September 15, 2021

Submitted By

Board Secretary Sherry Mueller

Background / Discussion

The board meeting minutes of the previous meeting(s) are provided for the BOD to approve. If the BOD would like to discuss the minutes, they may be removed from the consent agenda. After approval, minutes are signed by the Clerk of the Board and kept as the official public record.

Financial Impact/Budget Line Item

N/A

Enclosure(s)

September 15, 2021 Board Meeting Minutes





Superstition Fire & Medical District

Phone (480) 982-4440 ~ sfmd.az.gov

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

Regional Training Center
3700 East 16th Avenue
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Fax (480) 982-3268

Fleet & Facilities Services
1455 East 18th Avenue
Apache Junction, AZ 85119
Fax (480) 983-7443

Governing Board Meeting Minutes

September 15, 2021

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, SEPTEMBER 15, 2021. 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 (VIA CONFERENCE CALL) AND BEGAN AT 2:00 PM.

A. Call to Order

Chairman Chamberlain called the meeting to order at 2:00 PM.

B. Pledge of Allegiance

The Pledge of Allegiance led by Savannah (Assistant Chief Ochs' Granddaughter)

C. Roll Call

Board Members in attendance were Chairman Kathleen Chamberlain, Clerk Jeff Cross and Director Jason Moeller (Moeller by conference phone). Director Shawn Kurian and Director Todd House were not present.

Senior Leadership Team in attendance were Fire Chief John Whitney, Assistant Chief Rick Ochs, Assistant Chief Richard Mooney, Deputy Chief Jeff Cranmer, Finance Director Roger Wood, Administrative Services Director Anna Butel and Transportation Services Director Billy Warren. Also in attendance was Sherry Mueller, Human Resources Generalist / Board Secretary and Legal Counsel William Whittington.

1. Review and approval of the August 2021 financial reports and bank reconciliations. (BOD #2021-09-01)

Motion by Clerk Cross to approve the August 2021 financial reports and bank reconciliations.

Seconded by Director Moeller

Vote 3 ayes, 0 nays, **MOTION PASSED.**

2. Recognition of employee performance, achievements, and special recognition for community members. (BOD #2021-09-02)

30 Years of Service: Assistant Chief **Rick Ochs**

29 Years of Service: BSO / Captain / Paramedic **Mike Paul**

23 Years of Service: Firefighter **Nat Erickson**

Firefighter **Shorty Johnston**

Assistant Chief **Rich Mooney**

Engineer **Jose Sepulveda**



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21 Years of Service: Engineer **John Taylor**

19 Years of Service: Engineer/Paramedic **Jim Crowley**

Captain/Paramedic **Craig Halver**

Engineer **Aaron McDonald**

16 Years of Service: Training Captain/Paramedic **Tanner Fox**

Engineer **Rob McMinn**

Firefighter/Paramedic **Randy VandeKrol**

15 Years of Service: Firefighter/Paramedic **Eric Ellsworth**

Captain/Paramedic **Dustin Farber**

Firefighter/Paramedic **Ken Simkins**

4 Years of Service: EMT **Jack Hafer**

Firefighter/Paramedic **Trenton McMinn**

Firefighter **Zachary Leon**

3 Years of Service: Firefighter/Paramedic **Travis Yates**

Recognition of Promotions: Chris Robson / Captain & Dave Endres / Engineer

Recognition of Retiree: Andy Kuhn Captain/Paramedic 1989 - 2021

3. Call to the Public. (BOD #2021-09-03)

Due to the Covid-19 virus, the Board Meeting was a closed-door meeting to the public. A notice was posted on our website, front door, Regional Training Center and Station 264 with our conference call number and pin code if anyone from the public wanted to call in and listen to the meeting. There was no person from the public over the conference phone.

NONE

4. Consideration and possible approval of all consent agenda items listed below (BOD #2021-09-04):

- A. Board Meeting Minutes from August 18, 2021
- B. Executive Session (#1) Meeting Minutes from August 18, 2021
- C. Executive Session (#2) Meeting Minutes from August 18, 2021
- D. Work Session Minutes from September 1, 2021

Motion by Director Moeller to approve all consent agenda items for September 15, 2021.

Seconded by Clerk Cross

Vote 3 ayes, 0 nays, MOTION PASSED



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5. Discussion, presentation, and possible approval of the 2020/2021 Annual Report and possible adoption of Resolution 2021-09-15-05. (BOD #2021-09-05)

This item comes before the Board on an annual basis. The annual report provides an overview of SFMD's performance over the last fiscal year. The report provides insight across all departments of the SFMD and its impact on our community. Some highlights included in the annual report:

- Fire Chief John Whitney joined SFMD on June 1, 2021
- Annexation of 2800 acres in to the District increasing the square miles from 60.55 to 70.98
- Response Standards
 - Total Incidents: 10,729
 - Average Response Time Emergent Incidents: 4:32
 - Call Volume – 5 Year Projection – 4.2% Increase
- Fire Suppression
 - Pre-Incident Value of Property & Content: \$10.9 million
 - Value of Property & Content Saved: \$7.9 million
 - Percentage of Property & Content Saved: 72%
- Emergency Medical Services
 - 2020 Cardiac Arrests – SFMD Survival Rate: 27.3%
 - COVID-19 – Suspected or Confirmed COVID Incidents requiring EMS Services: 983
 - EMS Call Types: General Medical 38%, Illness 17%, Pain 14%, Respiratory 7%, Behavioral 7%, Injury 6%, Cardiac 5%, Substance Abuse 4%, Neurological 1%, Stroke 1%
 - Transport Service Requests: ALS Transports 4,675, BLS Transports 781
- Training
 - Total training hours: 32,697
- Community Services
 - Fire Investigations 21, Business Inspections 535, Plan Reviews 131
 - Demonstrations of Hands-Only CPR - 90
- Annual Budget
- Promotions
- Retirements

Motion by Clerk Cross to approve the 2020/2021 Annual Report and adoption of Resolution 2021-09-15-05: Formally Adopting the 2020/2021 Annual Report

Seconded by Director Moeller

Vote 3 ayes, 0 nays, MOTION PASSED



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6. Discussion, presentation, and possible approval of the SFMD Governing Board Handbook and Bylaws version September 15, 2021. (BOD #2021-09-06)

During the recent work session to review and discuss the Governing Board Bylaws, suggested changes were made and the final version was presented to the Board for final approval.

Motion by Clerk Cross to approve the September 15, 2021 version of the SFMD Governing Board Handbook and Bylaws.

Seconded by Director Moeller

Vote 3 ayes, 0 nays, MOTION PASSED

7. Discussion, presentation, and possible approval of the SFMD policies 1000 Recruitment and Selection, 1002 Promotions and Transfers, 1003 Position Descriptions, 1004 Classification Specifications and Mandatory Hire Back for Overtime Policy. Additionally, remove policies 1005 Career Tracks, and 1006 Fire Officer Development and relocate the following forms; Employee Grievance, Employee Concern, Citizen Concern, Employee Corrective Action, and Educational Requirements to new locations. (BOD #2021-09-07)

Motion by Clerk Cross to approve policies 1000 Recruitment and Selection, 1002 Promotions and Transfers, 1003 Position Descriptions, 1004 Classification Specifications and Mandatory Hire Back for Overtime Policy. Additionally, remove policies 1005 Career Tracks, and 1006 Fire Officer Development and relocate the following forms; Employee Grievance, Employee Concern, Citizen Concern, Employee Corrective Action, and Educational Requirements to new locations.

Seconded by Director Moeller

Vote 3 ayes, 0 nays, MOTION PASSED

8. Discussion and possible action regarding the Fire Chief's annual evaluation process. (BOD #2021-09-08)

The Board Members had a group discussion with Fire Chief Whitney regarding the options for the upcoming Fire Chief Evaluation process and forms.

No Motion

9. Senior Leadership Team Reports (BOD #2021-09-09)

Fire Chief Report

- DPCA Award Breakfast – Tina Gerola
- BC Promotional
- AJ City Council & FIDO Bags, Public Engagements



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- TSP Part-Time
- Fire Chief Seminar
- Superstition Vistas
- County Economic Development Meeting
- Organizational Chart

Fire Prevention and Community

- Chief Mooney and Tina Gerola transition
 - Fleet & Facility Services
 - Special Events Contracts (EMS)
 - Plan Review
- Hazard Tag(s) process changes
- Queen Creek Fire Station Tours

Growth & Development

- Axiom Health Expansion
- Fuel Station/Car Wash with Convenience Store and Fast Food Restaurant.
- Abrazo Funeral Parlor
- Breaking Ground: Popeye's, Gold Canyon Medical, Hampton East III (195), Superstition Vista (256), Entrada Del Oro (367) and Ironwood Station (96)

Operations

- Monthly Call Volume for August 2021: 820 / YTD Through August 2021: 7144
- Total Incidents for August 2021: 820 / Total Incidents YTD Through August 2021: 7144
- Phoenix Regional Fire Academy Recruits
- Gilbert Regional Fire Academy Recruits
- Wildland – UTV Medical Jeremy Rocha, Matt Leon

Transportation Services

- Monthly Call Volume: June 2021 - 393; July 2021 – 455; August 2021 - 447

Administrative Services

- New Employee Onboarding – 13
- Recruit Hiring After-Action
- Open Recruitments
- Fleet and Facilities Support Specialist –Closes 9/26/21
- TSP Paramedic – Closes 9/30/21
- Captain – Slated for Spring 2022
- Engineer Reading List – Slated for Fall 2022

Finance / Accounting Services



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- Continue efforts to secure CARES Act funding from Pinal County Board of Supervisors
- Audit preparation
- Budget amendment modeling
 - Tentative Amended Budget to be presented at October board meeting
 - Final Amended Budget to be presented at November board meeting

10. Possible vote to go into 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: the pending White personnel matter; upcoming hearing regarding the same. (BOD #2021-09-10)

Motion by Clerk Cross to go into Executive Session at 3:04 p.m. 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: the pending White personnel matter; upcoming hearing regarding the same.

Seconded by Director Moeller

Vote 3 ayes, 0 nays, MOTION PASSED

Executive Session adjourned at 3:44 p.m.

11. Public Session. Discussion and possible action re: the pending White personnel matter; upcoming hearing regarding the same; possible directions to the Fire Chief, staff and legal counsel relating to the same. (BOD #2021-09-11)

The Board was back in Public Session at 3:45 p.m. No Motion. Chairman Chamberlain removed item #11.

12. New Business / Future Agenda Items (BOD #2021-09-12)

Fire Chief Whitney asked the Board Members if they would be available for a Special Board Meeting on Monday, September 20, 2021 at 10:00 a.m. The Board Members in attendance said they are available on that date and time.

13. Announcements / Document Signing (BOD #2021-09-13)

14. Adjourn (BOD #2021-09-14)

Motion by Clerk Cross to adjourn the Board Meeting at 3:51 p.m.

Seconded by Director Moeller

Vote 3 ayes, 0 nays, MOTION PASSED

Governing Board Approval:

Board Clerk Jeff Cross
Sherry Mueller

Appendix B

B. Executive Session Minutes from September 15, 2021

Submitted By

Board Secretary Sherry Mueller

Background / Discussion

Executive Session Minutes are not for official public record.

Financial Impact/Budget Line Item

N/A

Enclosure(s)

N/A



Appendix C

C. Special Board Meeting Minutes from September 20, 2021

Submitted By

Board Secretary Sherry Mueller

Background / Discussion

The board meeting minutes of the previous meeting(s) are provided for the BOD to approve. If the BOD would like to discuss the minutes, they may be removed from the consent agenda. After approval, minutes are signed by the Clerk of the Board and kept as the official public record.

Financial Impact/Budget Line Item

N/A

Enclosure(s)

Special Board Meeting Minutes from September 20, 2021





Superstition Fire & Medical District

Serving the Communities of Apache Junction and Gold Canyon since 1955

Phone | (480) 982-4440

Website | sfmd.az.gov

Governing Board Special Meeting Minutes

September 20, 2021

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 WORK SESSION MEETING ON MONDAY, SEPTEMBER 20, 2021. 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 (VIA CONFERENCE CALL) AND BEGAN AT 10:00 AM.

A. Call to Order

Chairman Chamberlain called the meeting to order at 10:00 AM.

B. Pledge of Allegiance

The Pledge of Allegiance led by Deputy Chief Jeff Cranmer

C. Roll Call

Board Members in attendance were Chairman Kathleen Chamberlain, Director Shawn Kurian, Director Jason Moeller and Clerk Jeff Cross. Director Todd House was not in attendance.

Senior Leadership Team in attendance were Fire Chief John Whitney, Assistant Chief Rick Ochs, Assistant Chief Richard Mooney, Deputy Chief Jeff Cranmer, Finance Director Roger Wood and Transportation Services Director Billy Warren. Also in attendance was Sherry Mueller, Human Resources Generalist / Board Secretary

1. 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 all 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.

NONE.

2. Discussion and possible approval of an agreement for legal review of insurance coverage.

The Board of Directors met to review and approve the signing of the agreement with Peshkin & Kotalik Law Firm.

Motion by Director Kurian to approve the signing of the agreement for insurance review with Peshkin & Kotalik Law Firm.

Seconded by Clerk Cross

Vote 4 ayes, 0 nays. MOTION PASSED.

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565 North Idaho Road
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Apache Junction, AZ 85119

3. Adjourn

Motion by Clerk Cross to adjourn the meeting at 10:03 AM.

Seconded by Director Moeller

Vote 4 ayes, 0 nays. MOTION PASSED.

Governing Board Approval:

Board Clerk Jeff Cross

Sherry Mueller

Appendix D

D. Fire Inspector Contract for Services with Jerome Hansen

Submitted By

Assistant Chief Rick Ochs

Background/Discussion

I have identified an organizational need to renew a contract with a civilian Fire Inspector, Jerome Hansen. Mr. Hansen entered into an identical contract with the SFMD in our last fiscal year and his services were found to be greatly beneficial to the district's Fire Prevention Program. I am asking the board to renew the agreement for one additional year so that we may catch up all Business Inspections, and allow for the transition of Tina Gerola into her new primary role of Plan Review. Funding for this contract have been allocated and approved in the 2021/2022 budget year.

Financial Impact(s)/Budget Line Item

\$3,850 (100-50-61200-50)

Enclosure(s)

Contract between SFMD and Jerome Hansen



AGREEMENT FOR PROFESSIONAL SERVICE

Certified Fire Inspector

Between

The Superstition Fire & Medical District, a political subdivision of the State of Arizona

And

Jerome Hansen

Dates as of October 21, 2021

CONTRACTUAL AGREEMENT FOR AS NEEDED BUSINESS FIRE INSPECTION SERVICES

This Agreement is entered into effective as of October 21, 2021 by and between the Superstition Fire & Medical District, a political subdivision of the State of Arizona (“SFMD”) and Jerome Hansen, an “Episodic Contract Employee” (“Hansen”) a private party, collectively referred to as the Parties.

RECITALS

Whereas, Hansen is qualified as a Fire Inspector II by special training and has the knowledge, skills, abilities, and experience to perform the duties of a Fire Inspector and has chosen to enter into a one year agreement with the SFMD to provide as needed Business Inspection services, and

Whereas, the SFMD desires to obtain Hansen as a Contract Fire Inspector for the District to conduct Business Inspections on an as needed bases, and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Recitals.

- a. The Recitals set forth above are incorporated into the terms and conditions of this Agreement

2. Effective Dates and Conditions

- a. This Agreement shall be effective on the 21st day October, 2021 and shall continue in full force and effect until the 30th day of June, 2022, unless otherwise terminated as provided in this Agreement.
- b. Either Party may cancel this Agreement with sixty (60) days written notice to the other party.
- c. In the event of a material breach of any of the provisions in this Agreement, the nonbreaching Party may terminate this Agreement by delivering written notice to the breaching party specifically stating the nature of the breach giving the breaching party 30 days to cure the breach. If the breach is not cured, this Agreement shall be deemed terminated.

3. Payments

- a. **Fee:** Hansen will bill for services at a rate of \$38.00 per Business Inspection. The maximum number of Business Inspections that can be billed for during the terms of this contract is 100 (a total of \$3,800).
- b. **Invoice for Payment:** Hansen shall submit an invoice with a signed copy of all work orders. Each invoice submitted shall be itemized per established rate. The invoice shall list each inspection by business name, address, date and the inspection number. All invoices must be submitted within thirty (30) days of assigned inspections.
- c. **Taxes Liability:** Hansen is solely responsible for payment of all income and employment taxes due to the proper taxing authorities, and SFMD will not deduct such taxes from any payment to Hansen. The SFMD will provide Hansen with a 1099.
- d. **SFMD** shall make every effort to process payment for services within twenty-one calendar days after receipt of materials or services and a correct invoice unless a good faith dispute exists as to any obligation to pay all or a portion of the account. All applicable sales tax shall be indicated as a separate item.

4. Obligations of Hansen.

- a. Complete scheduled Business Inspections, as directed and assigned by the Fire Prevention Division.
- b. All Fire Inspections shall be performed according to NFPA and SFMD standards.
- c. A Fire Inspection Report is to be completed in the Image Trend records management system for each Business Inspection. The SFMD will provide the necessary tools, training and access for the Image Trend System.
- d. Hansen will be required to conduct one (1) Follow-up Inspection for each business when necessary, to assure noted violations have been corrected. If a third Follow-up Inspection is necessary, it will be assigned to the SFMD Fire Prevention Division for disposition.
- e. It is understood and agreed that the SFMD will not guarantee, assign or schedule any minimum amount of Business Inspections during the terms of this contract.

5. Indemnification.

- a. Hansen shall defend, indemnify, and hold harmless SFMD, its officers, agents, employees, elected and appointed officials, and volunteers, from and against all actions, lawsuits, losses and expenses (including court costs, expenses for

litigation, and reasonable attorney fees), damages, claims, or other liabilities of any kind ("Liability") resulting from or arising out of this Agreement (including, without limitation, Liability on account of any injury, sickness, disease, or death of any person or damage, destruction, or loss of any property). The obligations of this indemnification provision shall not apply in the event that any such Liability is found to have resulted from the negligence or intentional misconduct of Hansen.

- b. The obligation to indemnify survives the termination of this Agreement.

6. Insurance.

- a. The SFMD agrees to provide State Workers Compensation benefits to Hansen while providing services to the SFMD.
- b. The SFMD agrees to provide Liability Coverage for Hansen under the Fire District's existing Umbrella and/or other liability policies while providing services to the SFMD.

7. Notices.

All notices or demands required under this Agreement from either party to the other shall be in writing and shall be deemed to have been given when the notice is delivered in person or on the date deposited in the U.S. Mail addressed, or emailed, as follows:

TO SFMD: Fire Chief
Superstition Fire & Medical District
565 N. Idaho Road
Apache Junction, AZ 85119
(480) 982-4440

TO Hansen: Jerome Hansen
8137 E. Iran Ave.
Mesa, AZ 85209
(414) 712-1021

8. Miscellaneous.

- a. Each party warrants that prior to signing this Agreement, all of its internal procedures; rules and regulations have been complied with. The signing of this Agreement constitutes a binding agreement.
- b. Failure of any party to strictly enforce any provisions hereunder shall not constitute a waiver of rights to demand strict performance of that, or any other provisions hereof at any time hereafter.
- c. The terms and conditions of this Agreement are separate and severable. If for any reason, any Court of law or administrative agency should deem any provision hereof invalid or inoperative, the remaining provisions of this Agreement shall remain valid and in full force and effect.
- d. Neither the employees of SFMD shall become employees of Hansen nor shall the

employees of Hansen become employees of SFMD by virtue of this Agreement. Nothing in this Agreement shall be construed to create any partnership or joint venture between the Parties.

- e. Pursuant to A.R.S. §38-511, SFMD may cancel this Agreement for conflict of interest.
- f. Limits of Liability: Notwithstanding any provision or proposal to the contrary, Hansen's liability shall not be limited to the amount of its fees, but instead Hansen shall be liable for any damages as a result of Hansen's breach of Agreement or negligent acts or omissions.
- g. Non-Discrimination: Hansen warrants that it complies with any state and federal laws, rules and regulations which mandate that all persons, regardless of race, color, creed, religion, sex, genetic information, age, national origin, disability, familial status or political affiliation, shall have equal access to employment opportunities, including but not limited to the Americans with Disabilities Act. Hansen shall take affirmative action to ensure that it will not participate either directly or indirectly in the discrimination prohibited by or pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Age Discrimination Act of 1975, and the Genetic Information Nondiscrimination Act of 2008.
- h. Legal Arizona Workers Act Compliance: Hansen is required to comply with A.R.S. §41-4401, and hereby warrants that it will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the employment of their respective employees, the requirements of A.R.S. §41-4401, and with the e-verification requirements of A.R.S. §23-214(A) (together the "state and federal immigration laws").

A breach of a warranty regarding compliance with the state and federal immigration laws shall be deemed a material breach of the Agreement and the party who breaches may be subject to penalties up to and including termination of the Agreement.

SFMD retains the legal right to inspect the papers of any contractor or subcontract employee working under the terms of the Agreement to ensure that the other party is complying with the warranties regarding compliance with the state and federal immigration laws.

- i. Non-appropriation: This Agreement shall be subject to available funding for SFMD, and nothing in this Agreement shall bind SFMD to expenditures in excess of funds appropriated and allotted for the purposes outlined in this Agreement.
- j. Third-Party Antitrust Violations: Hansen assigns to SFMD any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to Hansen toward fulfillment of this Agreement.
- k. Other Agreements: This Agreement in no way restricts either party from participating in similar activities with other public or private agencies, organizations, and individuals.

- l. Limitations: Nothing in this Agreement shall be construed as limiting or expanding the statutory responsibilities of the parties.
- m. Subcontracting: Hansen may not assign this Agreement or subcontract to another party for performance of the terms and conditions hereof without the written consent of the SFMD, which shall not be unreasonably withheld.
- n. Interpretation: This Agreement shall be interpreted in accordance with the plain meaning of its terms and not strictly for or against any of the parties hereto. This Agreement is the result of negotiations between, and has been reviewed by, each of the parties hereto and their respective counsel. Accordingly, this Agreement shall be deemed to be the product of all of the parties hereto, and no ambiguity shall be construed in favor of, or against any one of, the parties hereto.
- o. Arbitration: To the extent permitted, the parties agree to resolve any dispute arising out of this Agreement by arbitration, making use of the Uniform Rules of Arbitration as adopted by the State of Arizona.
- p. Termination for Convenience: The SFMD reserves the right to terminate the Agreement, in whole or in part at any time, when in the best interests of the SFMD without penalty or recourse. Upon receipt of the written notice, Hansen shall immediately stop all work, as directed in the notice, notify all subcontractors of the effective date of the termination and minimize all further costs to the SFMD. In the event of termination under this paragraph, all documents, data and reports prepared by Hansen under the Agreement shall become the property of and be delivered to the SFMD upon demand. Hansen shall be entitled to receive just and equitable compensation for work in progress, work completed and materials accepted before the effective date of the termination.
- q. To the extent required by law, the undersigned Hansen hereby certifies that it is not currently engaged in, and agrees for the duration of the Agreement to not engage in, a boycott of Israel.

9. Compliance with Legal Authorities.

- a. The parties shall each be responsible for their respective compliance with all requirements of any federal, state, county or local ordinances, statutes, charters, codes, rules, regulations, or any other governmental requirements.
- b. This Agreement and all documents and instruments executed in furtherance hereof may be amended or supplemented only by an instrument in writing, signed by the parties against which enforcement thereof may be sought.
- c. Titles and headings of the paragraphs contained herein are solely for the purpose of convenience and are not intended to in any way affect, control or limit the meaning or application of any such paragraph.

- d. Words and expressions used herein shall be applicable according to the context and without regard to the number or gender of such words or expressions.
- e. The Parties acknowledge and agree that no representations, warranties, or covenants have been made to, or relied upon by them, or by any person acting for or on their behalf, which are not fully and completely set forth herein. This Agreement supersedes any terms, conditions, covenants or other documents or agreements between the Parties.
- f. This Agreement has been negotiated by the Parties and no Party has acted under compulsion or duress, economic or otherwise. The Parties waive any rule of interpretation which would construe any provision of this Agreement against any Party who drafted this Agreement.
- g. This Agreement and all documents and instruments executed in furtherance hereof, and the rights and obligations of the Parties hereunder, shall be construed and enforced in accordance with, and shall be governed by, the laws of the State of Arizona, statutory and decisional, in effect from time to time, without giving effect to principles of conflicts of law. All Parties consent to personal jurisdiction in Arizona, and venue for any action to enforce this Agreement shall be in Pinal County, Arizona.

IN WITNESS WHEREOF, the Parties hereto caused this Agreement to be executed this _____ day of _____, 2021.

Superstition Fire and Medical District

Jerome Hansen

Board Chair: _____

By: _____

Printed: _____

Printed: _____

Board Clerk: _____

Printed: _____

Appendix E

E. Lost Dutchman Marathon Medical Staffing Agreement

Submitted By

Assistant Chief Rick Ochs

Background / Discussion

This item is an annual EMS Standby agreement for the Lost Dutchman Marathon that is hosted within the Fire District. The SFMD has previously agreed to provide this service to the City of Apache Junction through our joint Intergovernmental Agreement. The SFMD will provide four off-duty personnel to serve as medical aid for the event as outlined in the attached agreement. The parameters of this agreement have been previously approved by the District's attorney. Funding for this item has been allocated and approved in the 2021-2022 budget.

Financial Impact/Budget Line Item

100-40-52810-12

Enclosure(s)

Written Agreement





Superstition Fire & Medical District

Serving the Communities of Apache Junction and Gold Canyon since 1955

Phone | (480) 982-4440

Website | sfmd.az.gov

September 13, 2021

Dennis L. Lusk – Board Member
Lost Dutchman Marathon
CC: Liz Langenbach – City of Apache Junction

Re: **2022 Lost Dutchman Marathon; Medical Staffing Agreement**

Mr. Lusk,

This Medical Staffing Agreement represents Emergency Medical Services (EMS) to be provided for The Lost Dutchman Marathon special event for Sunday, February 20, 2022. This is a joint agreement between The Lost Dutchman Marathon and the Superstition Fire & Medical District. The District agrees to provide EMS services for the Marathon on a no cost bases and is valid only for the event scheduled to occur on February 20, 2022. This agreement provides for Emergency Medical Technicians to staff medical aid posts and or to serve as roving medical aid services per direction of the Marathon, and as required by the Pinal County Special Event Application.

The District agrees to provide the following in the execution of this agreement:

- Provide one (1) District apparatus (Adaptive Response Vehicle), staffed with two personnel; certified as paramedic or EMT providers, a compliment of basic life support equipment and an automated external defibrillator (AED). This crew/apparatus will have the ability to be mobile or to stage at a location(s) to be determined by the Marathon Staff.
- Provide one (1) District Transport Capable Rescue Unit / Ambulance with two personnel; one (1) paramedic (advanced) provider and one (1) EMT (basic) provider, and a full complement of advanced life support equipment as required by the State of Arizona for the provision of advanced life support EMS. This unit will be staged at, and dedicated to the designated finish line area for the duration of the event.
 - Additional medical providers and medical equipment can be summoned from the closest available fire station as necessary throughout the event.
- Provide disposable medical supplies necessary to manage medical aid needs.
- Provide for the disposal of any/all medical waste or other bio hazard materials generated by the treatment of patients during the event.
- Provide communications equipment to facilitate contact with Regional Dispatch Center for the purpose of requesting additional resources or for the treatment or transport of persons during the event.

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

If all conditions and obligations are agreed upon by parties, the Fire District and The Lost Dutchman Marathon, this document and representative(s) signature(s) shall be considered and accepted as a binding agreement.

Superstition Fire and Medical District

Board Chair: _____

Printed: _____

Board Clerk: _____

Printed: _____

The Lost Dutchman Marathon

Agent:  _____

Printed: DENNIS LUSK _____

Co-Agent: _____

Printed: _____

Appendix F

F. Disposition of Surplus Property – 7 Apparatus Seats

Submitted By

Fire Chief John Whitney
Fleet Manager Vaughn Croshaw

Background / Discussion

SFMD recently changed their apparatus to clean cabs, removing old seats and installing new ones which created an excess of 7 seats that are no longer needed. Queen Valley Fire District has reached out to see if SFMD will be utilizing those seats and, if not, they would be interested in them. SFMD Fleet has determined they are no longer needed and would like to donate them to Queen Valley Fire District as a good faith gesture for \$0.

This process is in line with the Disposition of Surplus Property Policy. Please see the items listed below;
below;

Quantity	Item Description	Property Type	Amount for Listing
7	Apparatus Seats	Un-Inventoried Property	N/A

Financial Impact/Budget Line Item

These items were replaced by the clean cab purchased in August 2020

Enclosure(s)





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Pierce

Pierce P86

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