



# TUBAC FIRE DISTRICT

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## TUBAC FIRE DISTRICT BOARD MEETING MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS September 28, 2022

1. Call to order and Pledge of Allegiance: The meeting was called to order at 1:30 p.m., by Mary Dahl. The Pledge of Allegiance was recited.
2. Roll call of Board Members: Bill Kirkpatrick, Mike Connelly, Pete Benequista, Herb Wisdom, and Mary Dahl were present at Station #2. Also, in attendance at Station #2 were Chief Horvath, Deputy Chief Rivera, Deputy Chief Guerrero, Captain Hesly Guerrero, Charlie Alvarez, Albert Ibarra Jr., Nancy Lindsey, and Gabe Buldra. Sara Simonton and Brenda Tranchina attended via Zoom. Members of the public in attendance were, Mike Pettypool, Kathi Campana, Ron Campana, Sandy Johnson, Torry Johnson, Mindy Maddock, John Combo, Cassandra Lopez, Carmen Ibarra, Albert Ibarra Sr., Homero Lopez, Katherine Clancy, and Robert Clancy.
3. Years of Service Employee recognition and badge pinning: Badge pinning for newly hired firefighter / EMT's Albert Ibarra Jr., and Andres Villegas and years of service pin presented to Captain Hesly Guerrero.
4. Report from Board Members: Mr. Benequista commended FF/CEP Tim Slate and FF/EMT Cristobal Mohinea for the medical care they provided to an out-of-town guest.
5. Reading of public comments submitted via email: None
6. Call to the public: Mindy Maddock commended Tim Slate, Cristobal Mohinea, and Charlie Alvarez for the care they provided to a close friend. Mindy Maddock, Katherine Clancy, and Sandy Johnson expressed their concerns regarding the continued conversations and plans for the replacement / renovation of Station #1.
7. Correspondence: Note received from Church of Tubac
8. Chair's Report: None
9. Chief and Staff Report: Deputy Chiefs' Genaro Rivera and Ben Guerrero provided the following to the Board:
  - An overview of the monthly staff report
  - Staff training
  - Wildland update
  - Administration update
10. Monthly Financial Report for August 2022: Gabe Buldra presented the financial reports for the month of August 2022.
11. Consent Agenda: Bill Kirkpatrick made a motion to approve the consent agenda and Herb Wisdom seconded the motion; all were in favor, the motion passed.

12. Discussion and information only on refunds to employees who overcontributed to PSPRS under Tier 1b & 2: Chief Horvath explained that 7 employees, 4 former and 3 current, had excess contributions during the years in which the District's funded status was sufficient to require lower member contribution rates. PSPRS is prohibited from issuing refunds of pre-tax contributions directly. As a result, refunds were to be provided to those impacted by their employer or former employer through payroll with the required federal and state tax withholding no later than September 30, 2022. Impacted employers were to receive contribution credits from PSPRS to offset this expense including the applicable interest, which was set at 5.75 percent. The total contribution credit for the District was \$14,687.51 which was utilized on last week's payroll.
13. Discussion and information only on "Addiction Safe Station": Pete Benequista requested information of the new signs posted on the stations depicting "Addiction Safe Station." Chief explained that the District is part of county-wide consortium to help prevent opioid overdoses and death. Deputy Chief Guerrero explained that the District will provide a no questions asked nasal Narcan that will work to counteract an overdose.
14. Discussion and possible action to approve amendment to Human Resources Policy Manual: Brenda Tranchina explained that a recent legislative change was made to the statute regarding Traumatic Events counseling. The statute that was revised is A.R.S. 38-673: Traumatic Events Counseling for Peace Officers and Firefighters. The change defines what qualifications the provide must have. Tubac Fire is revising the HR policy, "Employee Assistance Programs," to be consistent with the new requirements. Mike Connelly made a motion to approve the change to the policy "Employee Assistance Programs" to reflect legislative action regarding provider qualifications and Pete Benequista seconded the motion; all were in favor, the motion passed.
15. Discussion and possible action to rescind mandatory COVID-19 vaccination policy: Pete Benequista stated that he feels it is necessary to rescind the policy to retain staff and abide by the Executive Order from Governor Ducey that contained language making it illegal for Fire District's to mandate the Covid-19 vaccination. Chief Horvath stated that no full-time staff has been lost due to the mandatory Covid-19 policy. Brenda Tranchina explained that there are no federal or state laws prohibiting the mandatory vaccination policy and that it is not illegal or unlawful for any employer to mandate the policy. Mary Dahl added that the vaccinations do work; the Covid virus is not going away anytime soon, and that backtracking seems to be foolheartedly. Pete Benequista made a motion to rescind the mandatory Covid-19 vaccination policy to include removal of all flyers and mask requirements from all stations. Hearing no second, Mary Dahl called for a vote. Pete Benequista voted for rescinding the mandatory Covid-19 vaccination policy and Bill Kirkpatrick, Mike Connelly, Mary Dahl, and Herb Wisdom voted against; the motion failed; 1:4.
16. Discussion and possible action to limit expenditures for architect and attorney services: Pete Benequista has observed over recent months that the Board of Directors have lost control of the expenditure of staff time and taxpayer money for unnecessary architect and attorney services related to extravagant parcels of land and unrealistic facility plans. Sara Simonton provided a breakdown of the architect and legal expenses incurred relating to the Station #1 project. Gabe Buldra does not believe the Chief violated her purchasing / spending authority. Pete Benequista made a motion that no management and staff time or taxpayer money shall be committed to architects or attorneys for any services related to real estate without specific advance approval by the Board of Directors. Mike Connelly seconded the motion. Bill Kirkpatrick repeated Gabe Buldra's comment that in JVG's opinion the Chief did not violate any policy and that the Board needs to agree that as her role of Chief she needs to be given the flexibility to make decisions in the best interest of the District and that her hands should not be tied as is being suggested. Mike Connelly interjected that no one is accusing the Chief of violating any policy, but that the Board needs to stay aware of the expenditures. Chief Horvath asked that the record reflect that she has not violated any procurement policies and has acted solely in accordance with Board approval and consistent with Board action that goes back to Spring of 2021 to replace Station #1. Mary Dahl explained that the Chief acted with Board approval, and it is due diligence by the District to utilize the services of an attorney. Chief Horvath requested that the Board consider tabling the motion to continue the Station #1 process at its current location. Pete Benequista repeated the motion that no management and staff time or taxpayer

money shall be committed to architects or attorneys for any services related to real estate without specific advance approval by the Board of Directors. Mike Connelly, Herb Wisdom and Bill Kirkpatrick suggested rewording the motion and tabling it for a future meeting. Pete Benequista disagreed. With no further discussion, Mary called for a vote. Pete Benequista and Mike Connelly voted for the motion and Mary Dahl, Bill Kirkpatrick and Herb Wisdom voted against; the motion failed by a vote of 2:3.

17. Discussion and information only on ambulance restocking agreement with Banner: Pete Benequista explained that he was concerned with the costs being charged by Banner for drug replacement, but after having read the agreement, he better understands the cost structure. Deputy Chief Guerrero commented that other vendors are utilized for Ems supplies and that the cost to the District for drug replacement through Banner is less than \$300 per month.
18. Discussion and possible action to reinstate plans for Station #1 replacement / renovation: Chief Horvath provided the Board with the Station #1 project timeline going back to District approval of Station #1 replacement with the bond in 2008. Chief further informed the Board that A T & T has met with the District and is intending on building a new tower at Station #1. Pete Benequista made a motion that the existing site shall be utilized for the re-birth of Fire Station #1 and that no additional property shall be pursued and Bill Kirkpatrick seconded the motion. Mike Connelly stated that he agrees something does need to be done with Station #1, but does not agree with the motion as he feels it is a greenlight for the Board to spend money and the lack of what the cost will be for the project and how it will financially affect the taxpayers of the District must be addressed before any costs are incurred. Hearing no further comments, Mary Dahl called for a vote. Pete Benequista, Herb Wisdom, Bill Kirkpatrick, Mary Dahl, and Mike Connelly approved the motion; the motion passed
19. Discussion and possible action on Chief Horvath's annual performance evaluation. The Board might convene into Executive Session regarding this item as allowed by A.R.S. § 38-431.03(A)(1) (allowing an executive session for the purpose of "discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a . . . employee") and A.R.S. § 38-431.03(A)(3) (allowing an executive session for the purpose of "discussion or consultation for legal advice with the attorney or attorneys of the public body."): Mike Connelly made a motion to convene to executive session at 3:30 pm and Bill Kirkpatrick seconded the motion; all were in favor, the motion passed. The Board returned from executive session at 4:10 pm. Mary Dahl explained that she would be meeting with the Chief to review her annual performance evaluation.
20. Future Agenda Items:
  - Upgraded pay scale
21. Next meeting: October 19, 2022
22. Adjourn meeting: Bill Kirkpatrick made a motion to adjourn the meeting at 4:15 and Pete Benequista seconded the motion; all were in favor, the motion passed.