



# TUBAC FIRE DISTRICT

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TUBAC FIRE DISTRICT BOARD MEETING MINUTES  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
December 16, 2020

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. Swearing in Oath of Office for newly elected Board Members: Mike Connelly swore in reappointed Board Members Mary Dahl and Bill Kirkpatrick.
3. Nomination and appointment of new Board Officers: Pete Benequista nominated Mike Connelly for Board Chairman and Bill Kirkpatrick nominated Mary Dahl for Board Chairman. Board members Benequista and Connelly voted for Mike Connelly as Board Chairman and Kirkpatrick, Wisdom and Dahl voted for Mary Dahl as Board Chairman; with a vote of 3:2 Mary Dahl is elected Board Chairman. Herb Wisdom nominated Mike Connelly for Board Clerk; with no other nominations or objections, Mike Connelly is elected Board Clerk. Herb Wisdom nominated Bill Kirkpatrick for Treasurer; with no other nominations or objections, Bill Kirkpatrick is elected Board Treasurer.
4. Roll call of Board Members: All Board members were present; Mary Dahl, Mike Connelly, Herb Wisdom, and Bill Kirkpatrick at Station #2 and Peter Benequista telephonically. Also, in attendance at Station #2 were Chief Horvath, Deputy Chief Rivera, Deputy Chief Guerrero, and Nancy Lindsey. Gabe Buldra, Sara Simonton, Scott Bennett, Lydia Hunter, and Brenda Tranchina attended telephonically.
5. Report from Board Members: Pete Benequista stated that as a new Board Member he felt overwhelmed with the amount of materials emailed to him for the meeting and requested that for future meetings the Board receive the information sooner than two days before the scheduled meeting.
6. Reading of public comments submitted via email: None
7. Correspondence: Letters of appreciation received thanking staff for excellent service.
8. Chair's Report : Mary Dahl extended her wishes for a happy holiday to staff, support staff and board members.

9. Chief and Staff Report: Chief Horvath presented the staff report. Board members Pete Benequista and Mike Connelly commented on the COVID-19 related response graph asking if September was overlooked or if no cases were reported that month. They also asked about staff response to getting the vaccine. Chief Horvath explained that data input for September did not include any COVID related responses and on the subject of employees getting the vaccination, further discussion on it will be included on agenda item #16.
10. Monthly Financial Report for November 2020: Gabe Buldra presented the financial reports for the month of November 2020.  
Key points for the month:
  - A. Santa Cruz County revenue for November is \$905,916 which is \$27,731 under budget.
  - B. Non-Levy revenue is \$159,375 which is over budget by \$85,700.
  - C. Expenses for the month totaled \$291,561 which was over budget by \$30,246.
  - D. Year-to-date Santa Cruz revenue is \$1,411,046 which is \$73,919 over budget.
  - E. Year-to-date Non-levy revenue is \$4,519,360 which is \$3,938,485 over budget.
  - F. Year-to-date expense is \$1,673,749 which is \$134,820 over budget
11. Consent Agenda
  - A. Approval of minutes from November 18, 2020 regular meeting
  - B. Approval of monthly financial reports

Mike Connelly made a motion to approve the consent agenda and Herb Wisdom seconded the motion; all were in favor, the motion passed.

12. Presentation of FYE June 30, 2020 audit by Beach Fleischman: Lydia Hunter presented the FYE June 30, 2020 audit. Mike Connelly commented that he does not agree with page 7 of the CAFR in which it states that the primary strategic initiative of the Tubac Fire District is replacement of Station #1 and would like to see it lowered in the strategic plan or removed altogether. Gabe Buldra commented that the #1 goal for the District is to be fiscally / financially sound and that this document, which includes a five-year capital improvement plan, contains the strategic initiatives as a component in forecasting the future capital needs of the Fire District. Chief Horvath interjected that the primary initiative could be improvement of Station #1, to which Mike Connelly was agreeable.
13. Discussion and possible action to approve FYE June 30, 2020 audit: Bill Kirkpatrick made a motion of approve FYE June 30, 2020 audit and Mike Connelly seconded the motion; all were in favor, the motion passed.
14. Discussion and possible action to approve the Paramedic II position wage scale: Chief Horvath explained to the Board that the Paramedic II position was approved for this year's budget. The position, which has been in the works for over a year, is intended to serve as a shift supervisor who would report to the shift Captain. Mike Connelly made a motion to approve the proposed wage scale for the Paramedic II position and Herb Wisdom seconded the motion; all were in favor, the motion passed.
15. Discussion and possible action to approve changes to the sick and vacation personnel policies: Chief Horvath explained to the Board that staff requested a review and update to the current sick leave and vacation policies to be more realistic, in line with industry standard, and to encourage/incentivize employees to bank their sick leave for income protection. Mike Connelly asked how the District's sick and vacations policies compared to other Fire Districts to which Brenda Tranchina explained that there is no absolute norm across the Fire Districts in the state, but she feels this is reasonable and not financially irresponsible. Mike Connelly stated that the Board has a fiduciary responsibility and feels that the Board has been very generous to staff in having approved wage scale increases and other benefits. The policy change request, he continued, contains a lot of information and he would like to request the item be tabled to give the Board more time to review it. Mary Dahl agreed that the item will be tabled for further review and questions from the Board and that it will be included on the January agenda.

16. Discussion and possible action to approve a new HR policy, "Mandatory COVID-19 Screening, Testing and Vaccination": Chief Horvath explained that the purpose of the policy is to protect employees by minimizing the significant risk of substantial harm that is posed by having someone with COVID-19, or symptoms of such, present in the workplace and to provide for the protection of public health in the communities we serve. The policy, she continued, was drafted by the District's HR consultant with legal oversight provided by the District attorney. Brenda Tranchina explained that Chief Horvath has been proactive in getting this policy in place due to the higher than normal exposure risk faced by the staff. Brenda continued by explaining that recommended exceptions to the draft policy would include exclusions based on guidelines for Americans with Disabilities Act (ADA) and for religious beliefs. Pete Benequista commented that he feels mandating the vaccination is a civil rights violation and that it should be taken by choice of the individual. Scott Bennett stated that under the EEOC the mandate is permissible under federal law with the requirement of the employer following the exceptions under the ADA and for religious beliefs. Mike Connelly asked if an employee would be fired if they did not get the vaccination to which Chief Horvath replied that it will be mandatory, but the District will try to accommodate for the exceptions under the ADA or religious beliefs. Mike Connelly made a motion to approve the Mandatory COVID-19 Screening, Testing, and Vaccination Policy with the exceptions under the ADA or for religious beliefs and Bill Kirkpatrick seconded the motion; Mary Dahl and Herb Wisdom were in favor and Pete Benequista was opposed, the motion passed 4:1
17. Discussion and possible action regarding an emergency services program for non-residents of the Tubac Fire District. The program could allow non-residents to contract with the District for fire protection services, emergency medical services (not including ambulance transports), and public assistance calls: Chief Horvath explained that approximately 450 land parcels adjacent to District boundaries, primarily to the east of Station #3, are not within the TFD boundaries with a majority of these parcels being situated in the Salero Ranch and Tubac Foothills developments. Most of the parcels, she continued, are not developed, but there are some parcel owners with residential homes established on their property. The District's attorney drafted an Emergency Services Contract that would allow for coverage for the homeowners outside of the District's boundaries. Mike Connelly asked if the District feels the homeowners will jump on an agreement to start paying for protection to which Chief Horvath replied that several individuals who attended the community meeting in November expressed the desire to sign on. This is a step, she continued, to provide the coverage to the homeowners at a cost comparable to what District residents pay and to eventually work towards annexation. Chief Horvath asked the Board to approve the Emergency Services Program, not the contract that the attorney will continue to revise. Mike Connelly made a motion to authorize staff to initiate the Emergency Services Program and Pete Benequista seconded the motion; all were in favor, the motion passed.
18. Discussion and possible action regarding the District's approach in the legal case *Safe Auto Insurance Co. v. Adriana Montoya*, Maricopa County superior court case No. CV2020-012680. This is a legal proceeding relating to a car accident that injured multiple people. The driver's auto insurance company filed this proceeding, asking the court to decide who should receive the insurance proceeds, which are not enough to cover the injuries and medical bills. The attorney for the insurance company has asked the District to sign a disclaimer form in order to be dismissed from the lawsuit.

Bill Kirkpatrick made a motion to convene to executive session for legal advice from the District Attorney regarding the legal case *Safe Auto Insurance Co. v. Adriana Montoya* and Mike Connelly seconded the motion; all were in favor, the motion passed.

Mike Connelly made a motion to approve signing the disclaimer to be dismissed from the lawsuit and Bill Kirkpatrick seconded the motion; all were in favor, the motion passed

19. Future Agenda Items:

- A. Debt schedule of bonds
- B. Policy manual changes – sick & vacation
- C. Review and make changes to District mission statement

20. Next Meeting: January 27, 2021 at 1:30 pm

21. Adjourn Meeting: Herb Wisdom made a motion to adjourn the meeting at 3:10 p.m. and Mike Connelly seconded the motion; all were in favor, the motion passed.

