



Yucca Fire District

12349 Frontage Rd., PO Box 327

Yucca, Arizona 86438

(928) 766-2300

www.yuccafire.com

MINUTES OF SPECIAL MEETING OF THE YUCCA FIRE DISTRICT GOVERNING BOARD

The Governing Board of the Yucca Fire District met in special session on **October 13, 2021 at 4:00 p.m.** The meeting was held at the Yucca Fire Station #1 located at 12349 Frontage Road, Yucca, AZ 96438. The Board may vote to go into executive session on any agenda item, pursuant to A.R.S. §38-431.03(A) (3) for legal advice with the District's attorney on matters as set forth in the agenda item. Board members or other participants may attend by telephonic conference. The following topics and any variables thereto, will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.

MINUTES

1. CALL TO ORDER:

- Chairman Richard Knowles called the meeting to order at approximately 4:00 p.m.

2. ROLL CALL OF MEMBERS:

- Clerk Kayla Carr, Director Jim Fox and Chairman Richard Knowles were present.

3. PLEDGE OF ALLEGIANCE:

- The pledge of allegiance was led by Clerk Carr.

4. POSSIBLE VOTE TO GO INTO EXECUTIVE SESSION

- A. The Board of Directors may vote to go into Executive Session for legal advice pursuant to A.R.S. §38-431.03(A)(3) for response to Attorney General's letters dated September 9, 2021, re: potential violation of open meeting law.
- Chairman Knowles made a motion to go into Executive Session for legal advice; Clerk Carr 2nd the motion; Carr-Yea; Fox-Yea; Knowles-Yea; motion carried.
 - Chairman Knowles entered executive session at approximately 4:08 p.m. and reconvened into the regular session at approximately 4:25 p.m.

5. BUSINESS

- A. Discussion and possible action re: possible approval of authorizing attorney William R. Whittington of the Law Firm of BPCWS to assist the Yucca Fire District Governing Board with preparation of responses to the Attorney General's letters re: potential violation of open meeting law.
- Clerk Carr stated that the Attorney needs to handle this. Chairman Knowles agreed because the Board does not want any more problems. Director Fox stated he agreed because this situation is over our heads.
 - Clerk Carr "so moved"; Director Fox 2nd the motion; Chairman Knowles opened it up for discussion; No further discussion; Carr-Yea; Fox-Yea; Knowles-Yea; motion carries.
- B. Discussion and possible action re: possible approval of Ratification Resolution No. 10-2021-01 ratifying certain Board actions including those taken on August 20, 2019, September 17, 2019, October 8, 2019, December 10, 2019, January 7, 2019, and January 10, 2020.
- Chairman Knowles made a notice that the agenda has an incorrect date on it January 7, 2019 and it needs to be January 7 2020, but all the documents are dated correctly. The Board will go through the Resolution one item at a time and take a vote at the end.

Item #1 on the resolution; ratifying the vote to go into executive session during the Board meeting held on August 20, 2019.

Chairman Knowles asked if anyone has an issue with that item. Clerk Carr stated that there are no executive minutes to be found for August 20, 2019, so it is unclear as to what happened within the executive session. Attorney Whittington stated that the Board would only be ratifying the vote to go into Executive Session. Chairman Knowles clarified that since the Executive Session did happen the board is just approving the vote they made to go into Executive Session. Director Fox agreed to this item; Clerk Carr agreed to this item; Chairman Knowles agreed to this item.

Item #2 on the resolution; ratifying the vote to approve the regular meeting minutes of the June 24, 2019 meeting taken at the August 20, 2019 Board meeting.

Clerk Carr stated that there is no documentation for the June 24th 2019 meeting. Chairman Knowles asked Attorney Whittington if he had any documentation that the Board did not know about, and the response was no. Chairman Knowles stated that ratifying something that we have not seen or even know about is not a good idea. Director Fox agreed with the statements made. Chairman Knowles stated we will strike Item #2 from the resolution. Carr-agreed; Fox-agreed; Knowles-agreed. Item #2 removed.

Item #3 on the resolution; ratifying the vote to approve the regular meeting minutes of the July 24, 2019 minutes taken at the August 20, 2019 Board meeting.

Clerk Carr stated that there is no documentation for the July 24th 2019 meeting. Chairman Knowles stated we will strike Item #3 from the resolution; Carr-agreed; Fox-agreed; Knowles-agreed. Item #3 removed.

Item #4 on the resolution; ratifying the vote to approve the financial report provided at the August 20, 2019 Board meeting.

Clerk Carr stated that there is no documentation for the financial report and since this is being investigated at this time, she recommends striking this item from the resolution. Chairman Knowles wanted to clarify that this portion is being investigated by the Sheriffs at this time. Clerk Carr recommended this item be removed from the resolution. Fox-agreed; Carr-agreed; Knowles-agreed. Item #4 removed.

Item #5 on the resolution; ratifying the vote to approve the regular meeting minutes of the August 20, 2019 meeting taken at the meeting held on September 17, 2019.

Clerk Carr stated that since we didn't approve the Minutes for June 2019 and July 2019 listed on the August 20, 2019 minutes that was listed on the September 17, 2019 meeting that she recommends that this item should be removed. Chairman Knowles stated it is also due to not having any documentation. Attorney Whittington stated that the YFD Admin did find some documents. Clerk Carr stated that all she had was what was printed off of the website and that there is no paper copies or originals. Chairman Knowles recommended that the board keep this item on the resolution; Fox-agreed; Carr-agreed; Knowles-agreed. Item #5 stays on the resolution.

Item #6 on the resolution; ratifying the vote to approve the financial report provided at the September 17, 2019 Board meeting.

Chairman Knowles asked if there were any financial documents for this item. Clerk Carr responded with no, there are no documents to support this item. Chairman Knowles asked Attorney Whittington if any financial documents were sent to him, and Mr. Whittington responded with a no. Chairman Knowles recommended that this item be removed from the resolution. Carr-agreed; Fox-agreed; Knowles-agreed. Item #6 removed.

Item #7 on the resolution; ratifying the decision to maintain the current District response boundaries made at the September 17, 2019 meeting.

Chairman Knowles asked if there was any issue with this item. Chairman Knowles recommended the board keeps this item on the resolution. Carr-agreed; Fox-agreed; Knowles-agreed. Item #7 stays on the resolution.

Item #8 on the resolution; ratifying the vote to go into executive session during the Board meeting held on September 17, 2019.

Clerk Carr stated that she has a bit of a problem with the September 17, 2019 minutes because awhile back someone randomly posted the executive session minutes for this date on the website and those were the only executive sessions minutes that could be located and there is no original copies or paper copies. Attorney Whittington clarified that the board is only going to be ratifying the decision to go into executive session not the minutes of that session. Chairman Knowles recommended to keep this item on the resolution. Carr-agreed; Fox-agreed; Knowles-agreed. Item #8 stays on the resolution.

Item #9 on the resolution; ratifying the vote to instruct William Leflet, Interim Fire Chief, to review financial information relating to possible misappropriation taken at the September 17, 2019 Board meeting.

Chairman Knowles clarified that this is only ratifying that the board gave Leflet instruction to look into the misappropriations. Chairman Knowles recommended that this item stays on the resolution. Carr-agreed; Fox-agreed; Knowles-agreed. Item #9 stays on the resolution.

Item #10 on the resolution; ratifying the vote to advise the public of the intent to sell Fire Station #2 taken at the September 17, 2019 Board meeting.

Clerk Carr stated no for this item. Chairman Knowles stated, no to this item as well and that he does not believe the board should ratify something that was so blatantly wrong. Clerk Carr and Chairman Knowles recommended this item be removed from the resolution; Fox-agreed. Item #10 removed.

Item #11 on the resolution; ratifying the decision to sell Fire Station #2.

Chairman Knowles recommended to strike this item from the resolution. Carr-agreed; Fox-agreed; Knowles-agreed. Item #11 removed.

Item #12 on the resolution; ratifying the vote to approve the regular meeting minutes of the September 17, 2019 meeting taken at the Board meeting held on October 8, 2019.

Clerk Carr stated there are speculations that there are tampered with documents in regard to the September 17, 2019 meeting. Chairman Knowles stated that this meeting was the one where there were many different versions that were posted multiple times in different places. Clerk Carr stated that she was uncomfortable with approving this item due to the investigation in regards to tampered documents with the Sheriff's Office. Chairman Knowles confirmed the current investigation with the Sheriff's Office. Chairman Knowles asked Attorney Whittington about his take on the situation. Whittington stated that he does not have an opinion to this item. Chairman Knowles and Clerk Carr recommended this item to be removed from the resolution; Fox-agreed. Item #12 removed.

Item #13 on the resolution; ratifying the vote to approve the financial report provided at the October 8, 2019 Board meeting.

Clerk Carr stated that again there is no financial documentation to support this item, so with no documentation she recommended to strike this item. Knowles-agreed; Carr-agreed; Fox-agreed. Item #13 removed.

Item #14 on the resolution; ratifying the vote to approve the regular meeting minutes of the October 8, 2019 meeting taken at the December 10, 2019 Board meeting.

Chairman Knowles recommended for this item to stay on the resolution. Carr-agreed; Fox-agreed. Item #14 stays on the resolution.

Item #15 on the resolution; ratifying the vote to approve the financial report provided at the December 10, 2019 Board meeting.

Clerk Carr stated that she has not seen any supporting financial documents for December 10, 2019. Clerk Carr stated that she was not okay with approving this item with no supporting documents and recommended this item to be removed from the resolution. Fox-agreed; Knowles-agreed. Item #15 removed.

Item #16 on the resolution; ratifying the vote to accept Karon Lamkin as a Board member taken at the December 10, 2020 Board meeting.

Clerk Carr stated that there needs to be a correction done to the resolution due to Karon Lamkin being appointed on December 10, 2019 not December 10, 2020 as stated on the resolution. Chairman Knowles recommended for this item to stay on the resolution with the date correction. Carr-agreed; Fox-agreed. Item #16 stays on the resolution with modification.

Item #17 on the resolution; ratifying the vote to accept William Leflet's appointment as Fire Chief taken at the December 10, 2019 Board meeting.

Clerk Carr stated that there is a problem since Leflet was sworn in as Fire Chief on October 8, 2019 and not on December 10, 2019. Clerk Carr stated that she believes it was a mistake since on December 10, 2019 it was listed under old business. Clerk Carr even stated that there is a video on the YFD Facebook for October 8, 2019 where Leflet was sworn in by Former Chair Bob Mayo. Chairman Knowles recommended that the board modify this item to reflect the correct date of October 8, 2019 instead of December 10, 2019 and to keep this item on the resolution. Carr-agreed; Fox-agreed. Item #17 with modification will stay on the resolution.

Item #18 on the resolution; ratifying the decision to accept the cancellation of the sale of Fire Station #2.

Chairman Knowles stated that this is just to ratify the decision to cancel the sale of station 2. Chairman Knowles recommended that this item should stay on the resolution. Carr-agreed; Fox-agreed. Item #18 stays on the resolution.

Item #19 on the resolution; ratifying the decision to take title back to Fire Station #2.

Chairman Knowles recommended that this item should stay on the resolution. Carr-agreed; Fox-agreed. Item #19 stays on the resolution.

Item #20 on the resolution; ratifying the decision to pay \$960 in closing costs regarding the cancellation of the sale of Fire Station #2.

Chairman Knowles stated that he believes that giving someone the closing cost of \$960 is misappropriation of funds. Clerk Carr stated that she also has an issue with this item because on the minutes for December 10, 2019 it states the buyer would cover all closing cost but the board turned around and repaid closing cost to the buyer. Chairman Knowles stated that this was for the reversal of the station 2 property and recommended that this item be removed from the resolution. Carr-agreed; Fox-agreed. Item #20 removed.

Item #21 on the resolution; ratifying the vote to contact legal counsel relating to Spray Systems of Arizona Inc. vs. Yucca Fire District #1 taken at the January 7, 2020 Board meeting.

Chairman Knowles asked Attorney Whittington if he was the legal counsel for this item. Mr. Whittington responded with yes. Chairman Knowles stated that since there are legal proceedings tied with this then this item should be approved. Carr-agreed; Fox-agreed. Item #21 stays on the resolution.

Item #22 on the resolution; ratifying the vote to contact law enforcement regarding the possible misappropriation of funds, possible pay fraud issues, and possible unlawful purchase of medications, taken at the January 7, 2020 Board meeting.

Chairman Knowles recommended that this item stays on the resolution. Carr-agreed; Fox-agreed. Item #22 stays on the resolution.

Item #23 on the resolution; ratifying the vote to go into executive session at the January 10, 2020 Board meeting.

Clerk Carr stated that she was really unaware of the January 10, 2020 meeting. Chairman Knowles stated that this was the meeting that the pervious board did not have but then board members at the time came back and said yes, they did have a meeting afterwards and there were minutes for that meeting. Clerk Carr stated that we do have a former Board Chairman Karon Lamkin on video stating that there were no meetings in January 2020 according to the YFD Facebook video dated April 2020. Clerk Carr stated that this item is in regard to Spray Systems. Chairman Knowles recommended that this item stays on the resolution. Carr-agreed; Fox-agreed. Item #23 stays on the resolution.

Item #24 on the resolution; ratifying the vote to authorize legal counsel to proceed as instructed in executive session taken at the January 10, 2020 Board meeting, relating to possible litigation with Spray Systems of Arizona Inc. vs. Yucca Fire District #1.

Chairman Knowles recommended that this is item stay on the resolution. Carr-agreed; Fox-agreed. Item #24 stays on the resolution.

- Chairman Knowles made a motion to approve Ratification No. 10-2021-1 as modified; Director Fox 2nd the motion; Chairman Knowles opened it up for further discussion; no further discussion; Carr-Yea; Fox-Yea; Knowles-Yea; motion carries.
- Clerk Carr made a motion to authorize the Board Chairman Knowles to execute the modified resolution; Director Fox 2nd the motion; Chairman Knowles opened it up for further discussion; no further discussion; Carr-Yea; Fox-Yea; Knowles-Yea; motion carries.

C. Discussion and possible action re: Authorize staff to post the Arizona Attorney General’s letter dated September 9th, 2021, to the YFD website for one year.

- Chairman Knowles made a motion that per the Attorney General, that the district is to post the Attorney General’s letter dated September 9, 2021 to the website for one year; Clerk Carr 2nd the motion. Chairman Knowles opened it up for further discussion; no further discussion; Carr-Yea; Fox-Yea; Knowles-Yea; motion carries.

6. ADJOURNMENT.

- Clerk Carr made a motion to adjourn the meeting at 5:03 p.m.; Director Fox 2nd the motion; Chairman Knowles opened it up for further discussion; no further discussion; Carr-Yea; Fox-Yea; Knowles-Yea; motion carries.

MINUTES prepared by: Kayla Carr

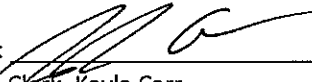
Date: 10/14/2021

MINUTES revised by: Mindy Kindelberger

Date: 11/10/2021

APPROVED: November 18, 2021

By:



Clerk, Kayla Carr