



## MINUTES

### SPECIAL BOARD MEETING

Wednesday, December 23, 2020 3:00 p.m.

Station 32, 8905 Koch Field Road, Flagstaff AZ 3:00 pm

(Agenda Items may have been taken out of order at the discretion of the Board Chairman)

1. **CALL TO ORDER**

Board Chairman Jim Timney called the Special Board Meeting to order at 3:10pm.

2. **ROLL CALL OF BOARD MEMBERS / AFFIRMATION OF QUORUM**

Members Present: Board Chairman Timney, Board Clerk Robb Faus

Members Zoom: Board Member Jim Duskocil, Board Member Rick Parker, Board Member Mike Milich

Members Absent: None

Administration: Fire Chief Mark Gaillard, Deputy Chief Mark Wilson, Deputy Chief Pat Staskey, Administrative Officer Chris Gioia, Administrative Assistant Tammy Schieffer

Public Via Zoom: Coconino County District Attorney Bryan Furuya, Engineer Matt Gibbs, Captain Mike Allen

3. **Pledge of Allegiance to the Flag of the United States of America was recited**

**Board Chairman Timney:** Before we get started, I would like to congratulate Brian Furuya on your appointment. He has been appointed to Court of Appeals.

4. **Review discuss and possible action on Fire Board view of roles and responsibilities of the Administrative Officer position**

**Board Chairman Timney:** let me open that conversation with basically I had a meeting with some people that had concerns. I put it on the agenda. There was an investigation that began as a result of that meeting by Chief Gaillard. There seems to be some confusion on the roles and responsibilities of Chris Gioia within the department. I am going to open the floor to comments.

**Administrative Officer Gioia:** I wrote a letter to the board. Actually, the chief has a more detailed version. This is the one I ended up with. I apologize to everybody here. My behavior was unbecoming, and sometimes I get a little stubborn and it makes me not a very nice person, so I apologize. I ask for your forgiveness. I am glad we are having this conversation. This is something that we can adjust and work on. When we're all finished,

if you and the chief are ok with me staying, I would like to stay.

**Fire Chief Gaillard:** In the week between our last meeting and today, I believe there has been some clarity achieved already. I think we have more work to do. We, certainly, when we say the administrator investigation, I want to be clear. The approach I take for this matter; we have done this for this board in the past. We want to find out what occurred, look for gaps in policy, look for gaps in training, and if there are behavior things to deal with, we will do that too. We just want to get better and learn from this experience. I, very much, feel like, with my conversations with the deputy team, we have identified areas of improvement that are underway, and will improve. In my conversations with Chief Wilson, who has been working this week in a very collaborative fashion with Chris, I don't think there is anything we can't fix. For us, I think I have direction and I have reviewed my responsibilities under the IGA. I have spoken with legal counsel, and I think we have clarity. What I don't think we have is, perhaps, helpful, specific direction, that we will have in place soon. I don't know what else you would like to discuss. I think we are poised to move on.

**Board Chairman Timney:** I need to apologize and let you know that I did apologize to Chief Gaillard, because, when I went to that meeting; I put it on the agenda, there were rather significant impact on that. I apologize to Chief Gaillard for doing it that route. What I should have done was call and said what's up. Part of this confusion, a good chunk of it, I will take it. If we are going to work on this, and it's going to get better, which I believe will, no doubt We will go from here. Whatever scuttlebutt is running around out there, I will take the heat for screwing it up. But, I think, in the long run, makes us better.

**Fire Chief Gaillard:** I will encourage every board member.... I recognize you have a giant responsibility. I understand that. I, also, recognize that as past municipal, employees, firefighters, those connected to the work we do, you care. If you hear something, and you have a concern, call me, and I am happy to discuss that with you. I would like to encourage you to make me that first phone call. I am not on top of everything, but I can be in about two phone calls. If I don't have an answer, I can get you one. I feel we are in a spot we can move on. And would like to.

**Board Member Parker (via Zoom):** I have a couple questions, and suggestions. In reference to this 548, the one we went over last time, I read that. I have a suggestion. Towards the top it states, "The district's Administrative Officer acts as facilitator consultant to the chair and clerk of the district's board, particularly in regard to ...." I think if we deleted that word particularly, so it would show she was the consultant in reference to the Open Meeting Laws, Record Laws, and Finances. If we get rid of that particularly. It leaves open room for error, I think.

**Board Chairman Timney:** I would have to ask Brian Furuya that.

**County Attorney Brian Furuya:** I am familiar with that language. The IGA, as it exists is not available for editing at this point, because that would be with the City of Flagstaff. The board, as an entity, can contain any powers that is reserved for itself through the IGA and can further regulate, or restrain those powers itself. That is mostly internal. This is one of those things I want the board to understand, my big take on it, that I want to board to know, is the board under the AZ Law, a Title 48 Fire District board is the source of all power and authority with regard to the fire district, which is a separate government entity. Because you are the source of that power, you have broad authority to do various things. You can delegate that power out, and Summit Fire District has. They have given a lot of that power over to other actors in order to make sure that Summit Fire District can be its best self. One of those is the executive power, the power to take policies that the

board has set, and then to make them real. That power has been delegated out to the Fire Chief. The JMA with the City of Flagstaff that Board Member Parker is talking about, has to do with that relationship with the board and its Administrative Officer. That is stated very broadly, it encompasses a lot of things, but it is within the power of the board 10.52 to set terms to see how it works itself out. In regards to the City of Flagstaff: the City of Flagstaff will not be changing the language the JMA in this matter. Because we have a bigger partner in this negotiation is the City of Flagstaff, and they are not here. What we can do is the board can establish best practices that would assure a smooth functioning relationship between the staff. That primarily goes through the chief. There are certain instances where it is vital that the Administrative Officer be able to freely communicate with members of the board. There are certain examples of that in the IGA itself. You would not be limiting that with the City of Flag. What you would do is give instruction to staff how the board wants that communication to take place, and about what subjects that entails.

**Board Member Parker:** I understand that. I want to make sure that we can look at that down the road. I want to make sure we don't get into the kind of predicament we got into this time, when the Administrative Officer went to the board, what precipitated this whole thing. That is the only thing I was suggesting, that it's kinda her position there is an open ended thing with particularly.

**County Attorney Brian Furuya:** That is correct. That was intentionally stated broad. What I hear you saying, and the chair, and the chief saying was there was a way to get our arms around all this and makes sure that power is implemented in a common sense of way that allows everything to function smoothly. Correct me if I am wrong chief, we are headed up on a position where we can have a good understanding of that power is to be used. We will be able to regulate it internally. Is that correct?

**Fire Chief Gaillard:** I believe yes. I believe we can get to that. We can certainly, within the procedure elements of that, we can communicate that with the board. I think our initial effort will how, we the staff, establish all us interact with the board. We may, at some point, come back to the board to see if you want to amend your handbook, the guidelines of how elected officials can engage staff effectively when they need to. That would be a matter of the board if they agreed that and wanted to do that. It certainly isn't required. It might be helpful at some point. We may have some considerations for the board to take actions to help guide what those interactions look like. Right now our focus is going to be just how we as a staff interact effectively with the board, and we have path. I think we can get there.

**Board Member Parker:** I couldn't hear the chief when the alarm went off, but I got the jest of it. Moving on from that question on 5.8, Brian, I understand what you are saying. In the last packet, we got an Organization Chart from 2020. I was looking through that, and I see where the Administrative Officer falls in that category. That person reports directly to Support Services Deputy Chief, then goes there to the chief. If have a possibility of the Administrative Officer in that chart having to go through the Support Services Deputy Chief.... In 5.8, it states that person can go directly to the board. How can we show that in the chart, or does this even matter? I guess that is a question for Brian.

**County Attorney Brian Furuya:** An Organizational Chart is matter of staff, in particular progress to the chief. The JMA says the command will not inhibit the free communication with the Administrative Officer with certain members of the board. It is really contemplated those be about those items that, specifically, we were talking about. It is vital that the board understands its duties with regard to Open Meeting Law, and

Finance. That free-flow of communication is absolutely essential with the Administrative council in those things. 5.8 is broader than that, but, what I hear the chief saying, and what I hear the board saying is that the understanding is that the Organizational Chart works well as an internal visual. It should be observed internally and assign those duties specifically of Open Meeting Law Compliance, Public Finance Compliance, Public Records Compliance, those things to the Administrative Officer's privy. That is how I understand it. The JMA would trump any organizational chart just by virtue of what it is. The Board is free to set internal limits on how the staff, including the Administrative Officer, how it wants staff to communicate.

**Board Member Dorskocil:** I think Brian stated it pretty good as far as what the JMA states, what we shall follow. The JMA states the chief shall implement policies through attrition. If there are any changes in policies, or question of policies, that should be brought back to the board before they are acted upon. The board, acting in its best practices. The JMA stated the Administration Officer can ensure come to the board itself, if they want to. We need to keep that line of communication open to where they can come to us if needed, depending on whatever the situation is.

**Board Member Parker:** I realize we can't do anything in reference of changing anything with these policies right now, and all the agreements. I wanted to stipulate.....It sounds to me like, at least what I could understand, in the opening statements, we are all going to try to work together and get this thing fixed so we don't go through that same scenario that happened in the last meeting.

**County Attorney Brian Furuya:** I do agree with all those things. The answer to a lot of life's woes is better communication, and better education. I think the chief would agree with me on that. I think all of you would probably agree with me on that. It think, to the extent that there are opportunities to do that, I would encourage the board, it is my advice that the board takes the chief's offer that he extended at the beginning of this meeting, that if you have questions, reach out to the chief with a phone call. Let him know your questions and concerns. The chief is primarily your employee, so he works at the pleasure of this board. You all have a say in that. You shouldn't be talking to each other, but you can talk to your chief. I would encourage you to take him up on that. If you have any kinds of questions or concerns, give him a call and say hey why, or what is this? In the least case, you will be able to put any kind of issue in sharp focus.

**Board Chairman Timney:** Thanks Brian. Any more comments from anyone.

**Deputy Chief Wilson:** I would concur with everything the chief has said, and totally accept what Chris has said. We had good dialogue. I think we are moving in a really good direction, and got some clarity and will come back with further clarity as we progress.

**Board Clerk Faus:** I like what I am hearing, like we have all kind of found through this meeting, it is encouraging to hear that there is going to be better communication and solutions coming forward.

5. **FIRE BOARD COMMENTS-** No comments from the board

## **ADJOURNMENT**

**Board Clerk Faus motioned to adjourn the special board meeting. Board Member Parker seconded the motion.**

Vote conducted. **MOTION CARRIED ALL IN FAVOR**

AYES: Timney, Faus, Parker, Milich, Doscocil  
NAYES: None

**The regular board meeting was adjourned at 3:37pm .**

**Respectfully Submitted**

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**Tammy Schieffer, Administrative Assistant**

APPROVED