

# MINUTES, ARIVACA FIRE DISTRICT

April 17, 2015

The Arivaca Fire District Governing Board met Thursday, April 17, 2015 at the Arivaca Fire Station, 16091 West Universal Ranch Road, Arivaca, Arizona for a special meeting.

## 1. CALL TO ORDER/ROLL CALL

Kathleen called the meeting to order at 3:00 PM

## ROLL CALL OF BOARD MEMBERS

Present: Kathleen Wishnick  
Gene Gibson  
Bill Clauss  
Terry Tompkins  
Omar Rood

## 2. REGULAR BUSINESS MEETING

A. Pledge of Allegiance/Moment of Silence  
All present joined in.

## 3. CALL TO PUBLIC

## 4. BUSINESS

A. Executive Session for Legal Advice

Omar made a motion to adjourn to executive session and Gene seconded.

Kathleen called for a vote. Motion carried 5-0.

B. Review, discussion and possible action regarding Arizona State Forestry Grants including status of Arizona State Forestry Grant Agreement No. WFHF 13B-311 Arizona State Forestry Grant Agreement WFHF 13S-352, Arizona State Forestry Grant Agreement No. WFHF 120301, settlement agreement and report to State Forestry.

Kathleen called the meeting back to order at 2:58 PM.

Kathleen reminded everyone that pursuant to A.R.S. Section 38-431.03(C) executive sessions are confidential.

Donna Aversa, Attorney, stated she understood everyone heard the Chairperson's report at the last meeting.

Donna stated she had a meeting in her office that included Joy Hernbrode with the Attorney Generals Office, Jerry Payne, Robert Elliott and Glen Buettner with State Forestry, Kathleen Wishnick and Bill Clauss with Arivaca Fire District. The bottom line is the state is disallowing all rental charges and some other amounts. They had issues with regards to the rentals and issues with the scope and timing under the work. The state is not happy with the work done for the grant. The district owes the state forestry \$29,898.08. The state will lift the stop work order on the 3<sup>rd</sup> grant subject to certain conditions. They will pay for labor on that grant. They will offset any amounts if the district goes out on wild fires; the state will pay all personnel charges, the state will keep 75% of the equipment charges and the district will get 25% of the equipment charges. The bottom line is the district has 24 months to repay. She will be happy to answer any questions.

Omar stated he did not feel it was a fair agreement. It was real work and real equipment was being used. For them to disallow the 2 grant payments that basically means \$88,000 out of pocket and he won't be able to vote for it.

Gene understands where Omar is coming from. He should have requested a copy of the grant when he came on board so he would know the expectations. However this is the best and final agreement and the board can either fight it or accept it. Our legal advice costs us monies that we do not have. We have to pay either way and he sees no other choice. He does not like it but he does not see any other choice. We have 2 years to try to figure out how to reclaim and get back where we are at least even.

Kathleen said this was a fair agreement. The \$66,000 they charged us when they could have charged us \$75,000. The \$66,000 was billed and they paid that money to us. Now when they look at the amount of usage for equipment rental that was charged to them, per our invoices they were way out of whack. We did ask for copies of the grant and we never received them. She thinks it is a good agreement. Her main concern is she wants our valley to be safe. \$29,000 is a lot simpler to pay back than \$66,000.

Bill thought it was a fair offer. On the one had you might quibble about the labor involved but the monies we did get was marginally legal background.

Omar stated he was not sure he followed that.

Kathleen commented it was billed on usage and we billed monthly.

Bill commented it raises enough of an issue that it could be dragged into court and it could be very expensive.

Kathleen commented that in the grant proposal it says any time you cannot perform you must put in a request and that was never done.

Bill stated we did not do what we said we were going to do.

Gene commented that time after time the execution was poor.

Terry says the deal seems fair.

Gene made a motion to accept the Settlement Agreement presented by the Attorney General and State Forestry with regards to State Forestry Grant WFHF 12-301, State Forestry Grant WFHF 12S-352 ad partial of State Forestry Grant WFHF 13B-311 as it was written. Bill seconded.

Kathleen called for a vote.

Motion carried 4-1 with Omar voting against it.

Donna stated she filled in Item 3(B) has the amount to be paid on or before May 1, 2017.

Donna asked Kathleen, as Chairperson, and Terry, as Clerk of the board, to sign the agreement.

Gene commented that Kathleen would be the primary contact for the grants.

## 5. CALL TO PUBLIC

## 6. ADJOURNEMENT

Omar made a motion to adjourn and Gene seconded. Kathleen called for a vote. Motion carried 5-0. Kathleen adjourned the meeting at 3:16 PM.

Approved May 21, 2015

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Kathleen Wishnick, Chairperson

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Terry Tompkins, Clerk