



~ These Minutes were approved by the Board on 11/19/14. ~

Sedona Fire District

2860 Southwest Drive, Sedona, Arizona 86336
Telephone (928) 282-6800 FAX (928) 282-6857

SPECIAL BOARD MEETING

Station #1 – 2860 Southwest Drive – West Sedona – Multipurpose Room
Thursday, October 9, 2014 / 4:30 PM – Executive Session with Public Session to Follow

~ MINUTES ~

I. CALL TO ORDER/ROLL CALL

Board Present: Diane Schoen – Acting Chairperson; Corrie Cooperman – Clerk;
Scott Jablow, Nazih Hazime – Members
Board Absent: Ty Montgomery – Chairman
Staff Present: Kris Kazian – Fire Chief; Gary Johnson – Fire Marshal; Tricia Greer – Executive
Assistant/Recorder

In the absence of Board Chairman Ty Montgomery, Board Member Diane Schoen opened the meeting at 4:30 PM.

II. EXECUTIVE SESSION

A. Vote to go into Executive Session:

1. Pursuant to ARS 38-431.03(A)(1) Personnel – Consideration of Options regarding Public Safety Personnel Retirement System (PSPRS) or alternatives for Fire Chief; Possible Effects on Chief's Contract; Possible Modifications and/or Negotiations to Chief's Contract about same.
2. Pursuant to ARS 38-431.03(A)(3) Legal Advice; and ARS 38-431.03(A)(4) Instruction to Attorney – Options regarding PSPRS for Fire Chief including Financial Considerations and Alternative Options for Entering PSPRS; Possible Effects of Chief's Contract; Possible Modifications to Chief's Contract regarding same.

Mrs. Schoen moved to go into Executive Session pursuant to ARS 38-431.03(A)(1) Personnel – consideration of options regarding Public Safety Personnel Retirement System (PSPRS) or alternatives for Fire Chief; possible effects on Chief's contract; possible modifications and/or negotiations to Chief's contract about same; and pursuant to ARS 38-431.03(A)(3) Legal Advice; and ARS 38-431.03(A)(4) Instruction to Attorney – options regarding PSPRS for Fire Chief including financial considerations and alternative options for entering PSPRS; possible effects of Chief's contract; possible modifications to Chief's contract regarding same; a second was provided by Board Member Scott Jablow, and the motion unanimously passed at 4 to 0.

III. SPECIAL MEETING

A. Salute to the Flag of the United States of America and Moment of Silence to Honor all American Men and Women in Service to Our Country, Firefighters, and Police Officers.

Mrs. Schoen reconvened the public meeting at 6:10 PM and led the Pledge of Allegiance and Moment of Silence.

B. Public Forum

1. Public Comments.
2. Executive Staff Response to Public Comments.

There were no requests to speak.

C. Discussion/Possible Action: Follow-Up for Executive Session Items – Consideration of Options Re: Public Safety Personnel Retirement System or alternatives for Fire Chief; Fire Chief Contract; Possible Authorization Re: Expenditures for Legislative Action – Pension Legislation Modifications.

Mrs. Schoen asked Fire Chief Kris Kazian to report on the retirement system issue. Chief Kazian said when he was hired by SFD in March 2012, the ability for him to participate in a retirement system was given as 401A, and now,

pursuant to information he received several months ago, Fire Chiefs and Police Chiefs in Arizona are required to be in Public Safety Personnel Retirement System (PSPRS) by a law effective July 20, 2011, and retroactive to January 1, 2009; he has discussed with the Board and Board Attorney the possibility of legislative modifications to remove the mandatory requirement. Mrs. Schoen informed the public that because of the nature of the issue regarding Fire Chiefs and retirement, Board Member Nazih Hazime declared the possible appearance of a conflict of interest and, therefore, had excused himself from the Executive Session and this public meeting.

Mrs. Schoen commented the Agenda language provides discussion of expenditures for legislative action and entertained a motion on this matter. ***She then moved to authorize expenditure up to \$16,000 for participating in the possibility of legislative action to deal with the issue of retirement and to investigate that issue; Mr. Jablow seconded.*** Chief Kazian asked if the Board would either take those funds from contingency or the Board's legal line item in the budget. Board Member Corrie Cooperman commented she understands this sum would be paid off on a monthly basis; Chief Kazian agreed, and said his recommendation is, as this is an unexpected expense, the funds be allocated from contingency, with the Board's permission and so the Board does not exceed its legal line item; he also recommended the motion include the name of the law firm handling the legislative matter; Mrs. Schoen agreed and Mrs. Cooperman began another motion; however, Fire Marshal Gary Johnson reminded the Board there was a motion on the table; ***Mrs. Schoen then withdrew her previous motion and Mr. Jablow withdrew his second.***

Mrs. Cooperman moved to approve a contract with Lewis, Roca, and Rothgerber, LLP, to assist with PSPRS legislative language changes, as stated in their proposal, limited to the expense of \$16,000; Mr. Jablow seconded. Mrs. Cooperman stated her reason for pursuing this way of handling the problem is, if successful, to save the district a considerable amount of money – well over \$100,000 – which seems a worthwhile effort. ***The motion was then unanimously approved by the three Board members present – Mrs. Schoen, Mrs. Cooperman, and Mr. Jablow.***

IV. ADJOURNMENT

The meeting adjourned at 6:18 PM.

Original signed by Corrie Cooperman

Corrie Cooperman, Clerk of the Board

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