



HIGHLANDS FIRE DISTRICT
FIRE BOARD OF DIRECTORS
SPECIAL MEETING MINUTES · 06/03/2020

A special meeting of the Fire Board of Directors was held on Thursday, June 3, 2020 at 5:00 PM in the Administration Board Room at 3350 Old Munds Highway, Flagstaff, Arizona. The meeting was accessible to Board members and public through video conferencing.

1. CALL TO ORDER. The meeting was called to order at 5:03 PM.
2. ROLL CALL. Board member present were Chairperson Kloeber, Clerk Favazzo, Director Hirsch, and Director Bippus*.

Administrative personnel present were Chief Foreman*, Chief Greenwalt, Mrs. Wilson, and Ms. Jones*

Visitor present was Captain J. Pond, Local Chapter 1505 VP

**attended remotely*

3. DISCUSSION AND POSSIBLE LEGAL ACTION REGARDING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE DISTRICT AND HIGHLANDS CHAPTER OF LOCAL 1505. Chairperson Kloeber informed the Board that this special meeting was called to discuss the MOU between the District and Union. Captain J. Pond emailed copies of the MOU to members for review. Chairperson Kloeber explained that he read and marked potential edits, which will be provided to the Board. Chairperson Kloeber commented that the Board has always involved the Union in their decisions, and the Board has a good rapport with the Union. The important action before the Board is to determine if whether the Board wants to engage with the Union as the representative of the employees; Chairperson Kloeber asked for motion.

A MOTION was made by Clerk Favazzo to poll the Board to see if entering into a MOU is something we [the Board] are ready to do at this time, and if not then we can move it to another time. Clerk Favazzo restated the MOTION to poll the Board to see if the MOU is something the Board is ready to get involved in; Director Hirsch seconded the motion. Chairperson Kloeber asked if the Board understands the motion; members confirmed they understood. Chairperson Kloeber restated the motion of discussing and engaging with the Union. He clarified that the question is not whether to approve the MOU, but to decide if the Board wants to have a discussion about the MOU. After apparent confusion regarding the motion, Chief Foreman suggested the Board strike the motion. A MOTION was made by Clerk Favazzo and was seconded by Director Hirsch to strike the previous motion; the motion was stricken. Chief Foreman suggested a simplified motion. A MOTION was made by Clerk Favazzo and was seconded by Director Reda to engage the Union as the employee representative of the District; discussion ensued.

Chairperson Kloeber stated there is a proposed MOU from the Union, which was distributed to the Board for review, are there any questions? Director Hirsch said that the Board has always been open to the Union; she wondered what happened to change things to cause division between them. Captain J. Pond said nothing has changed; they have always been treated more than fair in every aspect; however, the Union wants to continue progressing. The intent is to provide a foundational

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document to formalize their position and a way to do business at HFD. Chairperson Kloeber commented much of the MOU is covered in HR Policy, which has been approved by the Board after agreement with the Union. Captain J. Pond explained that instead of producing an extensive MOU document, he made reference to HR Policy and SOP.

Clerk Favazzo expressed his concern that it is the Board's responsibility to answer to the taxpayers of the District, and a MOU might bind the Board to make necessary changes. Chairperson Kloeber, agreed, and informed Captain J. Pond that a Labor/Management MOU is a binding contract. Clerk Favazzo made the point that the Board must look at the future as well, and their obligation is to the Community. He suggested using a similar agreement that is not contractual but puts Labor at the table. Captain J. Pond pointed out that the MOU provides final authority to the Board to settle any dispute. He also suggested the Board consider a trial period to be evaluated after one year.

Chief Foreman commented that this MOU apparently has no discussion about wages; however, it guarantees to provide health insurances which could put a "stranglehold" on the Board. Director Bippus asked questions about the process of HR Policy changes. Captain J. Pond said HR Policy changes would continue to be discussed during monthly Labor/Management meetings. His concern is that the favorable relationship between Labor and Management might not continue into the future.

Chairperson Kloeber informed Captain J. Pond, if the Board and Union reaches a point where both parties are comfortable with a MOU, it will be sent to legal counsel for review. The Board questioned why this MOU is important now. Captain J. Pond informed the Board that the concept of an MOU has been rejected in the past, and he personally wanted to bring the MOU forward. Chairperson Kloeber was satisfied with the section regarding reduction in levels. He reviewed and suggested changes to the language regarding health, dental, vision, and life insurance.

Hypothetically, if the District could not afford to pay full benefits for the employee, how would that be handled? Captain J. Pond pointed out section 4. A. states that the MOU shall remain in effect ...unless and intervening financial crisis or other such matter should occur. If there are budgetary restraints, Chief Foreman believes there might need to be reduction in benefits. Captain J. Pond told the Board that the MOU is a living document that could be changed if necessary. The Board discussed benefits in more detail. Captain J. Pond suggested the Union discuss benefits in association with the Compensation Committee.

Director Reda commented that the Board's discussion should be directly related to the motion [to engage the Union as the employee representative of the District], and not the details of the MOU. Chairperson Kloeber agreed; however, he believes they should also discuss elements that maybe financially binding.

Clerk Favazzo believes that a MOU could potentially create a contentious situation. Captain J. Pond said HFD has taken very good care of its employees; the MOU is intended to be a foundational document to continue the prosperous relationship between the District, its employees, and the Board. He promised that there is no "sneaky" language in the MOU.

Director Reda explained his point of view as an employee. If the MOU supports current practice, why not give employees the peace of mind?

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Clerk Favazzo believes that it might not be the right time to accept the MOU considering the current state of crisis within the country and world.

Chairperson Kloeber asked for the Chief's opinion on engaging with the Union. Chief Foreman believes the Board could enter into negotiations with the Union, and that the MOU is fairly innocent. The MOU has escape clauses if the District cannot fiscally afford certain benefits.

Chairperson Kloeber said that if the motion passes, he would like to have a brief dialogue with the Union Representative about information sent to him and the Chief, and then he will send the documents to the Board for review. He asked for this item to be put on the agenda in June.

Chairperson stated the motion on the table "to engage the Union as the employee representative of the employees." Those in favor of the motion, say AYE; opposed say NAY. The motion was **APPROVED** with the following votes:

Gene Reda – AYE, Jan Hirsh – AYE, Pete Kloeber – AYE, Joe Favazzo – AYE, Brad Bippus – NAY

The Board discussed the ability to change the MOU as needed. Clerk Favazzo stated that it is very important that the MOU doesn't have language that would tie the hands of the Board. In addition, he wants to be sure that the Board is protected against legal disputes and has ultimate authority to make decisions for good sound financial decisions.

ADJOURNMENT. A MOTION was made by Clerk Favazzo was seconded by Director Hirsch to adjourn; the motion was unanimously APPROVED. The meeting adjourned at 6:17 PM.

Respectfully submitted,

Jayne Jones
Administrative Specialist