



# TIMBER MESA FIRE AND MEDICAL DISTRICT

Board Meeting  
Special Session  
November 6, 2015

## Public Session Minutes

1. **CALL TO ORDER**

Chair Amy Kay called the meeting to order at approximately 4:30 pm in the training room at Station 13, 2922 W. White Mountain Blvd., Lakeside, AZ.

2. **PLEDGE OF ALLEGIANCE**

Chair Kay led those present in the Pledge of Allegiance.

3. **ROLL CALL OF BOARD MEMBERS**

Present: Chair Amy Kay, Clerk Lynn Browne-Wagner, Member Paul Wyatt, Member Dennis Hughes (via phone) and Member Ed Lindquist (via phone).

Staff: Administrative Manager Lewis, Chief Savage

Others: Legal Counsel Whittington

4. **VOTE TO GO INTO EXECUTIVE SESSION – LEGAL ADVICE AND INSTRUCTIONS TO LEGAL COUNSEL**

Member Paul Wyatt made a motion to go into the Executive Session for legal advice and instructions to legal counsel regarding the pending litigation involving Arrowhead Mobile Healthcare, Inc., and Member Lynn Browne-Wagner seconded the motion. MOTION CARRIED UNANIMOUSLY.

5. **BUSINESS**

The Board reconvened into public session from executive session at approximately 5:08 p.m.

- A. Discussion and possible action: pending litigation re: Arrowhead Mobile Healthcare, Inc. vs. Timber Mesa Fire and Medical District, et al. Cause Nos. CV201500436 & CV201500437. Possible approval of Chair and Fire Chief to sign verifications and/or other pleadings or documents as may be necessary in conjunction with said above referenced ending litigation.

Chair Amy Kay asked for discussion on the matter. There was no discussion. Member Paul Wyatt made a motion to approve the Chair and Fire Chief to sign verification and/or other pleadings or documents as may be necessary in conjunction with said above-referenced ending litigation. Member Ed Lindquist seconded the motion. MOTION CARRIED UNANIMOUSLY.

- B. Discussion and possible action re: possible approval of Resolution #2015-3 authorizing William R. Whittington, Esq. and the law firm of Boyle, Pecharich, Cline, Whittington & Stallings, PLLC, the law firm of Gallagher and Kennedy, and the law office of Brett Rigg, Esq. to appear and participate in the above referenced pending litigation, Cause Nos. CV201500436 & CV201500437.

Chair Amy Kay asked for discussion on the matter. There was no discussion. Member Dennis Hughes made a motion to approve Resolution #2015-3. Member Ed Lindquist seconded the motion. MOTION CARRIED UNANIMOUSLY.

**C. Discussion and possible action re: authority to withdraw pending application for boundary modification in ADHS file EMS 4054 and to re-file the same.**

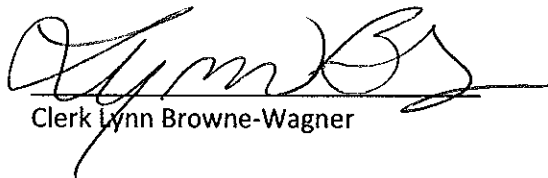
Legal counsel advised the Board that he had provided sample language for the Board to consider for a possible motion. He further advised that he recommended that the matter be considered on an emergency basis. Legal counsel stated that the record needed to reflect the need for an emergency and the reason. He further explained that a Notice of Emergency meeting would also be posted within 24 hours of the meeting.

Legal counsel then recommended that the Board entertain an item on an emergency basis in order to possibly approve a motion to approve a possible settlement/resolution of the pending litigation, by not only withdrawing the application for a boundary modification to the District's CON under EMS 4054, but also paying the amount of \$6,783.00 to Arrowhead Mobile Healthcare, Inc. in conjunction with the settlement, conditioned upon a commitment to dismiss Plaintiff's Open Meeting Law complaint as set forth in Case No. CV2014500437 and upon confirmation from the Plaintiff of an extension of at least two weeks to resolve the records dispute in Cause No. CV201500436. Mr. Whittington explained that the matter needed to be dealt with on an emergency basis in order to meet the deadline for filing an Answer in the above referenced litigation.

Chair Amy Kay ordered that the justification for an executive session as stated by legal counsel be entered into the minutes. She then asked for discussion on the issue of possibly resolving the pending litigation. Member Paul Wyatt made a motion to withdraw the District's CON application for boundary modification and to pay the amount of \$6,783.00 to Arrowhead Mobile Healthcare, Inc. in conjunction with that settlement, conditioned upon a commitment to dismiss Plaintiff's Open Meeting Law complaint as set forth in Cause No. CV201500437 and upon confirmation from the Plaintiff of an extension of at least two weeks to resolve the records dispute in Cause No. CV201500436. Member Lynn Browne-Wagner seconded the motion. MOTION CARRIED UNANIMOUSLY.

**6. ADJOURNMENT**

The Board meeting was adjourned at approximately 5:20 p.m.

  
Clerk Lynn Browne-Wagner