

**TOWN OF KEARNY  
REGULAR MEETING MINUTES**

**A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEARNY, ARIZONA,  
AT THE KEARNY TOWN HALL LOCATED AT 912-C TILBURY DRIVE ON  
MONDAY, AUGUST 17, 2020, AT 7:00 P.M.**

**COUNCILMEMBERS PRESENT**

Mayor	Debra Sommers
Vice Mayor	Daniel Radcliffe
Councilmember	Rose Bradford
Councilmember	Nancy Hinojos
Councilmember	Rudy Flores
Councilmember	Samantha Misita (telephonically)
Councilmember	Sheila Stephenson

**TOWN STAFF PRESENT**

Town Manager	Jeff McCormick
Town Clerk	Martina Burnam
Accounts Payable Clerk	Amanda Kenney
Public Works Supervisor	Kenneth Piggott
Ambulance Supervisor Paramedic	Lora Snow
EMT	Scott Glica
EMT	Amber Rodriguez
EMT	Alyssa Romero
EMT	David Clinkenbeard

**VISITORS PRESENT**

The Church of Latter-Day Saints	Bishop Brian Coleman
Carol Lewis	Jamie Ramsey
Joanne Warren	Chuck Warren
Jackie Jackels	

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Mayor Sommers called the meeting to order at 7:05 p.m. followed by the Pledge of Allegiance.

**INVOCATION**

Bishop Brian Coleman The Church of Latter-Day Saints

**ROLL CALL**

Mayor Debra Sommers requested Town Clerk, Martina Burnam, to call the roll. Quorum was present.

**APPROVAL OF MINUTES FOR:**

Special Meeting July 13, 2020

**Motion** by Councilmember Bradford, **second** by Councilmember Stephenson to approve the Minutes for Special Meeting July 13, 2020. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe,

**Regular Meeting**

**Page 2**

**August 17, 2020**

Councilmembers \_\_\_\_\_, Rudy Flores, Rose Bradford, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

**CALL TO THE PUBLIC**

Jamie Ramsey requested information of the Cares Act funding in the amount of approximately \$248,000.00. Mayor Sommers responded that this would be addressed later in the meeting.

**NEW BUSINESS**

**CONSIDERATION AND POSSIBLE APPROVAL OF A MUTUAL AID AGREEMENT FOR EMERGENCY SERVICES INVOLVING DISPATCH CENTERS AND OPERATIONS CENTERS**

As the text of the agreement states, no single community has sufficient resources to respond to all emergencies and mutual aid agreements are an essential component of preparedness planning.

Staffing and equipping of an emergency operations center is essential to effective response, recovery and mitigation efforts when emergencies and disasters strike. The continuous and uninterrupted receipt, processing, dispatching and monitoring of emergency calls for assistance is necessary for an effective emergency response system.

The Mutual Aid Agreement allows resources to be shared for staffing and equipping a local Public Safety Answering Center (PSAP), a.k.a. a 911 Call Center, or an Emergency Operations Center, during and after an emergency incident in the Copper Corridor region; including though not limited to natural disasters, acts of terrorism, man-made disasters, and other emergencies where shared resources and mutual support would be required to effectively respond and recover from such emergency incidents.

This is the first year Pinal County requested a Mutual Aid Agreement from municipalities in the County. Should an emergency incident occur, the Agreement allows Pinal County to better distribute resources, staffing and equipment to manage the incident and facilitate communication and coordination among responding public safety agencies.

Chief Kenney addressed the council the importance for this agreement for extreme emergencies, where the other agencies can share their staff or equipment as needed.

Vice Mayor Radcliffe asked if an example is like when the Town of Kearny had the large fire and agencies came out to help? Chief Kenney responded they would send someone if we were short handed and help give direction during an emergency.

**Motion** by Vice Mayor Radcliffe, **second** by Councilmember Bradford to approve the Mutual Aid Agreement for Emergency Services Involving Dispatch Centers and Operations Centers. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers \_\_\_\_\_ Rudy Flores, Rose Bradford, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

**CONSIDERATION AND POSSIBLE APPROVAL OF A PROPOSAL TO MODIFY SCHEDULING PRACTICES FOR THE KEARNY AMBULANCE SERVICE IN ORDER TO ENSURE COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT AND MINIMIZE OVERTIME**

Modified policies on scheduling practices for the Ambulance is enclosed in your Council packets, along with a spreadsheet of financial data, starting with Fiscal Year 2015-16.

Looking at the trends of financial activity, and the negative balance of expenses versus revenues, the financial urgency of reversing those trends makes the policy changes necessary.

Working with an attorney who specializes in labor law, we fine-tuned the policies to be compliant with the Fair Labor Standards Act (federal labor laws) and minimize overtime.

As can be seen from the enclosed spreadsheet, overtime hours jumped more than 1,000 hours during the last year, from Fiscal Year 2018-19 to Fiscal Year 2019-20. The jump in overtime hours increased the totals for overtime accrued and paid to Ambulance employees.

Sick hours increased, starting in Fiscal Year 2017-18.

Fiscal Year Audit Totals began to incur deficits in Fiscal Year 2016-17, where expenses exceeded revenues. This data was taken from Auditor Reports generated after each annual audit.

Councilmember Bradford commented its not the ambulance department's fault for the overtime hours, she believes it is due to the town being in the middle of nowhere and not enough staff. Local employees who are with the ambulance and interested in helping to make sure the hours of service are staffed, and acquiring overtime. They get used to the overtime and when hours are added from part time help or new hires, it cuts their overtime and hurts those that help us. I believe the ambulance crew does a great job and had the outlying areas like Hayden, Winkelman, Pinal and Gila Counties helped us more, we wouldn't be in this situation we are in. I support Lora and her ambulance crew.

Vice Mayor Daniel Radcliffe I agree, we need the ambulance services here and we need to figure out how to continue the service without it taking from the General Fund.

Mayor Sommers stated a meeting with the counties and other towns is set for next month. No one wants the Ambulance to go away. We believe the ambulance does a great job. We just need to figure out how to get his done. We need you to understand we are trying to do what can to ensure we have an ambulance. We want to continue to provide services to Kearny and the surrounding areas. We have to remember we all travel this road, our families do, parents and kids do; and the last thing we want to know that our family members are out on the highway and passes away because there is no service anymore. The highway is a big deal for me because I've lost 2 siblings in automobile accidents.

Vice Mayor Daniel Radcliffe stated the big thing we need to do is cut down is th overtime. Ambulance Supervisor Snow stated hire more people. EMT Rodriguez stated that the problem is that a lot of the ones who come here don't hire on fulltime because they have families and it costs too much insurance for

## **Regular Meeting**

**Page 4**

**August 17, 2020**

families. We understand you aren't doing this out of malice. You want us to stay as much as we do. What is the outcome with the meeting with other Mayors and county officials?

Mayor Sommers stated we have been working with them for an outcome. The only problem is we don't have the money to offer more pay or insurance.

EMT Rodriguez stated again, it's a vicious circle of not enough help, causing overtime for those willing to work it.

Councilmember Bradford stated the Town Manager from Superior Todd Pryor, really defended us at the meeting with other Towns and Counties. He said that most of the Kearny area is in Pinal county and he told Peter Rios with Pinal County, the little Town of Kearny should not have to support the ambulance, you should step up and help them. The Town of Hayden and Winkelman used to support us but they don't have any more money to help as well.

Mayor Sommers stated Todd Pryor was a great help at the meeting and he stated Superior's Ambulance is in the same situation as us. It's everywhere. Medicare and Medicaid only pay a certain amount, we cannot bill the client for the rest. Thus, causing an increase in write-offs. We do not have a lot of unpaid Ambulance bills, it's the Medicaid, Medicare and Overtime that is causing the issues.

Councilmember Bradford said when a call goes out for Medicare or Medicaid, ambulance transport rate of \$1200 is only covered with \$700 from Medicare or Medicaid.

Councilmember Hinojos asked if that is only when they are transported? Mayor Sommers responded yes. Vice Mayor Radcliffe stated if they are not transported, they (Medicare and Medicaid) don't pay anything and we bill the client who is now responsible for the entire bill.

Ambulance Supervisor Snow stated DHS (Department of Health and Safety) is trying to put together non-transport treat and release rates for Medicare/Medicaid patients. Hopefully this would get approved, and be more helpful towards write-offs.

Councilmember Bradford asked if it was possible to lower our service area. Ambulance Supervisor Snow stated it won't matter, their numbers actually help support the ambulance.

EMT Glica asked what we are going to do about the 24 hours or 12 hours off duty unless they get a call, they don't get paid? Most of us live out of town and can't afford do that. Town Manager McCormick said to stay at the duty station. Really that's the only option. EMT Glica asked what about travel? Part of our pay goes to traveling to Kearny.

Town Manager McCormick stated that we need to be in compliance with the Federal Fair Labor Standards Act. We are not in compliance. Ambulance Supervisor Snow stated it is because we don't pay the overtime over 48 hours. It's not how we run the shifts but how the Town pays the shifts. Town Manager McCormick stated the bone of contention is we don't have a paid fire department. If we did have a paid fire department, the ambulance could be placed under the 48/96 schedule. However, we don't and the current schedule is not

**Regular Meeting**

**Page 5**

**August 17, 2020**

in compliance and you have to go back to the 40-hour work week. Ambulance Supervisor Snow stated the problem is we don't pay the overtime. It has nothing to do with the different shifts. It was never set up to be paid right from the beginning.

Councilmember Bradford stated the bottom line is the dollars aren't there to pay the overtime.

EMT Rodriguez asked if the next meeting with the counties and towns will be open for public knowledge? Mayor Sommers stated most definitely. We really don't know till we talk to everyone, they need to talk to their finance people before they can get back to us.

Mayor Sommers stated that ASARCO gave us money for a grant writer and the grant writer has found no grants for ambulances. Ambulance Supervisor Snow stated she has also looked for grants. She has even applied for a couple. There just aren't any grants out there.

Councilmember Bradford stated things might get worse as the strike is over and there are many without jobs right now. Ambulance Supervisor Snow is worried about making her September schedule. Once we are not in compliance with scheduling with DHS, they can take away our CON. I can work shifts, but I need a partner. She doesn't have an entire month of shifts yet.

Mayor Sommers recommended that the item be tabled for the future, until after meetings with the counties and partnering cities take place.

Vice Mayor Radcliffe also stated, leave the way things are for now, until we finish with our meetings with the other agencies.

EMT Clinkenbeard stated they enjoy working here and they are willing to work with us. Just can't work for nothing. EMT Romero stated they enjoy working here because they are the only ground Ambulance crew in the area and can practice all their skills.

All Council responded with appreciation.

**Motion** by Councilmember Stephenson, **second** by Vice Mayor Radcliffe to table the consideration and possible approval of a proposal to modify scheduling practices for the Kearny Ambulance service in order to ensure compliance with the fair labor standards act and minimize overtime. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Rose Bradford, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

**CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION NO. 20-06 TO DECLARE A PUBLIC RECORD OF KEARNY TOWN CODE SECTION 10-3: PUBLIC NUISANCES, ABANDONED AND JUNK VEHICLES, AND ADOPT ENFORCEMENT AND ABATEMENT CODES FOR VIOLATIONS OF THE ORDINANCE**

The Resolution allows the titles of sections being added into Town Code to be published, rather than publishing the lengthy addition of the Ordinance's language. In addition, the Resolution mitigates the expense of publishing a lengthy public notice.

Vice Mayor Radcliffe asked if this was coming from a lot of complaints of the town not looking like it used to? Town Manager McCormick answered yes. Vice Mayor Radcliffe stated if people need help, there are people available.

Councilmember Bradford stated the Town employees are doing a better job.

Mayor Sommers stated councilmembers need to keep their residence within accordance to code to set a good example.

**Motion** by Vice Mayor Radcliffe, **second** by Councilmember Stephenson to Approve Resolution No. 20-06 To Declare A Public Record of Kearny Town Code Section 10-3: Public Nuisances, Abandoned and Junk Vehicles, and Adopt Enforcement and Abatement Codes for Violations of the Ordinance. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Rose Bradford, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

**CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 20-215 TO AMEND KEARNY TOWN CODE TO ADD SECTION 10-3: PUBLIC NUISANCES, ABANDONED AND JUNK VEHICLES, AND ADOPT ENFORCEMENT AND ABATEMENT CODES FOR VIOLATIONS OF THE ORDINANCE**

The Ordinance proposal before the Town Council is intended to address abandoned and junk vehicles, provide enforcement measures for abandoned and junk vehicles, and provide penalties for violations involving abandoned and junk vehicles.

The language of the Ordinance is largely borrowed from Property Maintenance Codes adopted by the Town of Superior, and modified slightly to meet the long-term needs of Kearny.

The Ordinance also addresses litter, and provides enforcement measures and penalties for litter on properties in Town limits. The same penalties for litter are also the same for abandoned and junk vehicle violations. Both are misdemeanor offenses with identical penalties.

This Ordinance is the first part of a larger effort to update and amend Town Codes for Property Maintenance and Public Nuisance Abatement. The next part includes provisions for dilapidated structures, in an effort to address unsafe buildings and unsanitary conditions

**Motion** by Councilmember Bradford, **second** by Councilmember Flores to Approve Ordinance No. 20-215 to Amend Kearny Town Code to Add Section 10-3: Public Nuisances, Abandoned and Junk Vehicles, and Adopt Enforcement and Abatement Codes for Violations of The Ordinance. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Rose Bradford, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

**INFORMATIONAL ITEMS**

1. 147 of 832 new water meters have been installed and work continues till the project is finished.

**Regular Meeting**

**Page 7**

**August 17, 2020**

2. The annual audit began today, and auditors are back onsite tomorrow through Wednesday.
3. Mayor Sommers and Town Manager McCormick met with Supervisor Peter Rios from Pinal County and Supervisor Woody Cline of Gila County, Town Mayors Dean Hettrick from Town of Hayden and Louis Bracamonte from Town of Winkelman and Town Manager Todd Prior from Superior to discuss gap funding in assistance for the Ambulance program. No amounts have been decided on, but have said to put it on their agendas for discussion.
4. Brownsfield Administrator for ADEQ contacted Town Manager McCormick wanting to confirm our interest in the grant funds to abate the asbestos and lead based paint at the Kearny Medical Clinic? The Administrative requirements have been completed. The Contractor to assess the asbestos is prepared to begin the assessment. Once the contract is approved by the Town Council, which could happen at a Special Meeting or at the Work Session on August 31<sup>st</sup>, the assessment will begin immediately thereafter with the final analysis and report will be finished about 30 to 60 days after. Invoices will be reimbursed to the Town from ADEQ similar to how CDBG is done. After the results are finalized, Cobre Valley is prepared to demolish and construct a new building. Temporary portable buildings will intake patients and conduct medical operations. Timelines for the new construction are not yet available.

**REPORTS**


- a. Ambulance
- b. Fire Department
- c. Library

**Motion** by Councilmember Bradford, **second** by Councilmember Stephenson to approve the reports from the Ambulance, Fire Department and Library. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Rose Bradford, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED**

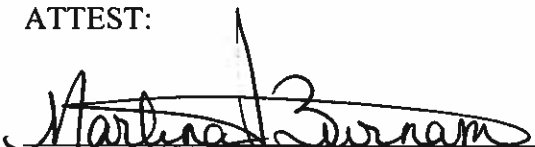
**ADJOURNMENT**

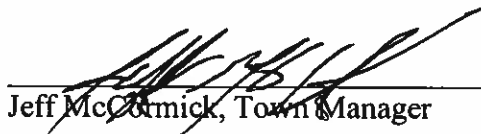
**Motion** by Vice Mayor Radcliffe **second** by Councilmember Bradford to adjourn the Special Meeting. **Vote** – Mayor Debra Sommers, Vice Mayor Daniel Radcliffe, Councilmembers Rudy Flores, Rose Bradford, Samantha Misita, Nancy Hinojos and Sheila Stephenson all voted in favor of the motion. **MOTION PASSED.**

Meeting was adjourned at 7:40 p.m.

  
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Debra Sommers, Mayor

ATTEST:

  
\_\_\_\_\_  
Martina Burnam, Town Clerk

  
\_\_\_\_\_  
Jeff McCormick, Town Manager