SPECIAL
PUBLIC MEETING MINUTES
June 1, 2018

CALL TO ORDER
The meeting was called to order at 9:00 a.m. by Board Chairman Dave Cummings. Chairman Cummings led the Pledge of Allegiance.

ROLL CALL

Present:	Board Chairman: Dave Cummings
	Board Clerk: Chuck Moore
	Board Member: Heather Petrillo
	Board Member: Ralph Mauzy
	Board Member: Karen Flenniken
Staff Present:	Acting Fire Chief: Scott Neal
	Assistant Fire Chief Operations: Patrick Moore
	Administrative Manager: Paula Acker

BUSINESS

A. POSSIBLE VOTE TO GO INTO EXECUTIVE SESSION: FOR PERSONNEL MATTERS PURSUANT TO A.R.S. §38- 431.03.(A) (1) AND FOR LEGAL ADVICE PURSUANT TO A.R.S. §38-431.03.(A) (3) RE: POSSIBLE ACCEPTANCE OF CHIEF RICK SOUTHEY RESIGNATION.

Board Member Moore moved to adjourn to executive session, Board member Mauzy Seconded the motion, all were in favor and the motion carried unanimously.

RECESS INTO EXECUTIVE SESSION
The public meeting was recessed at 9:03 a.m. to enter into executive session.

RECONVENE PUBLIC MEETING
The public meeting reconvened at 9:36 a.m.

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B. DISCUSSION/POSSIBLE ACTION RE; ACCEPTANCE OF COMPLETED INVESTIGATIVE REPORTS

Board Member Mauzy made a motion to accept all three completed investigative reports, Board Member Moore seconded the motion, Board Chairman Cummings repeated the motion to include redaction of one report. All were in favor and the motion carried unanimously.

C. DISCUSSION/POSSIBLE ACTION RE; RELEASE OF ALL INVESTIGATIVE REPORTS TO THE PUBLIC.

Board Member Moore moved to release all three reports to the public, Board Member Mauzy seconded the motion, with no discussion all were in favor and the motion carried unanimously. Chairman Cummings asked Chief Southey if he would like to speak before the Board moves to the next business items on the agenda, Chief Southey stated to the Board that he is still Fire Chief and would like to address the Board from the Dias. Chairman Cummings granted permission.

Chief Southey read his history with Bullhead City Fire Department, (BCFD) which started in 1982 as a Firefighter being promoted to senior engineer within a year. In 1985, he became Captain, and 1990 a battalion chief, 1992 he became assistant chief, then 1998 the Fire Chief. He stated during this time he obtained three associate's degrees, two bachelor degrees, and a master's degree in public administration. He then listed several credentials he has received, committees and involvement with the Arizona Fire District Association Board. He listed his involvement in local community and many local awards he has received.

Chief Southey stated that in the last 20 years with BCFD he has managed every budget and has had a hand in every major decision made for the Department. He stated he has never been accused of anything illegal, unethical or immoral. On December 12, 2017 that changed, his professional life and reputation were rocked by a series of allegations by a former Assistant Chief.

Chief Southey continued by going over the course of the investigation, he stated the investigation was very costly and community has a right to know the steps of the investigation.

"On December 12, 2017, former Assistant Chief Doug Stevens, after only 25 months with the Department addressed the Board at a public meeting announcing his resignation and leveling a number of allegations against me as the Fire Chief. This included deceptive management practices that were reckless, irresponsible, and negligent. Throughout his address, he specified a handful of claims including illegal and unethical conduct. His entire dialog during the public meeting was done without notice to me and certainly caught me off guard. On December 13, 2017, just one day later, the BCFD professional firefighters association local 3647 submitted a letter to the Fire Board requesting that I be placed on administrative leave and to immediately initiate an investigation. Essentially the letter in my opinion was bolstering the allegations by Stevens, it is my opinion that there was coordination between Stevens, the union and perhaps others concerning this letter. On January 4, 2018, even though it had already been decided to

investigate the allegations, Stevens on his official final day of employment, submitted a letter to the Fire Board Chairman Cummings requesting that an action item be placed on the January public meeting agenda. This item requested that an independent investigator be hired and that I should be placed on administrative leave. This letter identified dozens of specific areas that he felt necessary to look into as part of a thorough investigation. Including failure to insure personnel were properly equipped to respond, willful violation of OSHA regulations, exposing district employees to exceptional unnecessary risk by failing to provide the required training and functional equipment. Inappropriate removal of an official document during an investigation and a number of direct violations of the districts human resource policy manual. He also identified supposedly for the benefit of the investigator all the laws rules and regulations, standards and department documents and other resource materials that he felt would support the allegations. On January 18, 2018, a line item complaint letter was developed to present to the Board during a special public meeting, this letter listed thirty one (31) separate items, which appeared to be an expansion of the December 12, and January 4, complaints expressed by Stevens. I am unsure who participated in developing this document, I believe it to have a number of contributors including two recent battalion chiefs and the union president. This meeting resulted in the approval of an independent investigation. On January 26, 2018, I was officially informed that I would be the subject of a workplace investigation that is being conducted as a result of the allegations brought forth by Stevens regarding possible misconduct and violation of district policy and or statutes. Subsequent communications alleging sexual harassment by Battalion Chiefs Evans and Kinsey would also be included items of the investigation. On January 30, 2018, the Fire Board voted during a public meeting to place me on administrative leave pending the outcome of the investigation. Captain Rick Lorhan, during a call to the public leveled numerous allegations insinuating that I am solely responsible for a toxic environment within the bullhead city fire department. Most of the detrimental activities listed by Captain Lorhan if true would have occurred at the shift level rather than the administrative level, however his timing made it appear as though his concerns were related to the upcoming investigation. There was no supporting evidence provided just a lot of rhetorical accusations. On January 31, 2018, I was officially placed on administrative leave. On April 23, 2018 during a regular public meeting, Bullhead City Professional Firefighters Local 3647 presented the fire board with a vote of no confidence against me. It was interesting that one of their issues, was a lack of recruitment and retention as one of the issues; and then had Jeremy Cady read the letter. Jeremy was a member of the department that recently left to accept a firefighter position in Las Vegas. Things did not work out for him and he returned, hat in hand, asking for his job back. Despite very vocal objections by a number of his peers, I allowed him to return and even offered him a fairly short path to return to his former status within the department. In my opinion having Jeremy read that letter was intentionally degrading. This letter of no confidence was presented to the Fire Board three weeks before the investigator results were complete. On May 5, 2018, due to the climate within the department, and my desire to minimize further conflict within the department, I submitted a letter announcing my retirement date of June 29, 2018, with the understating regardless of the investigative result, it would not be in the best interest of the department that I

return to my position as Fire Chief. On May 14, the investigative results and findings were presented to the fire board in executive session during a special board meeting. In addition, the Fire Board was given an opinion by the investigator concerning his thoughts formulated throughout the investigation. On May 15, 2018, the investigative results but not the opinion were given to me. On May 22, 2018 during the regular public meeting in executive session, the Fire Board released to me the investigators opinion, which I received the next day.
That brings us to today June 1, 2018.
Just now, the Fire Board has accepted the report and opinion and has essentially authorized its release that allows me for the first time to speak publicly about the matter.
Right up front, I will be the first one to admit that I am not perfect. In twenty (20) years at heading up the BCFD, I have had to balance the needs of the community, the department and personnel. In a declining economy, this was not always easy and some of these decisions were not very popular. In retrospect, better decisions could have been made in a variety of different areas. I can say that my decisions were based on the best information available at the time with available resources available on hand. However, I am the head of the Department and ultimately responsible and take full responsibility for those things in my control. Many of these things in the investigation I could have done a lot better.

Chief Southey reviewed the investigative results He stated there were eight (8) separate claims driven from the information provided by Doug Stevens and others during the investigation interviews. Because of the time, effort and money spent, he stated the community should be informed of the conclusions.

Chief Southey read from the investigative report by James R. Valdez, Investigative professional services dated May 13, 2018.

(The following is the *Investigative Summary* and response by Chief Southey)

INVESTIGATIVE SUMMARY:
On January 5, 2018, the Bullhead City Fire District Bond contacted Jimmy Valdez requesting an investigation into several allegations of misconduct and criminal violations committed by Fire Chief Rick Southey of the Bullhead City Fire Department. The complaint stemmed from a December 12, 2017 public disclosure by then Assistant Chief of Operations, Doug Stevens, during a public Bullhead City Fire District board meeting, at which time Stevens would tender his resignation. During the meeting Stevens listed several incidents of possible misconduct over a period of ten years. This list would be narrowed down to eight specific claims inclusive of the entirety of complaints made on December 12, 2107. The investigative findings of each claim are as follows:

Claim 1. - Employee Saftey & Training (Technical Rescue Program, Trench Rescue, Confined Space & Special Rescue).

Findings: *Mismanagement- Unfounded*
Misrepresentation- Sustained

Chief Southey stated he did provide a letter to Golden Vertex that we would respond to any emergency on their site, and that is true we would respond to any emergency. While their need was to be high angle rescue, he stated he was confident that our crews had the ability to perform high angle rescue, the letter included other areas of technical rescue that BCFD is not proficient in. Even though the department would respond to any emergency, the letter should have only included the needed high angle rescue.

Claim 2.A- Equipment: Bay Door & Building Maintenance.
Findings: *Unfounded*
Chief Southey read *2.A:A Issue of concern* from the report.
Former Assistant Chief Doug Stevens claimed that the fire station bay doors that enclosed the fire apparatus truck bays were poorly maintained and a safety hazard. During the interview process. Stevens also noted that the overall building maintenance of the fire stations was poorly managed and a direct result of Chief Southey's control over the budget dollars needed to properly maintain the facilities.

Claim 2.B-Equipment: Fleet Tires.
Findings: *Unfounded*
Chief Southey read *2.B: A. Issue of Concern* from the report.
A concern arose that Chief Southey's decision to purchase Chinese manufactured fleet tires as a cost saving measure potentially placed firefighters at risk.

Claim 3 fire hose:
Finings: *Sustained*
Chief Southey read a portion of the claim (3) issue of concern:
Claim 3: A. Issue of Concern
Former Assistant Chief Doug Stevens claims that Rick Southey continuously failed to authorize the purchase of the replacement fire hose as requested by the Fire Hose Program Manager and Chief Officers over a time period of eight (8) years.

Chief Southey responded stating this one confounds him a bit, but he accepts the results. He stated the complaint stated that money spent on fire hose was not spent on fire hose. However looking back at the records over the course of eight (8) years there was a total of $75000 budgeted for fire hose, over that same period nearly $72,000 was spent on fire hose. There was a single year in which money was not spent but was budgeted on fire hose, he stated he assumed that is the reason the claim was sustained.

Claim 4- Federal Grant Mismanagement (FEMA & Others)
Findings *Unfounded*
Claim 4: A. Issue of Concern
Mismanagement of $750,000 in federal grant money intended for the purchase of equipment and training in the area of technical rescue.

Claim 5- Financial Management (Budget Performance).
Findings *Unfounded*
Claim 5 A. Issue of Concern
The investigative team received information from witnesses during the course of the investigation of the potential for mismanagement of budget revenues, funds and expenditures by Fire Chief Rick Southey.
C. Investigative findings

1. *This claim is unfounded. A financial review performed by the investigation team found no obvious signs of financial mismanagement practices of the Fire Chief.*

Claim 6- MALC Bonfire Incident.
Findings. *Sustained*
Claim 6: A. Issue of Concern
A complaint arose in reference to an incident that occurred during the "spirit Night" bonfire at Mohave Accelerated Learning Center on the evening of October 13, 2016, which resulted in an explosion.
Chief Southey stated, while this was not part of the original complaints this did come up during the investigative process, this indicates that the investigator was open to explore different areas of the investigation if he felt it was necessary. Chief Southey stated this leads him to believe the investigator was thorough. He stated this incident was sustained because he did not formally discipline a Chief level officer who was present at the MALC event. However there was a verbal reprimand, which Chief Southey felt to be sufficient at the time of the event.

Claim 7 - Unauthorized Deletion of SOP 4.12A.
Findings *Unfounded*
Claim 7 A. Issue of concern
Chief Southey circumvented standard operating procedures and covertly deleted appendix A of SOP 4.12 in an attempt to protect EMS Division Chief *Steve Duncan.*
C. Investigative Findings

1. *This claim is unfounded. The allegation Fire Chief Rick Southey circumvented the process ad secretly deleted Appendix A of SOP 4.12 is unfounded.*
2. *The allegation Fire Chief Rick Southey deleted Appendix A of SOP 4.12 to protect EMS*

Chief Steven Duncan is unfounded.

Claim 8-Sexual Harassment.
Findings *Unfounded*
A. Issue of Concern
*Chief Southey sexually harassed (*an administrative employee) *on October 26, 2010*

Chief Southey stated those were the actual investigative findings; again three of the ten (10) issues were sustained. In addition of the investigative finding of fact, is the opinion letter by the investigator, he stated a number of the investigative opinions are very telling and warrant disclosure. Chief Southey read the following "excerpts" from the opinion.

Opinion

Claim 1. Employee Safety & Training (Technical Rescue Program, Trench Rescue, Confined Space Rescue, Special Rescue9
Opinion
Like all the claims associated with the investigation, this allegation was grossly misstated. Remarks on the part of Stevens referencing violations of the law and putting people at grave risk were irresponsible and over dramatic, which could only be concluded to have an intended effect of panic and fear. This would become a common theme on the part of Stevens throughout the investigation.

There was no evidence to support the claim of mismanagement of the rescue team. The responsibility of the operation and administration of the team changed hands on several occasions over the years. As with many of these allegations, there was a breakdown in communications throughout the chain of command that led to the team being operationally ineffective.

The claim that Chief Southey misrepresented the capabilities of the team was sustained due to evidence he made a single misrepresentation in a letter to Vertex Mining. That being said, to assert that any is representation placed lives at stake is unfounded. Doug Stevens asserted on several occasions that Chief Southey has caused the BCFD to be in violation of the law, however, when asked which laws Chief Southey was violating, Stevens responded with a single OSHA regulation (29 CFR 1910.146) this investigator was confounded by Stevens response of a single regulation considering both the frequency and the melodrama of the complaint.

At no time did BCFD place anyone at risk due to the TRT being operationally ineffective, partly because the TRT has never received a call for service in the entirety of its existence and even if it had the determination of risk would be based on the outcome of the call and circumstances

involved.

The allegation that Chief Southey misrepresented the TRT capabilities that led to agencies relying on TRT services in the event of a necessary rescue is a poorly formed argument by Stevens that reflects his continuing exaggerated approach of persuasion and appeal to fear.

Regardless of many standards (as pointed out by Stevens) within the firefighting industry supporting the use of permits in compliance with 1910.146 this investigation yielded no evidence of any fire department rescue services meeting all the requirements of the statute. In fact, a review of Phoenix Fire Department's policy on confined space Rescue indicated they too fell short of compliance. That being said, agencies should attempt to comply to those aspects of the regulation that they would reasonably be expected to meet.

There should be greater emphasis on the responsibility of the Battalion Chiefs (BC's) in this claim. During the course of this investigation the BC's continually pointed the finger at Chief Southey for not asking for changes to SOP's, training, and budgetary costs to bring the TRT into an operationally effective status. While the Fire Chief certainly deserves some blame for the lack of attention administratively, the BC's were responsible operationally. When an agency called a BC to place them on "standby" it was incumbent upon the BC, knowing the current status of the TRT, to advise the agency of their inability to respond and provide an alternate solution. Their failure to act should not be taken lightly and could have potentially led to injury or death of both civilians and/or firefighters.

Claim 2 Bay Door/Building Maintenance
Opinion
The fiscal management during the recession created a reduction of funds to properly maintain buildings and systems. This difference of facility maintenance created a large backlog of required system, building and grounds repairs.
The inconsistent management of the Building Maintenance program and of the single employee has been a detriment to establishing program policy and procedures. The Fire Chief is ultimately responsible for program management, but it is also incumbent upon the command staff, through the captain of command, to insure proper procedures are being followed, to include the Building Maintenance staff documenting requests and denials.
Claim 2 B: Equipment (Fleet Tires)
Opinion
The oversight of the BCFD Fleet Maintenance Division has been poorly managed. There were a number of BCFD people who failed to properly manage the fire apparatus fleet maintenance programs, certifications and services.

The budget pressures asserted by Fire Chief Southey due to a recession was to reduce expenditures which create a practice and culture within the fleet service division to seek lower

cost services and parts to maintain the fire apparatus.

The fleet service personnel sought the expertise of the local tire service center to find lower cost tire replacement solutions. The local tire service center found lover grade tires that met the weight capacity and severe road condition criteria for the BCFD fleet.
The fire engine tire that experienced severe failure while responding to a mutual aid incident near Kingman was six months old. This tire brand, make and model was not subject to any recalls by the federal government. According to the fire personnel interviewed and the lead mechanic, the tires have been in use for ten (10) years by BCFD and there had not been a single problem until the one sever tire failure event.

The Fire Chief failed to manage his command staff, who then failed to assure that proper level of risk management and oversight of critical fleet maintenance programs were maintained. At different times between 2014 and 2018, fleet services management led by Steve Smith, Doug Stevens and Scott Neal did not provide adequate oversight of the program.

Chief Southey stated he takes responsibility for this; he did not properly manage his managers. Continuing with the tires opinion.

Doug Stevens told the Board about these issues on December 12, 2017. However, he could not provide documentation regarding his communications between himself and Chief Southey about these issues; those communications were apparently all verbal. This reflects poorly on Doug Stevens' ability to manage and is consistent with his ineffectiveness seen throughout this investigation.

Claim 4; Federal Grant Mismanagement (FEMA & Others)
Opinion

The allegation that Chief Southey mismanaged $750,000 in FEMA grant money is also without merit.
It appears, like so many of the other claims, that Doug Stevens made no attempt to verify the claims and elected to use hearsay to further his cause against Chief Southey.

Claim 5: Financial Management (Budget performance)
Opinion
Upon review of the documents and interviews, there was no fiscal mismanagement found. Budget and spending is a critical task for the head of any agency and is constantly under the scrutiny of those having fiduciary oversight. This creates a great deal of pressure on managers making spending decisions, which are generally predicated by past lessons learned. Because Chief Southey is accountable to the Bullhead City Fire District Board for spending and budget management it makes sense, he would prioritize based on his experience with the Board in

combination with the departmental needs and priorities. This is a good practice and not always understood by those in subordinate positions who have only to simple task of making requests and not decisions that impact future funding. Subordinates making a request up the chain have a single priority (e.g. a hose purchase, furniture for the firehouse, etc.). And don't always have the foresight to look at it from the head of the agency's perspective downward where the Chief has dozens of priorities and must triage his decisions.

(Chief Southey did not read claim 6 and continued with claim 7)

Claim7: Unauthorized Deletion of SOP 4.12.A
Opinion
Again, this complaint is without merit and grossly exaggerated. There is absolutely no evidence that supports the claim that Stevens's insistence that Chief Southey surreptitiously deleted an SOP raises continued concern about Stevens' ability to objectively assess a situation.
As stated in the investigative report, Chief Southey made a unilateral decision to archive Appendix A of SOP 4.12, a decision well within his authority to make. Stevens did not agree with the excision, but that has no relevancy as to whether it was legal or ethical.
Stevens compounded the complaint by insinuating the decision was malicious and intended to protect a coworker. This too was supported by no evidence and was merely an opinion seemingly predicated by a growing resentment for Chief Southey.

Claim 8: Sexual Harassment
Opinion
The claim of sexual harassment, which occurred in 2010, was initiated during the course of the investigation when Don Evans relayed it to a BCFD Board member. During an interview with the alleged victim, she strongly denied the incident and had no desire to participate in the accusation.
It is a bit disconcerting that members of the command staff present at the time, who clearly felt the alleged actions of Chief Southey were inappropriate reported nothing of the incident for the past eight years. Even more disturbing is the fact, Don Evans maintained a personal record of the incident seemingly to use against Chief Southey at a later unknown date. (In this case eight (8) years later.). This reflects poorly on Don Evans credibility and seems to be indicative of behavior by all the current command staff. Chief Southey stated, "I don't believe it's all the current command staff" *Such actions on the part of Don Evans and any other command staff member that felt this was justified should be admonished for such malicious intentions.*

Chief Southey stated "all this being said, I believe that the members of the BCFD excel in providing quality Fire and Emergency medical care to the community. As far as response capability, I would hold this Department second to none for providing these services.

It is unfortunate that a few members, mostly ex members of the department allow their personal grudges against me to mar my reputation and to waste precious resources of this fine organization Also, I would like to thank the current and past members of the BCFD Board for giving me their faith and support for the past 20 years, I would also like to thank the members of my administrative staff for their hard work during my tenure. While necessary I am truly saddened that I had to end my career on such a sour note."

Chief Southey asked Paula Acker Administrative Manager read his retirement letter to the Board.

D. POSSIBLE ACCEPTANCE OF CHIEF RICK SOUTHEY'S RESIGNATION.

Board member Mauzy made a motion to accept Chief Southey's resignation/retirement effective June 1, 2018 at 5:00 p.m. Board Member Flenniken seconded the motion. Discussion followed, Board Member Petrillo stated she was surprised at the lack of attendance of the rank and file, due to the allegations and how this started. She stated to Chief Southey that even though he has taken responsibility, that does not relieve responsibility to his support staff. She stated, although this report is very costly, it has given our department a real insight to the happenings of the department. She encourages the future leadership of this department and rank and file to express their opinions and make the change they see fit in a more professional manner. She thanked Chief Southey for his continued support of this department, which shows good character on his part and wished him well for the future.

Chief Southey stated he believes this department is on a very positive path, with two new Battalion Chiefs and the Bond Issue, and wishes the department luck.

Board Member Mauzy made a comment on the report stating that even though this investigation was a very expensive, Chief Southey can hold his head high, that he was doing the best he could do with what he had. He stated the report can be read now that it's opened up and see where the blame really lies. He thanked Chief Southey for his twenty (20) years of service.

Chief Southey stated, as well as his support staff, he needs to take a big section of the blame, better management would have provided better results, although the way this came about was detrimental to the department.

Board Member Flenniken thanked Chief Southey for his service. It was too bad that so many small mistakes ballooned into such a big ordeal, and she hopes we can learn from this and wished him a happy retirement.

Board Member Moore stated Chief Southey's leadership has led this department second to none in the state, and thanked him for his service.

Chairman Cummings also was surprised there is not a full house today; he believes this investigation was a personal characterization assassination. He too thanked Chief Southey for his service, and stated, "the public needs to know, even during the economy down fall, not one station was closed, or browned out, and these people need to realize that."

With the motion, to accept Chief Southey's letter of resignation as read, Board member Moore seconded the motion, all were in favor and the motion carried unanimously.

Board Member Petrillo made a motion to adjourn; Board Member Mauzy seconded the motion. All in favor meeting adjourned at 10:21 a.m.

Recorded by,

Paula Acker
Administrative Manager

Approved by,

David C. Cummings, Chairman
Fire District Board

Charles Moore, Board Clerk
Fire District Board