

1 Vonn Jones, Interim System Manager
2 Roger Frazier, Attorney for the District

3

4 There were five members of the public also present.

5

6 Mr. Preston: "Item number 3."

7

8 **3. Discussion and possible action concerning A.R.S. §38-**
9 **431.03 with regard to the ratification of actions taken at the**
10 **January 12, 2009 Board meeting concerning the**
11 **employment termination of Sigfrid Danielson**

12

13 Audience: "Excuse me Sir. Would you mind reading a little louder?
14 I've got a hearing problem."

15

16 Mr. Preston: "Okay."

17

18 Audience: "Thank you."

19

20 Mr. Preston: "If you could come up a little bit closer you could
21 probably hear the mic. You can bring one of those
22 chairs up closer. Okay?"

23

24 Audience: "Yeah, just read so I can hear you."

25

26 Mr. Preston: "Okay, discussion and possible action concerning
27 A.R.S. §38-431.03 with regard to the ratification of
28 actions taken at the January 12, 2009 Board
29 meeting concerning the employment termination of
30 Sigfrid Danielson. Does anybody have any
31 comments to make on that? Any person on the
32 Board?"

33

34 Ms. Cummings: "Yes, Mr. Chairman, I do. I was not at that meeting.
35 I was ill at the time. I know it was not on the
36 Agenda. It was not stated in there at all. And I'd
37 like to know what was said and what brought it up
38 and why it was done."

39 Mr. Preston: "Do you have the Minutes of that meeting?"

40

41 Ms. Cummings: "No."

1 Ms. Sieglaff: "I haven't had the opportunity to transcribe them
2 yet."
3
4 Mr. Preston: "When you get the Minutes it will tell you everything
5 in there that you want to know."
6
7 Audience: "I have a question."
8
9 Mr. Castaneda: "This is not a public hearing there is not a call to the
10 public. I don't know if you would like to have the
11 public make comments at this time but I'm going to
12 make the motion so the Board can discuss this and
13 then if you would like we would like to allow Mr.
14 Danielson to make a speech or address the Board
15 in any way than we can move forward with some
16 more conducive matters."
17
18 Mr. Preston: "Okay."
19
20 Mr. Castaneda: "At this time Mr. Chairman and colleagues I am
21 going to make the motion that we ratify our actions
22 at our January 12th meeting and have our vote as it
23 stands on January 12th and keep the termination of
24 Mr. Danielson in effect."
25
26 Mr. Preston: "Does anybody second that motion?"
27
28 Mr. Kendrick: "I'll second that motion."
29
30 Mr. Preston: "The motion has been made and seconded."
31
32 Mr. Castaneda: "Now we discuss it."
33
34 Mr. Preston: "Beg your pardon?"
35
36 Mr. Castaneda: "I said now we can discuss it. I don't know if you
37 would like Mr. Danielson to address the Board or if
38 you would like to talk about this amongst ourselves
39 first."
40

1 Mr. Preston: "The motion has been made and seconded. It's up
2 for discussion. Mr. Danielson, do you have
3 anything to say?"
4
5 Mr. Danielson: "Not at this moment in time."
6
7 Mr. Preston: "Okay. Well this is your time to say something if
8 you want to say it."
9
10 Mr. Danielson: "I'm just here to make sure that my rights are
11 properly protected."
12
13 Mr. Preston: "Okay."
14
15 Mr. Danielson: "Mr. Chairman?"
16
17 Mr. Preston: "Yes?"
18
19 Mr. Castaneda: "With all due respect to Board Member Ball-
20 Cummings here she did come in on Friday; she
21 knew what had happened at our Monday meeting;
22 she could have been here on Tuesday, Wednesday,
23 Thursday or Friday to listen to those tapes. Those
24 tapes are made available at any point in time. If she
25 would like to know why we took the action that we
26 took... "
27
28 Ms. Cummings: "I'm speaking tonight that I would like to know... "
29
30 Mr. Castaneda: "I have a format and I do not wish to be interrupted
31 until I'm finished."
32
33 Mr. Preston: "Member Cummings, please go through the Chair.
34 You only get recognized when you go through the
35 Chair."
36
37 Audience: "I'd like to be recognized by the Chair. It's a very
38 legal matter Mr. Castaneda. It's a matter of law."
39
40 Mr. Preston: "He has the floor now Sir. When it comes your time
41 we will recognize you."

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Public audience individual: "Thank you."

Mr. Castaneda: "The reason we took the actions that we did take – we've had several discussions with our accountant. As you know our fiscal year is from July to June yet all our paperwork had not been handed over to our accountant for our annual audit. He requested some paperwork to be – further paperwork to be delivered to him in December. He only got half of or some of the paperwork that he needed. Furthermore, our accountant asked for the rest of the paperwork that he needed for our annual audit and still did not receive it until January 8th."

Ms. Cummings: "Okay."

Mr. Castaneda: "Second of all, I believe that there was a gentleman from the newspaper that requested public information from this governing body for a newspaper article that was being written about the District. He provided certain articles that he requested and not all of the articles that he requested were also given to the gentleman. So, at that point I took the initiative to make the motion that we terminate Mr. Danielson and this governing body took the action to dismiss him at that time. I feel we did the right thing. I think that Mr. Danielson has neglected the District and we had to take action and we did what we had to do."

Mr. Preston: "Could you please say your name for the Board please?"

Audience: "My name is reverend Jeffries. The thing I'd like to know is this. This is a governing Board, right? A governing Board makes a decision like firing somebody without all of them here. And then turn around and tell the person on the Board that he or she was not authorized; please come later and get it after the fact? That is one. The second one I want

1 the Board to listen to me and it's a natural fact, and
2 you want to write my name Mr. 'Castanedas' I'll be
3 glad to give you the address and phone number and
4 everything else, okay? Now, in the meeting, okay,
5 the public can speak out which is done. But the
6 way it's done violates freedom of speech of the
7 public. The last thing on the Agenda before closing
8 should be the public speaking. Because you people
9 pass things after the public speaks and the public
10 can't say anything about it. Because he didn't know
11 it was going to happen before it happens. Now I'm
12 no hero and I'm no God, okay. I work for the man.
13 But I will say this: I put enough years in combat for
14 this country that I feel that the people should have
15 the last word before the meeting closes. Now if you
16 want to get the book and quarrel or anything else
17 that's fine. But the public should have the last word
18 because you were put here by the public, not to do
19 as you as a person wants, okay. Just like Barak
20 Obama. The people voted him in because that's
21 what they wanted. They expect him to do what he
22 said he would do. But I don't see how the people
23 can expect you to do what they want done when
24 you don't give them a chance to speak at the end of
25 the meeting. You can bring up any number of
26 things, okay? You can bring up oh, I want a
27 doublewide trailer here and I want this and that after
28 the public has spoken. You pass it among
29 yourselves and the public has nothing to say about
30 it. The public is paying each and every one of you
31 for being at these meetings. So, and taking care of
32 their lookout. I don't see how a man that's been
33 running this for eight years all of a sudden becomes
34 an idiot. Now you may have valid agreements Mr.
35 Castaneda. I don't go against that. But what I do
36 ask is one question. Have you ever been late
37 paying a bill or made a mistake and not done what
38 you were supposed to do? Have any of you up
39 there can say that you have gone without doing it? I
40 have."
41

1 Ms. Cummings: "I can say I've been late paying a bill, yes."
2
3 Mr. Jeffries: "Now you ask... the accountant asked for stuff and
4 Sig would sit there and he probably told the people
5 who is responsible for doing it to do it, assuming,
6 which means making an ass out of you and an ass
7 out of him and an ass out of the person that he
8 asked to do it. They didn't do it on time. So all of a
9 sudden somebody grabs a cutting torch and
10 decides to start cutting. And I'm willing to bet, and I
11 want it on the record, that within six months every
12 person who is working here except one will be fired.
13 Don't shake your head no and bet on it. Don't
14 shake your head and bet on it. And how many
15 times have you people, since you terminated Mr.
16 Sigfrid, have two or more of you people been
17 together and discussed it? You won't say because
18 it violates the Open Meeting Law. Now you want to
19 jump up on me – any one of you – okay, please feel
20 free to do it right now. Don't do it behind my back,
21 do it right here, right now. That's all I've got to say."
22
23 Mr. Preston: "Thank you... "
24
25 Mr. Jeffries: "And I'm sorry if I ticked anybody off, but facts are
26 facts."
27
28 Mr. Preston: "Are you finished? Sir, are you finished?"
29
30 Mr. Jeffries: "Yes, Sir, I'm finished."
31
32 Mr. Preston: "Okay. Your speech is well taken. Thank you."
33
34 Ms. Sieglaff: "Mr. Chairman?"
35
36 Mr. Preston: "Yes."
37
38 Ms. Sieglaff: "Even though we don't usually have public
39 comments on special meeting nights, evidently
40 we've opted to do that and Mr. Mike Young has also
41 signed the paperwork to make a public comment."

1 Mr. Young: "My name is Mike Young and I am the candidate to
2 run against Lou Preston on the March 10th election.
3 You know, you people sit up there and take the
4 oath, you pledge allegiance for liberty and justice. I
5 don't see any justice here. Here's a guy that helped
6 write a grant for the water District, a\$600,000.00
7 grant for the water District to help improve the
8 District. And then we get behind his back, which
9 isn't right, and I don't know... to me there has to be
10 some more respect for the guy than to be treated
11 the way he is being treated. Yes, nobody's perfect
12 on the Board. The Board is supposed to work
13 together to save money, to help run the District not
14 to create problems, work as a Board and make the
15 community work. All of a sudden we bring in new
16 people and it's not an efficient organization as far as
17 I'm concerned. Just remember the Pledge you take
18 for justice. There's no justice. I don't see any
19 justice."
20

21 Mr. Preston: "Are you finished Mr. Young?"
22

23 Mr. Young: "I'm done. Thank you."
24

25 Mr. Danielson: "Thank you very much."
26

27 Mr. Preston: "Does anybody else on the Board have anything to
28 say?"
29

30 Mr. Young: "People don't understand what condition this water
31 system is in. It's so easy to sit back; I've run a
32 business for 40 some years for my brother and it's
33 so easy to get negative people to come in and
34 criticize the positive people. Instead of the negative
35 people energizing positive things to work together
36 as a Board for improvement in the water District.
37 That's how a Board works. It's not this back-
38 stabbing – to me some of the newspaper articles
39 that I read with certain people's input is not factual.
40 I mean let's create some turmoil to stir up the pot
41 and give false information from what I have read

1 and from what I experienced for – to do what you
2 did to a good honest guy. You know, I'm a
3 contractor and I work for your water District. I
4 installed hundreds of feet of this thing and I know
5 what kind of system they had. And it's junk. I think
6 the guy should have his hat taken off for the guy to
7 be willing – be an engineer and water operator for
8 the wages he's taken to do what he has done. I
9 think this is cold bullshit. I'm sorry."
10
11 Mr. Preston: "You are out of order. Mr. Young, you keep the
12 language clean or I'm going to remove you from this
13 room."
14
15 Mr. Young: "Well, I might as well leave."
16
17 Unknown – "No, sit down, sit down, sit down."
18
19 Mr. Preston: "Just keep the profanity out of it and you can say.
20 One more and you're out. Okay?"
21
22 Ms. Cummings: "Mr. Chairman?"
23
24 Mr. Preston: "Yes."
25
26 Ms. Cummings: "I'd like to address the fact that Luis did give me the
27 couple of reasons that he and you or the Board had
28 fired Sig that night. Well, I still want it to be on
29 record that I would like to listen to the tape, come
30 in... the reason why I did not come in is because
31 right after it happened there was lot of commotion
32 going on in the office. You know, there was
33 somebody here at all times and it was just hectic so
34 there was no reason for me to come down with all
35 this commotion. That's why I didn't come down
36 when I did. I waited for things to calm down and
37 then I was going to listen to the tape or get the
38 Minutes from Lisa which we still have not received.
39 But I want to thank Mr. Castaneda for his
40 explanation and letting me get my answer."
41

1 Mr. Preston: "Okay. Item 4."
2
3 **4. Board may vote on whether to hold one or more Executive**
4 **Sessions pursuant to A.R.S. §38-341.03 to discuss the**
5 **ratification of prior Board action, i.e. the termination of**
6 **Sigfrid Danielson**
7
8 Mr. Castaneda: "Mr. Chairman?"
9
10 Mr. Preston: "Mr. Castaneda."
11
12 Mr. Castaneda: "I would ask that we move to item number 5 being
13 as we spoke about this already here in public. I
14 don't believe that we need to go into executive
15 session to discuss the matter before us any more."
16
17 Mr. Preston: "Okay. Are you putting that in the form of a motion."
18
19 Mr. Castaneda: "I don't believe I need to make it into a motion, Sir.
20 We could just – unless my colleagues would like to
21 go into executive session I don't see anything that
22 we would need to speak about in private that we
23 haven't already discussed here in open meeting."
24
25 Mr. Preston: "Okay. Madam Clerk?"
26
27 Ms. Sieglaff: "Yes, Sir."
28
29 Mr. Preston: "Can we have a roll call please to see whether we
30 go into executive session from the Board."
31
32 Ms. Sieglaff: "Mr. Chairman, do you choose to go into executive
33 session?"
34
35 Mr. Preston: "No."
36
37 Ms. Sieglaff: "Mr. Castaneda?"
38
39 Mr. Castaneda: "No."
40
41 Ms. Sieglaff: "Ms. Ball-Cummings?"

1
2 Ms. Cummings: "Yes, I would."
3
4 Ms. Sieglaff: "Mr. Gary Kendrick?"
5
6 Mr. Kendrick: "Can I ask a question before I answer? If we went
7 into the executive session what are we going to be
8 discussing? Just what we just went over?"
9
10 Mr. Preston: "Yes."
11
12 Ms. Cummings: "Maybe other things possibly that we need to
13 discuss among ourselves as a Board. And that's
14 the reason why call executive sessions so the public
15 can not hear if you have more to discuss on the
16 facts, which is very possible. I mean that's why we
17 have executive sessions."
18
19 Mr. Frazier: "May I answer that too Mr. Chairman?"
20
21 Mr. Preston: "Yes."
22
23 Mr. Frazier: "The Section cited is just strictly for legal advice I
24 believe that's it."
25
26 Mr. Kendrick: "So the executive session is just pretty much for
27 legal advice?"
28
29 Mr. Frazier: "Yes according to the Section."
30
31 Ms. Cummings: "Yes, that's why it's here."
32
33 Mr. Preston: "So we can void item 4?"
34
35 Mr. Frazier: "It's up to you. I think there's... we have an
36 answer."
37
38 Mr. Preston: "Okay."
39
40 Mr. Kendrick: "I vote to go into an executive session."
41

1 Ms. Sieglaff: "Mr. Peetoom?"

2

3 Mr. Peetoom: "Yes."

4

5 Ms. Sieglaff: "The Board will convene to executive session and
6 this meeting is recessed at 6:21 p.m."

7

8 **4. One or more Executive sessions pursuant to A.R.S. §38-
9 341.03 (A)(4) concerning termination of Sigfrid Danielson**

10

11 Mr. Preston: "We're back in open session at 6:54 p.m."

12

13 **5. Discussion and possible ratification action concerning the
14 termination of Sigfrid Danielson**

15

16 Mr. Castaneda: "I make the motion that we uphold the termination."

17

18 Mr. Preston: "I second it. Mr. Danielson will have ten days to file
19 a grievance commencing January 20, 2009.
20 Madam Clerk will you please take a roll call?"

21

22 Ms. Sieglaff: "Mr. Peetoom, are you in favor of upholding the
23 termination?"

24

25 Mr. Peetoom: "No."

26

27 Ms. Sieglaff: "Mr. Kendrick?"

28

29 Mr. Kendrick: "Yes."

30

31 Ms. Sieglaff: "Ms. Cummings?"

32

33 Ms. Cummings: "No."

34

35 **AYE 3 NAY 2 ABSTENTIONS 0**

36

37 Mr. Preston: "Okay. We'll move on to number 7."

38

39 **6. Discussion and possible action regarding the Personnel
40 Policy Manual**

41

1 Mr. Castaneda: "Mr. Chairman I make the motion that we table
2 number 7."

3
4 Ms. Cummings: "I second the motion."

5
6 Mr. Preston: "All in favor?"

7
8 **AYE** **5** **NAY** **0** **ABSTENTIONS** **0**

9
10 Mr. Preston: "Okay. Item number 8."

11
12 **7. Discussion and possible action regarding the District**
13 **joining the Rural Water Association**

14
15 Mr. Preston: "Mr. Jones would you like to speak to us about
16 this?"

17
18 Mr. Jones: "Yes, Thank you. The Rural Water Association
19 works with ADEQ and is an *ad hoc* organization for
20 small water systems and also offers assistance with
21 grant writing.

22
23 "It also offers for free Board training and at any time
24 to help you with Statutes on Open Meeting Laws
25 and employee and Board relations and political
26 actions and that sort of thing, so we do a lot of
27 Board training. We do hundreds of hours of free
28 training a year. We have one grant which provides
29 200 hours of fee training to water systems and
30 Boards throughout the State. We have a web site
31 that is very useful and we have lots of things you
32 can download off of that such as rules and
33 regulations that govern water systems and Board
34 and that kind of thing. So there are many
35 advantages and we have a full staff of five people
36 and one of them works for soft water treatment to
37 help you establish a source water projection
38 program. We have a staff member that works with
39 wastewater and we have two circuit writers that go
40 all around the State and do training and technical
41 assistance to small water systems. All the water

1 systems we deal with are under 10,000 population
2 so we are very familiar with the needs of Districts
3 and small water systems."
4
5 Mr. Castaneda: "Mr. Chairman may I ask a question."
6
7 Mr. Preston: "Yes."
8
9 Mr. Castaneda: "Mr. Jones, does the Rural Water Association also
10 help in grant writing by any chance. Do they give
11 any help or assistance with that?"
12
13 Mr. Jones: "We have some people that aren't staff members of
14 ours but they are members of the special district in
15 any event and have assisted other special districts
16 in writing grants, yes."
17
18 Mr. Castaneda: "And we would be able to utilize these people or
19 their talents for the District?"
20
21 Mr. Jones: "Yes and I'll be giving you some numbers of some
22 of the people on the Special Districts Committee to
23 ... you may contact them in case you have
24 problems or questions on elections or anything like
25 that, whatever you want. Just join the Committee
26 and attend the meetings. They meet every other
27 month at different locations around the State and
28 usually at some water district or sanitary district
29 that's involved in the Committee."
30
31 Mr. Castaneda: "I just have one more question Mr. Chairman."
32
33 Mr. Preston: "Go ahead."
34
35 Mr. Castaneda: "Mr. Jones, how much does it cost to join the
36 Association?"
37
38 Mr. Jones: "We looked it up the other day. I think it was
39 \$550.00 or something, but it's..."
40

1 Mr. Castaneda: "And that would be a yearly – yearly dues that we
2 pay."
3

4 Mr. Jones: "Yeah. And we also do some for fee training for
5 certifications. If your systems require to have
6 backflow or confined space or a competent person
7 which every time you are digging you are required
8 to have a competent person on site and you need to
9 have your staff certified in confined space and stuff
10 like that. We do that kind of training and it's well
11 reduced prices on any for fee training we do is
12 reduced for our members. And we also have two
13 conferences a year that you get reduced rates on
14 the price because you are a member as well."
15

16 Mr. Preston: "That sounds like a very worthwhile organization to
17 belong to."
18

19 Mr. Jones: "It is a good organization. I've been with it for 15
20 years and I think it's... if you're going to join you
21 need to call our staff and utilize what it has to offer."
22

23 Mr. Preston: "Does anybody have any questions to ask Mr.
24 Jones?"
25

26 Mr. Kendrick: "Is that approved training?"
27

28 Mr. Jones: "Yes. It's O.S.H.A. approved training."
29

30 Mr. Preston: "Okay."
31

32 Mr. Castaneda: "With that said Mr. Chairman if I may? I will make
33 the motion that the Marana Domestic Water
34 Improvement District at this time give Mr. Vonn
35 Jones directions to enroll us into the Rural Water
36 Association so we can become members of that
37 Association."
38

39 Mr. Preston: "I second the motion. Roll call please."
40

41 Ms. Sieglaff: "Ms. Ball-Cummings, are you in favor?"

1
2 Ms. Cummings: "No."
3
4 Ms. Sieglaff: "Mr. Gary Kendrick, are you in favor?"
5
6 Mr. Kendrick: "Yes."
7
8 Ms. Sieglaff: "Mr. Don Peetoom, are you in favor?"
9
10 Mr. Peetoom: "Yes."
11
12 Ms. Sieglaff: "The vote is four to one in favor."
13
14 Mr. Preston: "Okay. Mr. Jones, will you see that that goes
15 forward?"
16
17 Mr. Jones: "Yes, I will."
18
19 Mr. Preston: "Thank you."
20

21 **8. Announcement of next scheduled meeting**

22
23 Mr. Preston: "The next scheduled meeting will be the 26th of
24 January and will someone make the motion to
25 adjourn?"
26

27 **10. Adjournment**

28
29 Ms. Cummings: "I make the motion to adjourn."
30

31 Mr. Castaneda: "I second it motion."
32

33 Mr. Preston: "The motion has been made and seconded."
34

35 Ms. Sieglaff: "All in favor?"
36

37 **AYE 5 NAY 0 ABSTENTIONS 0**

38
39 Mr. Preston: "So moved."
40

41 Ms. Sieglaff: "The meeting is adjourned at 7:13 p.m."

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Minutes prepared by

Lisa M. Sieglaff
Clerk of the Board of Directors