

Minutes from December 7th, 2010
Special Fire Board Meeting
Black Canyon Fire District

ITEM I: *Call to Order:* The December 7th, 2010 Special Fire Board Meeting was called to order at 5:00 PM

ITEM II: *Roll Call of Board Members:* Present: Chairperson Marilyn Forsythe, Clerk R. Pendergast, J. Coslett, D. Kenson, and S. McMahon; also present: Chief Birch, E. Caldwell.

ITEM III: *Discuss and/or vote on the status of the new Fire Station. Pursuant to A. R. S. 38-431.03.A.4 the Fire District Board may hold an executive session with the Fire District's Attorney Kirk H. Hayes for; discussion, consultation, and instruction for matters involving the construction of the new fire station, located at 35050 S. Old Black Canyon Highway, Black Canyon City, AZ.* S. McMahon motions to go into executive session, J. Coslett seconds the motion; **motion carries with a 5-0 unanimous vote.**

Meeting adjourns at 5:04 PM
Meeting reconvenes at 5:45 PM

ITEM IV: *Discuss and/or vote on actions to be taken with regards to the matters discussed in Executive Session in Line Item 3, regarding construction of the new fire station, located at 35050 Old Black Canyon Highway, Black Canyon City, AZ.*

- **Motion 1:** J. Coslett motions to allow attorney, Kirk Hayes, to accept service for litigation on behalf of the Fire District. S. McMahon seconds the motion; **motion carries 5 – 0 unanimously.**
- **Motion 2:** D. Kenson motions to give attorney, Kirk Hays, authority to instruct Dave Shambach d.b.a. DESA Architects, to contact replacement contractors for bids to complete construction on the new fire station. J. Coslett seconds the motion; **motion carries 5-0 unanimously.**
- **Motion 3:** R. Pendergast motions to give attorney, Kirk Hays, authority to represent the District in litigations. D. Kenson seconds the motion; **motion carries 5-0 unanimously.**
- **Motion 4:** D. Kenson motions to authorize attorney, Kirk Hays, to tender notice of claims to Dave Shambach d.b.a. DESA Architects., S. McMahon seconds the motion; **motion carries 5-0 unanimously.**
- **Motion 5:** J. Coslett motions to give attorney, Kirk Hays, authority to demand mediation with the Surety Co. S. McMahon seconds the motion; **motion carries 5-0 unanimously.**
- **Motion 6:** D. Kenson motions to assume acceptance of a check received December 1, 2010, from The Guarantee Company of North America, USA, in the amount of \$175,921.34, with the understanding that it is unconditional and uncontested. S. McMahon seconds the motion: **motion carries 5-0 unanimously.**

ITEM V: Public call: none

ITEM VI: Adjournment: J. Coslett motions to adjourn meeting at 6:37 PM, R. Pendergast seconds the motion; **motion carries with a 5-0 unanimous vote.**

Marilyn Forsythe
Authorized Signature

2/2/11
Date