



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

A postponed regular meeting of the Flagstaff Ranch Fire District was held on **Friday, February 3, 2023 at 2:00 PM** in person at the Flagstaff Ranch Golf Club Board Room. This meeting was accessible to both Board members and the public.

CALL TO ORDER: Board Chair Bob Woodings called the special meeting of the Flagstaff Ranch Fire District Board to order at 2:00 pm.

BOARD ATTENDANCE: In Person: Board Members Bob Woodings, Ted Vanderlaan **Via Phone:** Paul Butters; a quorum was present.

PLEDGE OF ALLEGIANCE: Led by Board Chair Bob Woodings

OTHER ATTENDANCE: In Person-Controller Kirt Palmer, Administrative Specialist Sara Diaz, Community Manager Craig Purcell, Fire Chief Todd Miller, County Attorney Mark Byrnes **Via Phone-** Director of Safety and Compliance David McGee

PUBLIC ATTENDANCE: The following members of the public identified themselves: Flagstaff Ranch Members Claudia Sangster, Dan Basmagian, Brad Thomas, Hardy Strozier, Tim Schweitzer, Peter and Sona Heguy

PUBLIC COMMENT:

- Flagstaff Ranch Member Hardy Strozier requested information, provided comment and expressed his concerns on items listed on the agenda.
 - Mr. Strozier stated that he thought the January 9, 2023 meetings were declared unlawful. Board Chair Bob Woodings addressed his concern by informing him that the County Attorney stated that the meeting was improper and was declared null and void. Mr. Strozier also questioned how the Board could affirm the minutes of an unlawful meeting.
 - Mr. Strozier requested that when the Board reviews the MARS Firewise guidelines that the public have the opportunity to review the complaints and any fire mitigation as a result of the presented complaints.
 - Mr. Strozier stated that it was his understanding that any POA Liaison will be subject to all open meeting rules and recommended that the Board potentially have two POA Liaisons.
 - Mr. Strozier made comment on the ISO document and stated that when the survey was completed, they did not include all of the hydrants within Flagstaff Ranch and that by County code there is a hydrant missing as well as a turn around for fire apparatus on Tack Room. He recommended to the Board that the Fire Chief look into this matter.
 - Mr. Strozier stated that he felt the agenda item pertaining to the removal of Board Chair Bob Woodings was an illegal action and there is nothing



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

that would allow that under the law. He also stated that he is concerned about the number of open meeting law violations that the Fire District Board has had and he is concerned that the agenda item to removal Bob Woodings was allowed to remain on the agenda.

- Flagstaff Ranch Member Claudia Sangster stated that she was disturbed by the actions of Chairman Robert Woodings and his treatment of his fellow board members, ignoring their agenda items and the motions passed in the Jan 9 Emergency Mtg, without explanation, before the County Attorney ruled on the validity of that meeting. She pointed out the errors and false and defamatory allegations in his Jan 13 Open Mtg Law violation complaint, and his conflict of interest as it relates to the Emergency Service Agreement the Fire District has with the POA: he was removed from the POA board by the vote of the Flagstaff Ranch community and he has sued the POA twice. Her written statement has been received and filed into the records.

APPROVAL OF MINUTES:

- Board Chair Bob Woodings made a motion to approve the November 18, 2022 regular meeting minutes as amended. This motion was seconded by Board Member Paul Butters; the motion was unanimously **approved**.
- Board Chair Bob Woodings made a motion to approve the December 16, 2022 special meeting minutes as amended. This motion was seconded by Board Member Ted Vanderlaan; the motion was unanimously **approved**.
- Board Chair Ted Vanderlaan made a motion to approve the January 9, 2023 special meeting minutes as amended. This motion was seconded by Board Member Paul Butters; the motion was unanimously **approved**.
- Board Member Ted Vanderlaan made a motion to approve the January 9, 2023 emergency meeting minutes as amended. The motion failed for lack of second.

CONTROLLERS REPORT ON FINANCES: Controller Kirt Palmer presented the monthly financial reports for November and December.

- Board Chair Bob Woodings made a motion to receive and file the November and December financials. This motion was seconded by Board Member Ted Vanderlaan; the motion was unanimously **approved**.

SUMMARY OF CURRENT EVENTS AND CORRESPONDENCE:

- a. Board Chair Bob Woodings referred the Board Members to the Board Packet for his Summary Report.



FLAGSTAFF RANCH FIRE DISTRICT
Board of Directors
Postponed Regular Meeting Minutes for February 3, 2023

- b. Fire Chief Todd Miller provided his summary report.
 - Chief Miller stated that there were no calls of services with Highlands Fire and one call for service with their automatic aid partners
 - Chief Miller reported that all current ongoing activity reports will be provided at the March meeting.

- c. Director of Safety and Compliance David McGee provided his summary report and Community Manager Craig Purcell presented it.
 - The Gatehouse responded to two calls for service since the last report.
 - The Gatehouse has been overseeing the snow removal around the Community and currently, the Gatehouse has been working on a plan to remove the snow in front and around the emergency exit gates.

- d. Community Manager Craig Purcell stated information was provided to the Fire Board stating that the POA is considering making changes to the Firewise Guidelines and that he would like to schedule a meeting with Chief Miller to see what his recommendations would be for possible changes and language updates.

TOPICS OF DISCUSSION AND POSSIBLE LEGAL ACTION:

Agenda Item 1: Recognition of Director Peter Heguy's years of service to the Fire District

Discussion:

- The Board recognized Director Peter Heguy's years of service to the Fire District. Board Member Paul Butters recommended placing a recognition in the POA newsletter with information pertaining to his service.
- Board Member Ted Vanderlaan stated that he would work with Community Manager Craig Purcell to place that in the newsletter.
- Board Member Ted Vanderlaan made a motion to place the recognition in the newsletter. This motion was seconded by Board Member Paul Butter. Board Chair Bob Woodings abstained and kept his comments for Board Member Comments; the motion was **approved**.

Agenda Item 2: Discussion and potential actions related to the legal opinion from Coconino County Civil Deputy County Attorney, Mr. Mark Byrnes, regarding the January 9, 2023, Special Meeting and Emergency Meeting. Chief Miller will



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

also brief the Board related to Director terms. Potential actions include adoption of a resolution setting aside all January 9th Board actions taken outside of Open Meeting Act requirements, receiving instructions regarding Board Director terms, and Board discussion regarding potential responses and policy directions to staff. (CSR 25) (CSR 28)

Discussion:

- Chief Miller presented his staff briefing regarding the intent of actions taken by the Board to change the term expirations. He provided information on the Board Member terms with references from the Arizona Revised Statutes.
- Board Chair Bob Woodings stated that the briefing that was provided by Chief Miller was confirmed by the County Attorney and that the Board will receive and file the briefing as part of the agenda packet. No action was taken by the Board.
- Coconino County Attorney Mark Byrnes stated that the Board has until on or around March 1st to fill the vacancy before the County Board of Supervisors takes over the appointment process which it has an additional 60 days to do so.
- The Board discussed the validity of the January 9, 2023 Special and Emergency meeting with Coconino County Attorney Mark Byrnes as well as the resolution prepared by Mr. Byrnes. After discussion, Board Chair Bob Woodings made a motion to approve the proposed resolution as amended. This motion was seconded by Board Member Ted Vanderlaan with one abstention from Board Member Paul Butters; the motion was **approved**.

Agenda Item 3: Discussion and potential actions related to Flagstaff Ranch Fire District's January 9th Emergency Meeting Agenda processing and posting pursuant to ARS 38-431.02(D). The Board will discuss potential responses to protests or complaints, and potential policy directions to staff regarding all District agenda postings required by the Open Meeting Act. (CSR 27)

Discussion:

- The Board briefly discussed policy directions to staff and deferred to item five on the agenda to discuss further.
- Chief Miller stated that there may be an area representative from the Arizona Fire District Association that could provide resources for Bylaws. He will provide an update on what he can find out at the next scheduled meeting.



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

Agenda Item 4: Discussion and potential actions related to the Insurance Service Office (ISO), its ongoing effort to accurately classify the Flagstaff Ranch community under the Fire Suppression Rating Schedule (FSRS) program, and its Public Protection Classification (PPC) Summary Report. Chief Miller and Controller Palmer will brief the FRFD Board. Following the briefing, the Board will discuss potential responses and policy directions to staff. (CSR 26)

Discussion:

- Chief Miller presented the 2023 ISO report to the Board. After review and discussion, Board Chair Bob Woodings made a motion for staff to draft a communication to provide to the members regarding the updated ISO and bring to the next scheduled meeting for approval. This motion was seconded by Board Member Ted Vanderlaan; the motion was unanimously **approved**.

Agenda Item 5: Discussion and potential actions related to Board direction to Chief Miller regarding updates to the Flagstaff Ranch Fire District Board of Directors Handbook. (CSR 29)

Discussion:

- The Board discussed a potential update to the Fire District handbook.
- County Attorney Mark Byrnes provided a recommendation to the Board that they hold a work session meeting that would be open to the public to discuss and review updates to the handbook as well as discussion regarding the creation of bylaws.
- The Board will continue discussion regarding the handbook updates at the next scheduled meeting and requested staff to provide a timeline of when the handbook updates could take place and what the process would be administratively.
- The Board discussed a plan and procedure and stated that initial observations be submitted by the Board to Staff within two weeks of this meeting.

Agenda Item 6: Discussion, review and potential action on the MARS Firewise Guidelines with Community Manager Craig Purcell

Discussion:

- The Board briefly discussed the MARS Firewise Guidelines updates with Community Manager Craig Purcell. Board Chair Bob Woodings recommended that Craig work with Chief Miller on Firewise updates and receive recommendations from him to bring back to the Board at the March 31, 2023 regular meeting.



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

Agenda Item 7: Discussion and potential actions related to appointment of a new board member. Review of candidate applications, questions of potential Board candidates, development of objective and subjective criteria for candidate ranking, and potential action to set deadlines for application completion and additional potential Board candidates or to appoint a qualified candidate to the board position currently held by Director Butters and to agree on the effective date of such appointment. (CSR 22)

Discussion:

- Board Members Ted Vanderlaan and Paul Butters provided comments on the potential candidates who submitted applications; those being Flagstaff Ranch Members Claudia Sangster, Dan Basmagian and Brad Thomas.
 - Flagstaff Ranch Member Dan Basmagian informed the Board that he had withdrawn this application and was removing himself from the potential candidates list. Board Chair Bob Woodings requested Mr. Basmagian to provide his stated withdrawal in writing for the record.
 - Board Chair Bob Woodings initiated an interview with both applicants, Claudia Sangster and Brad Thomas.
- After discussion with both candidates and review of their applications, Board Member Ted Vanderlaan made a motion to appoint Brad Thomas to the Board effective February 17, 2023 contingent upon the completion of the required Board Member forms; Oath of Office, Conflict of Interest and the Open Meeting Law Review. This motion was seconded by Board Chair Bob Woodings; the motion was unanimously **approved**.

Agenda Item 8: Discussion and potential action on board procedures for creating a meeting agenda with consideration of updating the FRFD Handbook to reflect any potentially approved action on this item.

Discussion:

- Board Member Ted Vanderlaan presented his proposal on the creation of meeting agendas which stated the following:
 - Flagstaff Ranch Fire District meeting agendas are to be prepared by staff
 - The agendas will include items requested by all Board Members
 - Chairperson's approval of the agendas will not involve deletions of all or part of agenda items requested by others
 - No agenda item will explicitly preclude discussion and/or action on a topic



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

- After Board discussion, Board Member Ted Vanderlaan made a motion to adopt the presented proposal as worded until or unless it is updated as part of the handbook update. This motion was seconded by Board Chair Bob Woodings; the motion was unanimously **approved**.

Agenda Item 9: Discussion and potential action regarding election of officers

Discussion:

- Board Member Ted Vanderlaan made a motion to be placed as interim Clerk of the Board until the next scheduled meeting. This motion was seconded by Board Chair Bob Woodings; the motion was unanimously **approved**.
- The Board requested that this item be included on the agenda for the next scheduled Board meeting.

Agenda Item 10: Discussion and potential action on the naming of a POA liaison and their duties.

Discussion:

- The Board requested to move this item for discussion at the next scheduled Board meeting. No action was taken.

Agenda Item 11: Discussion and potential actions related to removal of Bob Woodings from the Flagstaff Ranch Fire District Board and appointment of a replacement Board Member.

Discussion:

- Board Member Ted Vanderlaan read the first part of a prepared statement, citing his main reason for this agenda item that Board Chair Bob Woodings ignored and specifically precluded agenda items submitted by other Board Members for the last two meetings. Mr. Vanderlaan summarized other reasons to consider removal of Board Chair Bob woodings from the Board.
- Board Chair Bob Woodings stated that, when he was informed by someone (unnamed) that the January 27, 2023 meeting agenda, amended by Board Member Ted Vanderlaan before the posting deadline, had been removed after this deadline, Board Chair Bob Woodings replaced it with the original agenda.
- Before reading his full statement, in order to determine if discussion should continue, Board Member Ted Vanderlaan made a motion to remove Board Chair Bob Woodings from the Flagstaff Ranch Fire District Board. There was no second, the motion failed.



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

- The County Attorney advised that the Board retain outside counsel regarding the removal of a Board Member as the County provides services to the Board as a whole and cannot address issues between Board Members.

BOARD MEMBER COMMENTS

- a. Board Members may provide individual comments for the record;
 - **Board Member Paul Butters provided the following comments for the record**
 - Board Member Paul Butters requested clarification on the date that Board Member elect Brad Thomas's term will begin. He was provided the approved date of February 17, 2023.
 - Board Member Paul Butters provided comment on the complaint that was made to the County Attorney from Board Chair Bob Woodings. He stated that it was submitted with no facts and requested the documentation that would back the complaint filed.
 - Board Member Paul Butters stated that the date set for the Second Call for Candidates to the Members was unilaterally decided by Board Chair Bob Woodings.
 - **Board Member Bob Woodings provided the following comments for the record**
 - On September 29th and November 18th, Flagstaff Ranch conditions of approval related to Fire District interests were discussed. On November 18th, I send Coconino County Ordinance 2000-04 to Community Manager Purcell and Chief Miller. I directed their attention to Condition 17 and Condition 33. Condition 17 requires a minimum **paved** width for emergency access roads in Flagstaff Ranch. Condition 17 also includes provisions for snow removal and emergency use only. Condition 33 requires turn-arounds **at** certain lots. **No** responses have been returned as of this date.
 - The agenda packets for January 27th and February 3rd include a report from Director of Safety and Compliance McGee. This report states, "the Gatehouse team is doing a great job with



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

overseeing snow removal”, “two fire gates in the community are currently inundated with snow and are impassable”, and “a gameplan is being worked on to get exits back opened and passable again.” Snow removal and emergency use of these two access roads and fire gates are County conditions of Flagstaff Ranch development.

- The Flagstaff Ranch Fire District - Fire Board Handbook, dated February 27, 2019, was never adopted by the Fire District. Earlier discussions and actions by the Board today express the need for this document to be updated. This document needs to reflect and be compatible with our Fire District’s Bylaws; which do not exist. It is therefore necessary for the Fire District to concurrently develop its Bylaws.
- I believe that several of my Board Member colleagues were recently influenced by bad counsel from a Flagstaff Ranch member and candidate for appointment to the Fire District Board of Directors. The Fire District’s County Attorney representative has recommended corrective actions for the Board’s missteps and additional training for Board Members going forward. I appreciate and respect the efforts of Mr. Mark Byrnes, Civil Deputy County Attorney, of the Coconino County Attorney’s Office, for his timely efforts and guidance regarding these complicated matters.
- Pursuant to the Fire District resolution adopted earlier in this meeting, Board Members are required to review training materials on the Open Meeting Law prior to the next board meeting. These training materials are to be obtained from the Arizona Fire District Association for this specific purpose. Additional Open Meeting Law training materials, from the City of Tempe, are now being distributed on this subject. These materials were found online by a constituent. Please pay attention to: slide 4 – Declaration of Public Policy; slide 8 – note that sanctions may be imposed on any person who aids another person to violate OML; slide 10 – OML violations; slide 20 – email communications from staff; and slide 23 – proposing an agenda item does not violate OML. Slide 8’s message applies to any



FLAGSTAFF RANCH FIRE DISTRICT

Board of Directors

Postponed Regular Meeting Minutes for February 3, 2023

person. If you think this applies to you, it does. If you write emails to all Board Members about a matter that is coming to the Board for action, consideration, or discussion; do not push send, wait for a public meeting. Moving forward, it's your personal choice to mitigate or accept your individual strict liability under the Open Meeting Law.

- I appreciate Director Vanderlaan's passion to participate on the Fire District Board. The challenges ahead can appear awesome. My advice to my Board colleague is to sustain your passion for this appointed position, give deference to open meeting law, cease emailing all Board Members, resist making defamatory comments, seek truth, and continue to learn. How we walk-the-walk will be directed by our character and the results judged by our electors.
 - I offer my personal thanks and appreciation to Directors Heguy and Butters for their service to the Fire District. Director Heguy has served the Fire District since he was appointed in September 2018; he completed his state required Fire District Board Member training in April 2019. Director Butters has served the Fire District since he was appointed in November 2021; he completed his state required Fire District Board Member training in September 2022. These gentlemen have been committed to maintaining local control of your Fire District and your tax dollars.
- b.** The Board may discuss future dates for meetings; and
- c.** The Board may discuss and direct staff to place matters on future agendas.
- **Board Member Bob Woodings provided the following requests for the record**
1. Staff to place on the agenda for the next regular meeting: a report regarding Flagstaff Ranch completion of County conditions of approval, including Ordinance 2000-04, for Board discussion and possible actions and direction to staff; as well as to the POA.
 2. Staff to place on the agenda for the next regular meeting: a report regarding snow removal and maintaining emergency access throughout Flagstaff Ranch for Board discussion, possible actions and directions to staff; as well as to the POA.



FLAGSTAFF RANCH FIRE DISTRICT
Board of Directors
Postponed Regular Meeting Minutes for February 3, 2023

3. Staff to place on the agenda for the next regular meeting: a staff report regarding adoption of Robert's Rules of Order for Board discussion, possible actions and directions to staff. Modifications may be proposed by staff to include Chairman's discussion and vote on all agenda items.
4. Staff to place on the agenda for the next regular meeting: a report regarding its process and timeline to update the Flagstaff Ranch Fire District – Fire Board Handbook and preparation of DRAFT Fire District Bylaws for Board discussion, possible actions and directions to staff.
5. Staff to place on the agenda for the next regular meeting: a report regarding its review of the recent request from the POA for Fire District review of the MARS Firewise Guidelines Proposal, NFPA Resources, USDA Forest Service – Living with Wildfire document, Arizona ponderosa fire recommendations, and Chief Miller's fire safety review recommendations for Board discussion, possible actions, directions to staff, and response to the POA.
6. Staff to place on the agenda for the next regular meeting: a report regarding its procurement and distribution of AFDA Open Meeting Law training materials to Board Members for this specific purpose, and Board Member completion of required review of these training materials; the Board will review the report prior to discussion, and possible related actions.

NEXT MEETING DATE AND TIME: A regular meeting will be held on Friday, March 31, 2023 at 2:00 pm.

ADJOURNMENT: Board Member Ted Vanderlaan made a motion to adjourn the regular meeting at 5:58 pm. This motion was seconded by Board Chair Bob Woodings; the motion was unanimously **approved**.

Minutes prepared by Administrative Specialist Sara Diaz

Minutes reviewed by Interim Board Clerk Ted Vanderlaan