

## MINUTES

**Central Arizona Fire and Medical Authority  
Central Yavapai Fire District Board of Directors  
Special Meeting  
Thursday, May 25, 2017, 1:00 pm - 2:00 pm  
Central Arizona Regional Training Academy 9601 E Valley Road Prescott Valley**

### **In Attendance**

Darlene Packard; Dave Tharp; Jeff Wasowicz; Matt Zurcher; Nicolas Cornelius; Scott A Freitag; Susanne Dixson

### **Not In Attendance**

Tom Steele; ViciLee Jacobs

## **NOTICE OF MEETING**

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the **Central Yavapai Fire District Board of Directors** and the general public that the Central Yavapai Fire District will hold a meeting open to the public on **Thursday, May 25, 2017 at 1:00 p.m. The meeting will be held at Central Arizona Regional Training Academy, 9601 E. Valley Road, Classroom 1, Prescott Valley, Arizona.** The Board may vote to go into Executive Session on any agenda item, pursuant to A.R.S. §38-431.03(A)(3) for discussion and consultation for legal advice with the District's Attorney on matters as set forth in the agenda item. The following topics and any variables thereto, will be subject to Board consideration, discussion, approval, or other action. All items are set for possible action.

### 1. CALL TO ORDER / ROLL CALL OF BOARD MEMBERS

**Chair Packard called the meeting to order at 1:01 p.m. Board quorum present.**

**Directors Jacobs and Steele were absent**

### 2. PLEDGE OF ALLEGIANCE

**Director Zurcher led the Pledge of Allegiance**

### 3. CALL TO THE PUBLIC

Those wishing to address the Central Yavapai Fire District Board need not request permission in advance. However, we ask that you complete a Call To Public Form for the record. The Board is not permitted to discuss or take action on any item raised in the Call to the Public due to restrictions of the Open Meeting Law; however, individual Board members may be permitted to respond to criticism directed to them. Otherwise, the Board may direct the staff to review the matter or the matter may be placed on a future agenda. Individuals may be limited to speak for three (3) minutes with a total of 30 minutes allotted for Call to the Public per meeting.

**Chair Packard opened the meeting to public comments.**

**There were no public comments.**

### 4. NEW BUSINESS

A. Restatement of Motions and Call for Vote on Item 7-B from the May 16, 2017 Meeting

**Attorney Cornelius explained that the motions made at the May 16 meeting were not clear and recommended the Board re-state them for a clear record. He further explained that instruction to counsel does not necessarily require a motion; however due to the recent press release and comments made, and in an over-abundance of caution, he is recommending the Board make formal motions confirming direction he has been previously given in Executive Session so there is no confusion and so those instructions are part of the public record.**

**Director Zurcher made a motion that the CYFD Board make a strong statement of support for Chief Freitag and Senior Staff; Director Wasowicz seconded the motion. MOTION PASSED.**

**Yes: Packard, Wasowicz, Zurcher**

**No: None**

**Abstain: None**

**Attorney Cornelius explained that there is not a requirement to call for all three votes, and reminded the Board that at the May 16 meeting, Director Jacobs had recused herself from voting in this matter. However, to avoid any confusion, and again, in an over-abundance of caution, he advised it would be good practice to call for all three.**

**Director Wasowicz made a motion to instruct Attorney Cornelius to conduct an inquiry to determine if any Board Policies have been violated; Director Zurcher seconded the motion. MOTION PASSED.**

**Yes: Packard, Wasowicz, Zurcher**

**No: None**

**Abstain: None**

**Director Zurcher made a motion that the CYFD Board make training on Board Policies and Procedures mandatory for all current and future Board members; Director Wasowicz seconded the motion. MOTION PASSED.**

**Yes: Packard, Wasowicz, Zurcher**

**No: None**

**Abstain: None**

**Director Wasowicz made a motion for the current requirement that communication between Director Jacobs and Chief Freitag be in writing with a copy to the Attorney be amended to include a copy to the CYFD Board Chair, and shall remain in effect until otherwise directed by this Board; Director Zurcher seconded the motion. MOTION PASSED.**

**Yes: Packard, Wasowicz, Zurcher**

**No: None**

**Abstain: None**

5. VOTE TO GO INTO EXECUTIVE SESSION

**Motion to go into executive session at 1:16 p.m.**

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

Yes: Darlene Packard, Jeff Wasowicz, Matt Zurcher

A. Legal Advice Pursuant to A.R.S. § 38431.03(A)(3) Regarding Attorney Cornelius' Follow-up to Chief Freitag's Complaint and Director Jacobs' Response

6. OLD BUSINESS

**Public Session reconvened at 2:03 p.m.**

A. Discussion and Direction to Attorney and Staff Regarding Attorney Cornelius' Follow-up to Chief Freitag's Complaint and Director Jacobs' Response

**Attorney Cornelius advised the Board that he is recommending some additional motions due to last Friday's press release by Director Jacobs. He advised the Board that Chief Freitag would be revising his complaint to include the specific details, and suggested the Board give the Chief instruction to do so. He further stated that correspondence generated or received by him on behalf of the Board as a whole is public record; he recommended the Board give him specific instruction to determine which items can be part of the public record in accordance with the law. He reminded them that instructions to counsel do not need to be captured in a motion; however he is making the recommendation that the Board make motions in open session confirming instructions to counsel in light of the recent allegations and to avoid any further confusion.**

**Attorney Cornelius then recapped his activities related to Chief Freitag's formal complaint and Director Jacobs' request for an investigation, including speaking with the State Bar, the Attorney General's office, the Yavapai County Attorney's office, and Gladfelter Claims Management. The opinion of the Yavapai County Attorney's office was that administratively, this Board should conduct it's own investigation; Gladfelter Claims Management concurred, and stated that at the time the issue did not rise to the level of requiring their involvement. He also indicated that since the press release, he has given Gladfelter Claims Management notice that Director Jacobs plans to sue the agency. He further explained to the Board that if Director Jacobs moves forward with litigation, she will have a conflict. This will result in her fulfilling her duties in matters not related to this investigation or litigation; however she will not take part in Executive or Open Session discussions related to the litigation.**

**Director Zurcher made a motion to instruct Chief Freitag to make revisions to his complaint to answer allegations raised in Director Jacobs' response to be received prior to the June 27 meeting; Director Wasowicz seconded the motion. MOTION PASSED.**

**Yes: Packard, Wasowicz, Zurcher**

**No: None**

**Abstain: None**

**Director Wasowicz made a motion to instruct Attorney Cornelius to consider whether correspondence on behalf of the Board between Attorney Cornelius, Director Jacobs and/or Attorney Carol Pilch should be characterized as public record in accordance with the law; Director Wasowicz seconded the motion. MOTION PASSED.**

**Yes: Packard, Wasowicz, Zurcher**

**No: None**  
**Abstain: None**

**Director Zurcher made a motion to instruct Attorney Cornelius to take no action to retain a 3rd party investigator until further instructions from this board; Director Wasowicz seconded the motion. MOTION PASSED.**


**Yes: Packard, Wasowicz, Zurcher**  
**No: None**  
**Abstain: None**

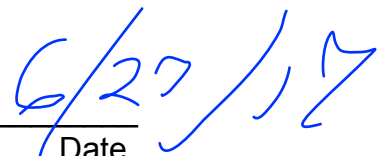
7. ADJOURNMENT

**Motion to adjourn at 2:21 p.m.**

Move: Matt Zurcher Second: Jeff Wasowicz Status: Passed

Yes: Darlene Packard, Jeff Wasowicz, Matt Zurcher

  
\_\_\_\_\_  
Board Clerk

  
\_\_\_\_\_  
Date