

## MINUTES

### 1. CALL TO ORDER

Mayor Deasy called the Special Meeting held June 29, 2022, to order at 4:58 p.m.

#### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).*

### 2. ROLL CALL

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

PRESENT:

ABSENT:

MAYOR DEASY (virtually)  
VICE MAYOR SWEET  
COUNCILMEMBER ASLAN (virtually)  
COUNCILMEMBER HOUSE  
COUNCILMEMBER MCCARTHY  
COUNCILMEMBER SALAS (virtually)  
COUNCILMEMBER SHIMONI (virtually)

Others present: City Manager Greg Clifton; City Attorney Sterling Solomon.

### 3. PLEDGE OF ALLEGIANCE, MISSION STATEMENT, AND LAND ACKNOWLEDGEMENT

The Council and audience recited the pledge of allegiance, Councilmember Shimoni read the Mission statement and Vice Mayor Sweet read the Land Acknowledgement.

#### MISSION STATEMENT

*The mission of the City of Flagstaff is to protect and enhance the quality of life for all.*

#### LAND ACKNOWLEDGEMENT

*The Flagstaff City Council humbly acknowledges the ancestral homelands of this area's Indigenous nations and original stewards. These lands, still inhabited by Native descendants,*

*border mountains sacred to Indigenous peoples. We honor them, their legacies, their traditions, and their continued contributions. We celebrate their past, present, and future generations who will forever know this place as home.*

**4. Discussion and Direction:** Potential prohibition of the use of fireworks in the City of Flagstaff between June 29, 2022 and July 6, 2022.

Mr. Clifton stated that fire restrictions had been lifted and that prompted discussion internally and a need to seek Council direction on the use of fireworks in city limits.

Mayor Deasy stated that the decision to lift fire restrictions was difficult to understand especially going into a holiday weekend. He proposed prohibiting fireworks in the City of Flagstaff for one weekend. There were expected to be 20,000 people coming into Flagstaff and many may not be as fire aware as the locals. The Pipeline fire was still smoldering, and it may not be the best message to send that fireworks are allowed.

Councilmember Aslan stated that the meeting should not be happening at all because the State of Arizona had prohibited cities and towns from putting restrictions on fireworks.

Wildland Fire Manager Neil Chapman stated that the Pipeline Fire was at about 90% containment. With the moisture that was being experienced and the higher relative humidity, the decision was made to drop the fire restrictions. He did state that while it was short notice, it was a collaborative decision between the state, forest service, park service, counties, and cities.

Councilmember Shimoni acknowledged the awkward position the Council was in given the restrictions within state law. He would like to see an increase in outreach to the public about the danger of fireworks and the catastrophic impact they could have on a community.

Councilmember McCarthy stated that several organizations, including county, forest service, Grand Canyon National Park, and other technical staff had analyzed the information rationally and determined there is no need to outlaw fireworks. He did not believe that he should overrule the opinions of the professional experts and there was no need for the city to preempt them. Education and outreach were a good idea, and he would support those efforts. He did not support the City Council or Mayor making a proclamation that would outlaw fireworks for the indicated period.

Mayor Deasy asked Mr. Chapman how the decision to lift restrictions was made and if the metrics included region-specific information such as a tourist location over a holiday weekend.

Mr. Chapman stated that the escalation of the closure order did require a higher but that was not needed for a release of restrictions. The decision was grounded in science, based on fuel, moisture, weather, etc. The guideline was that two-thirds of the forest gets at least two-thirds an inch of rain and that metric had been met. Fireworks were always banned on forest service lands.

Mayor Deasy stated that fireworks were not allowed on forest service land which surrounded Flagstaff, and banning fireworks in Flagstaff would show consistency in the local environment. Mr. Chapman stated that what was allowed on Forest Service land was different from what was allowed in state law.

Deputy Chief Jerry Bills stated that there are three types of fireworks; novelties which were deregulated by the federal government, such as snap caps, smoke devices, and sparklers, and they are not allowed to be regulated whatsoever. Consumer fireworks are any firework that stays on the ground but is not allowed to leave the ground. Anything outside of that was not allowed in the city whatsoever. The public display fireworks required a formal permit. If there were things flying up into the air, they were completely illegal.

Councilmember House stated that so many in the community were still reeling from the two fires that were recently seen. The Council sees and shares those concerns. As much as she was frustrated by the situation, it was the Council's duty to abide by and uphold the laws placed upon them. It was not the right time or decision to go against the state preemption.

Councilmember Salas agreed. She was very concerned about the fire danger in the community however, she was mindful that they are preempted by state statutes for embarking on a restriction of fireworks. She respected and understood the Mayor's intention and passion about having the discussion in public and trying to change policy at the local level, but they were unable to do so. She would like to see more coordinated communication with community partners about how and when fire restrictions were imposed and lifted. She also supports additional outreach for the community and visitors about wildfire risk and staying and playing responsibly in Flagstaff.

Councilmember Salas exited the meeting at 5:30 p.m.

Councilmember Aslan expressed frustration that cities cannot regulate fireworks. He would be the first to support a ban in Flagstaff if it were allowed. He did not want to go against state law and put law enforcement officials in an awkward position, nor did he want to see Flagstaff targeted by the state.

Vice Mayor Sweet stated that she would have liked the forest service to consult and notify the city about the potential to lift the restrictions. This would have allowed for better messaging to the public and preparation of the community. She would support greater outreach and education to citizens and visitors but would not support going against the state preemption at that time.

Mayor Deasy stated that the issue was not so black and white, it was about how much risk the city was willing to take to do what was right. He would respect the position of Council on the matter, but he disagreed with that decision. He was concerned about what would happen over the holiday weekend and any potential legal risk did not compare to the devastating effects of wildfire.

Mr. Clifton stated that the discussion was an important one and hopefully, awareness was being raised towards the matter. There was extensive marketing and outreach on the topic and staff would continue those efforts. Economic Vitality Director Heidi Hansen added that the Discover Flagstaff team had an entire campaign that was geared toward wildfire awareness. This campaign was year-round but was ramped up heavily in the hotter months. They will continue those efforts in every way they can.

Councilmember Aslan stated that he would like to have the issue added to the next year's legislative priorities to allow cities to regulate based on their own unique needs.

## 5. **ADJOURNMENT**

The Special Meeting held June 29, 2022, adjourned at 5:41 p.m.

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MAYOR

ATTEST:

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CITY CLERK