

OFFICE OF BOARD OF SUPERVISORS  
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

February 20, 2002

The Board of Supervisors met in special session on February 20, 2002.

Present: Lorna Street, Chairman; Chip Davis, Vice Chairman; Gheral Brownlow, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; John Munderloh, Water Advisory Committee Coordinator; Ken Spedding, Development Services Director.

ITEM NO. 1. Meet in special joint session with the Yavapai County Water Advisory Committee to discuss the role of the Committee and its relationship to the Board of Supervisors. The following members of the Water Advisory Committee, or alternate members, were present: Doree Christensen, Town of Jerome; Tony Gioia, Town of Camp Verde; Jim Williams, Supervisor District 2; Rob Behnke, City of Prescott; Larry Tarkowski, Town of Prescott Valley; Anita MacFarlane, City of Sedona; Reynold Radoccia, Town of Clarkdale; Ruben Jauregui, City of Cottonwood; Charles Bonnaha, Yavapai-Apache Nation; Jane Moore, alternate, Town of Jerome; Brenda Hauser, alternate, Town of Camp Verde; Art Coates, alternate, Supervisor District 1; Carol Johnson, alternate, City of Sedona; Bob Bell, alternate, City of Prescott. Also present were the following WAC Technical Advisory Committee members: Loyd Barnett, representing the Verde Valley; Jim Holt, representing the Prescott area; Robert Hardy, representing the Verde Valley; and Phil Foster, representing the Prescott area. Tom Whitmer from the Arizona Department of Water Resources was also present, as was WAC Recording Secretary Chris Moran. Supervisor Brownlow asked that everyone take a few minutes to review Resolution No. 1163, the resolution establishing the WAC, and Resolution No. 1270, the resolution providing for the Technical Advisory Committee (TAC). He said the reason the Board had established the WAC was that the cities and towns in the Prescott area and the Verde Valley had different views about water, and that the Board felt if it stepped in perhaps it could at least get everyone to sit down at the same table to talk about water issues. He said he thought the WAC had worked very well, but that perhaps it was time to sit down and look at what the WAC was charged with doing. Supervisor Brownlow said he was concerned that the WAC not try to replace the planning and zoning advisory bodies in the various cities and towns, and that he felt there was a need to define exactly the purpose of the WAC. He told those present that he felt it was more important at this time that everyone get along as a County group, especially given the activities of Salt River Project, and that everyone needed to look at this as a team effort. Supervisor Davis said he believed there had been a great deal of comraderie among the members of the WAC. He said that the members had agreed to disagree on some issues and move on, and that he felt the WAC had experienced tremendous success, especially since it had only been in existence for less than three years. He pointed out that the WAC had raised \$2 million to \$3 million in funding and that it had gained recognition from both federal and state agencies. Supervisor Davis said he thought it would be fair to the WAC to better define what the Board expects of it, but that it would also be fair for the Board to understand the expectations of the WAC. He said he felt this day's meeting was a good opportunity to share views. Mr. Gioia said that the WAC had been brought together in the midst of turmoil and that it had made great strides with regard to scientific studies and gaining cooperation at the local, state and federal levels. He said that because most of the members of the WAC were elected officials, they had access to agencies that most citizens did not have. Mr. Gioia said he believed that the WAC could be far more effective if it had some latitude, especially when short time frames for response were involved. He said that, with all due respect, he believed the resolution establishing the WAC should be changed a little and he handed out to the Board members proposed language that he said would allow the WAC some latitude while insulating the Board from WAC decisions or positions that it has not approved. Mr. Tarkowski said he believed the success of the WAC was due to the fact that it had focused on facts and scientific studies. He said that by eliminating emotion, the WAC had been pretty successful and had been able to leverage a significant amount of money for studies. He said that Resolution No. 1163 made it abundantly clear that the WAC was an advisory committee to the Board of Supervisors. He said he had just seen Mr. Gioia's proposed changes to the resolution about 15 minutes ago and that he did not believe the proposed change was the feeling of the entire committee. He said it again that it was very clear in Resolution No. 1163 that the WAC was an advisory committee. Mr. Holst said that when Resolution No. 1163 was being drafted a member of the Board of Supervisors had not been included for committee membership because of the relationship the Board wanted to have between itself and the committee. He said he believed that was helpful in staying on track with what everyone wanted to have happen, and that the closer everyone stayed to the original charge of the WAC the longer it would stay

together. Ms. MacFarlane said she had been present at the Board meeting at which the WAC had brought forward its proposed golf course recommendations. She said the WAC had brought those recommendations to the Board, and had not taken them anywhere else. She said she believed the WAC had always been careful in sending its recommendations to the Planning & Zoning Commission to focus only what it saw with regard to water. Mr. Coates said the Board had the final call on any development in the County, and that he felt it was entirely appropriate to send water recommendations developed by the WAC to both the Board and the Planning & Zoning Commission. Chairman Street said her initial take on this matter was that the WAC was established and then followed up by the USGS study. She said what she was looking for was information about where things stood with regard to that study, where was the water, and what was the WAC's feeling about the results of the study. She said she wondered if the WAC was established for the purpose of studying all of the water issues and advising the Board, but that it seemed like the WAC was involved in zoning issues and political issues. She said she did not understand. Supervisor Davis said that Mr. Munderloh had been to the Board a few times to provide updates on the WAC. He said that initially the WAC was focused on Big Chino water issues, but that the focus had expanded into looking at water issues County-wide. He said those issues went from huge studies to looking at what effect a development might have on water. He said it was believed that having the WAC and the TAC would help the Board with long-range planning, but that the purpose of this day's meeting was to discuss what kind of latitude the WAC should have. Supervisor Davis said he believed the WAC should be able to forward its position on some issues without having to come through the Board, but that there were some issues the WAC would need to bring to the Board. Mr. Radoccia said that not all of the studies were completed and that as a result the WAC was not in a position to make final decisions and that it was in an ongoing process. He said that the letter the WAC had sent to the Arizona Department of Water Resources with regard to Haskell Springs had to be sent immediately because of deadlines, and that there was no time to bring it to the Board for approval. He said he did not think the WAC could say to the Board at this point "this is exactly what we should do" and that it could be several more years before the WAC had that kind of information to give the Board. Supervisor Brownlow said he was not criticizing the WAC, but that when he picked up the newspaper and read about something coming from the WAC that he had no knowledge of it was a concern. He said he believed everyone still needed to look at the original reason for establishing the WAC, which he said was to stop the fighting and bring people together. Mr. Behnke said that one of the refreshing things about this was that for the first time someone was seeking the truth. He said that the TAC was comprised of very technical people and that when they came to the WAC with a recommendation, it could be sure that they had done their homework. He said there were immense problems in the County related to water, and that sometimes the truth coming from a technical standpoint rubbed the political element the wrong way. Mr. Behnke said that no one was trying to stop development but that if the WAC did not think there was enough water to support a development, it would say so. He said that information was sent to the Board through staff, and that the WAC was not sending it to developers. Supervisor Brownlow said he believed the WAC had taken a stand on a proposed development near Wickenburg. He said that area was not in the Active Management Area and asked why the WAC had become involved in it. He said that until the jurisdictions represented in the WAC were willing to live with the same rules, it should not try to force those rules on others. Ms. Moore said she had been involved with the WAC for a long time and that given the diverse opinions among the WAC members, it was amazing to her that the WAC was able to reach consensus on issues. She said the WAC was just trying to draw attention to problem areas. Supervisor Davis said that the Planning & Zoning Commission sends its recommendations to the Board and that he did not see the WAC as being different than that. He said the Board had entrusted the WAC to look at only water issues, and that he had never seen the committee cross that line. He said that he liked having the WAC has a tool for dealing with water issues and that he believed the WAC had done a great job. Mr. Gioia said that with regard to the WAC's proposed golf course recommendations, the committee believed the recommendations were appropriate. He said that because of Supervisor Brownlow's stated concerns about cities and towns telling the County what to do, the Town of Camp Verde had adopted the golf course regulations and that other cities and towns in the Verde Valley were looking at doing the same thing. He said he would like to see the WAC bring the golf course recommendations back to the Board. He said the first attempt had resulted in a good exchange because the Board had stated its feelings and the WAC had made changes based on what the Board had to say. Mr. Williams said he did not think that anyone had intentionally tried to do something that the Board did not want, but that in its exuberance the WAC might have gone over the line a little bit. He said that if the WAC was writing letters, perhaps Mr. Munderloh could keep the Board aware of that activity. Ms. Hauser said that the committee had looked at everything, including a sewer project in MundsPark in Coconino County, to see how water

was affected. She said that everything the WAC did was based on water usage or the lack of water usage. Chairman Street asked if there had been any discussion regarding water conservation. Mr. Tarkowski responded that the subject had come up several times, and that the WAC had encouraged the development of water budgets. He said one of the recommendations of the Governor's Water Commission was that there by water planning in areas outside active management areas, and that he believed the WAC would important in helping to focus on that issue. Mr. Coates said he felt that since the WAC operates on the basis of consensus, the Board would be insulated to some degree from letters or positions coming from the WAC. He said there were time concerns involved, and that in his opinion the committee could live with the changes to the resolution proposed by Mr. Gioia if the Board could live with them. Supervisor Brownlow asked whether the WAC had taken a stand on a large new development proposed in Chino Valley, and whether the WAC was going to get involved in the business of cities and towns. He added that any changes to Resolution 1163 would have to go on the Board's agenda for consideration. Chairman Street said she believed the WAC needed to discuss the proposed changes and then bring them to the Board. Ms. Christensen said she thought the WAC was unusual because it was not a typical advisory committee, but instead was comprised mostly of elected officials and also included representation from the Tribes. She said she believed that WAC was more than just a County advisory committee. She said it was true that the WAC had opinions but that they were educated opinions, and that the Board made decisions while the WAC only issued opinions. Mr. Tarkowski said that what he had heard from the Board was that there was some concern related to subdivisions or golf courses. He asked the Board if it felt the WAC should be setting broader policy statements instead of weighing in on individual projects. Supervisor Davis said he felt the manner in which the WAC was approaching issues was fine, but that eventually it should work toward developing standard criteria. He said that until things got to the point where that was possible, he had no problem with what the WAC was doing. Mr. Tarkowski said it sounded to him like the WAC should be looking at broad policy statements that the Board could use to evaluate projects. Supervisor Davis said perhaps there could be different levels of criteria depending on water resources. He added that each of the jurisdictions represented on the WAC had been on the "hot seat." Ms. MacFarlane said that when the WAC first began its work the focus was pretty narrow, but that after some time other groups started coming to the WAC about water problems and asked the WAC to focus on the County as whole. Chairman Street said she felt the Board and the WAC should meet again in the next quarter. She said she would have to do some catching up and have some of her questions answered about where the Board wanted to go with this issue. She said her personal experience with several of the Board's committees was that they took on a life of their own and ended up going places that they probably should not go. She said she felt that perhaps the WAC had gone a little far afield, and that the question Supervisor Brownlow had asked about the development in Wickenburg was actually her question. Chairman Street pointed out that part of the City of Peoria was in Yavapai County, yet it was not represented on the WAC, and that the Town of Wickenburg had been talking about annexing farther north into Yavapai County and that it also did not have representation on the WAC. She said she would like to see the Board and the WAC meeting quarterly, adding that the WAC could reach agreement about proposed changes to the resolution and then present it to the Board for the Board's consideration. Ms. Hauser said that she and Mr. Munderloh also participated in a state watershed committee that reviewed water issues on a state-wide basis. Chairman Street said that if the WAC was sharing information it was one thing, but that if it was making a recommendation on behalf of the County it was another thing. She suggested that letters that must be done as an emergency go out on letterhead for the individual jurisdictions rather than from the WAC. She said she would do her homework on the committee. Supervisor Davis said he believed the WAC should continue to offer advice to the Board and that he supported the committee's expedient decision making and would like to allow the committee the ability to respond on issues as needed. He said he did not think the WAC should have to check in with the Board every time it made a move. Mr. Holt said he was reminded of a developer's proposal to make changes to the assured water supply rules. He said the proposed changes would have benefited the developer but would have had far reaching effects, and that the WAC's opinion in that situation had carried great weight. He said he believed the WAC was doing a good job. Ms. Christensen said that the WAC struggled sometimes in trying to reach consensus, but that that was the committee's strength.

There being no further business to discuss, the meeting was adjourned.

ATTEST:

\_\_\_\_\_Clerk \_\_\_\_\_Chairman

