

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

December 17, 2003

The Board of Supervisors met in special session on December 17, 2003, at 9:30 a.m.

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

Also present: John Munderloh, Water Advisory Committee Coordinator.

Clerk's note: A copy of these minutes with a supplemental transcript is available in the Office of the Clerk of the Board of Supervisors and is also available on the County website.

ITEM NO. 1. Meet in joint session with the Yavapai County Water Advisory Committee. Members of the WAC who were present on this day were: Jim Williams, District 2; Art Coates, District 1; Anita MacFarlane, Sedona; Bob Roecker, Prescott (appointed by City Council and to be appointed by Board on January 5, 2004); Doree Christensen, Jerome; Bob Kavacovich, Camp Verde; Tom Whitmer, Arizona Department of Water Resources; Bob Hardy, Cottonwood (alternate); Jane Moore, Jerome (alternate); Virginia Reid, Chino Valley; Larry Tarkowski, Prescott Valley; Andy Groseta, District 3; Mike Bluff, Clarkdale; Al Tripp, District 1 (alternate); Mary Hoadley, District 2 (alternate). The following members of the Technical Advisory Committee of the WAC were also introduced: Jim Holt, ADWR; Carol Johnson; and Loyd Barnett. Public input was taken from Charlie Schlinger, Verde Watershed Research and Education Program at NAU.

1. Present appreciation award to Robert Behnke for his contributions as a member of the Water Advisory Committee.

Chairman Davis presented a plaque to Mr. Behnke, thanking him for the time he had served on the WAC. Mr. Behnke said it had been a lot of hard work but fun, and that he would not forget the WAC. He said he believed the WAC was breaking ground for the future. He conveyed his thanks to each and every one of the WAC members, saying it had been a pleasure to work with them.

2. Presentation on the accomplishments of the Water Advisory Committee in 2003.

Chairman Davis said he wanted to remind everyone of the reason for being here on this day, and that was that the WAC had grown out of problems with the Prescott AMA. He asked that the members take notes, examine what everyone had been through, and reflect upon where to go from this point. He asked that everyone listen to the point of view of others. He said he hoped that at the end of the meeting everyone would walk away with a clear direction and understanding about how to accomplish the goals of the WAC. Mr. Munderloh showed pictures of lakes that existed in the Paulden area in the late 1950s or early 1960s, and then read a note from WAC Co-Chairman Tony Gioia explaining that he could not be present on this day due to work responsibilities. Mr. Munderloh then briefly reviewed the accomplishments of the WAC since its inception, the WAC had generated \$4 million to pay for water studies. He reviewed the other accomplishments of the WAC, which included providing educational programs at WAC meetings, creation of a WAC general plan, and completion of various interim scientific studies. Chairman Davis said he thought it was important to note that the WAC had raised \$4 million in four years and had created a cooperative working group. He said the WAC had also developed some key partners along the way, including ADWR, the Army Corps of Engineers, and the U.S. Forest Service, to name a few, and that those entities recognized the WAC as a body they wanted to work with. He said that the AMAs in the state were receiving a lot of attention from ADWR, but that the WAC was receiving a lot of positive attention from ADWR because it was trying to resolve water issues in the County. Mr. Munderloh next reviewed the action agenda for the WAC, which included developing an understanding of law and management structures, developing a menu of possible approaches, meeting with the Board of Supervisors and governmental jurisdictions to present several options and obtain responses, and returning to the Board, cities and towns, and the bribes for

possible adoption of a water resource management plan. He also spoke briefly about the charter and mission of the WAC, and its educational programs. There was brief discussion regarding water use in the Verde Valley, during which Mr. Munderloh said that part of the long-term contract with the USGS would provide resource information related to water use. Chairman Davis referred to studies of the upper plateau, saying there may be things happening in the Flagstaff area or other parts of the upper plateau that could have a negative impact on the County. He asked if there was a strategy to deal with those impacts. Mr. Munderloh said he was working with ADWR to look at what the impacts might be, and that there was also an effort to increase the information flow. Chairman Davis asked if there was a strategy about how to begin working into those issues, saying again that what happened in the upper plateau could affect communities in the County and that the WAC and Board needed to be able to weigh in on it. Ms. McFarlane said that she was a member of the Coconino Water Advisory Group but that it was not active, and that there was another group for the upper plateau that the WAC should consider having a joint meeting with. Mr. Whitmer said there was a Coconino Plateau working group that was identifying supplies and demand and potential sources of meeting the demand. He said that the USGS was also working on putting information together about the upper plateau and that there was an exchange of information within the USGS about what was going on in the different watersheds. He added that there was some work being done on a water budget. Chairman Davis asked if the water budget included surface water. Mr. Whitmer said it included all sources and that it tapped into what the impact would be on springs in the canyons. He said it might be a good time to consider initiating discussions between the WAC and the upper plateau group. Mr. Schlenger said that Coconino County had not been very proactive about water and that he believed the WAC was an example of what Coconino County needed to be doing. Mr. Whitmer said he believed the reason the one plateau group went away was that it was organized with the idea of building a pipeline and that the idea had not set very well with a lot of people. He said that ADWR had been talking with the Coconino County Board of Supervisors and that they felt some interest might be generated again by looking at alternatives. He said he agreed that there was a great deal that Coconino County could learn from the WAC. Mr. Munderloh next provided projected maps showing areas that were being worked on to help determine where water resources are and what the impacts would be if withdrawals were made from those areas. He said the WAC should have final information on that sometime in 2007.

3. Clarify Water Advisory Committee policy and procedures, including possible action to amend Board of Supervisors' Resolution No. 1347. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve Resolution No. 1425. No comments from the public.

Chairman Davis referred to the second page of the resolution, pointing out proposed new language and saying that the purpose of the new language was to clarify some of the controversies that had arisen a few months ago about how members of the WAC respond to inquiries. He said he wanted to point out that as a body the WAC had to agree to positions just as the Board did. He asked if everyone was comfortable with clarifying that inquiries come to the WAC as a whole, that the WAC either takes a position or does not take a position, and that it is then forwarded to the Board. Mr. Coates said that if the WAC made a recommendation and forwarded it to the Board and the Board chose to do nothing with it, then he would be on shaky ground if he, as an individual was to take a personal position on the matter. Chairman Davis said he felt that if a member of the WAC could make it clear that his opinion was being given as a private citizen there was no problem. He said he wanted to ensure that no one portrayed himself as the voice of the WAC or as the voice of the Board when giving a position on a matter. He said he believed that the integrity of the WAC needed to be guarded, and that if an individual used the WAC to get a position across it would jeopardize the WAC and what it was trying to accomplish. Ms. McFarlane asked why the proposed language in the resolution did not say that, and why it could not just say that no single member of the WAC should make a statement without first consulting with the WAC and the Board. Mr. Tarkowski said he thought that staff had a duty to orient new members of the WAC and to provide that kind of information. He said he believed that Mr. Munderloh could handle that quite well. Ms.

Moore said she believed something that had been left out of the proposed language was that requests for general information should be responded to by staff. Mr. Coates said he believed the whole issue had come about because of the Co-Chairman's response to a request for information from Senator McCain. He said he believed that Mr. Munderloh had actually drafted the letter, and that it seemed to him that the whole issue was just a tempest in a teapot. Mr. Bluff said he would have to disagree with that, and that what had happened was just the type of problem that the WAC and the Board were trying to avoid. He said that the letter was perceived by some people to be factual, but by others as an opinion. Mr. Bluff said he did not know that it was necessary to change the resolution, but that the point had been made and that Mr. Tarkowski's idea about staff orienting new members was a good way to handle it. He said that while not everyone would always agree, it was important for everyone to be at the table and that the kind of incident that had happened with the letter to Senator McCain should never happen again. Mr. Tripp agreed that requests for information should be handled through Mr. Munderloh. Mr. Groseta said he felt it was important for everyone to keep in mind that the WAC operates under the auspices of the Board. He said it was the Board that had created the WAC and that he felt that sometimes in the past the WAC had gone beyond its scope. He said that the WAC should discuss anything that was a major issue, and then forward it on to the Board knowing that the Board will make a call on it. Chairman Davis asked if there needed to be an amendment to the resolution. Supervisor Street said she did not really know that there needed to be an amendment. She said that everyone at the table represented a different agency, that each person had their own letterhead and signature and that they could say what they wanted. She said she did it all the time, using a letterhead specific to her and different from that of the Board as a whole. Supervisor Brownlow said the main reason the Board had created the WAC was because of the dissension it had seen among the various entities, and that if each entity was firing off its own letters then everyone would be right back at each others' throats again. He said people needed to be careful about letters that might upset others in the group. Ms. Christensen suggested leaving the resolution alone but adding a statement that "no single member of the WAC can make a statement that pretends to represent the WAC or the Board of Supervisors" and that "requests for information should be directed to staff for response." Mr. Coates said he believed what was being discussed was requests for information as opposed to policy decisions. Chairman Davis said that next year there would probably be legislation introduced at the state regarding water, and that if a member of the WAC went down to the legislature and gave their opinion as a member of the WAC there would be a problem. He said that a person could not do that and that the other people on the WAC needed to be respected. He said he believed what he had heard on this day was that a lot of this was just common sense and respect, and that he did not care how it was handled but that he wanted to avoid another train wreck. Ms. Moore said she believed that members of the WAC could go places and say they were members but that they were giving an opinion as a private citizen. Mr. Tarkowski suggested clarifying the language in the resolution and asking staff to put together an orientation package for new members. He asked if there was consensus for doing that, saying that both times the WAC had met in joint session with the Board it was because of the kind of activity that was being discussed on this day. There appeared to be consensus among the WAC members that the language Ms. Christensen had suggested should be added to the resolution. Ms. Hoadley said she wanted to point out that all of the money generated by the WAC had been spent in the Verde Valley and that she would like to see other watershed groups considered for membership on the WAC. She said the work that had been done in the Verde was great, but that she felt the resources of the WAC should be used to help the entire County. Chairman Davis said Ms. Hoadley's point was well taken, but that WAC resources had also been used in the Big Chino and Prescott AMA. The resolution was amended to include the language suggested by Ms. Christensen.

4. Discussion and possible action regarding the Water Advisory Committee organizational chart. The Board took no action on this item.

Chairman Davis called attention to a proposed new organizational chart, which he said would create a chairman, vice chairman and treasurer position for the WAC to replace

the current structure of having two co-chairmen. He said he envisioned an annual chairmanship that would rotate and that the chairman and vice chairman would each be from different sides of the mountain. He said he felt that other water groups could be brought into the process, that the TAC should also have a chairman and a policy committee, and that there should be criteria for a selection process. Mr. Hardy and Ms. McFarlane questioned the need for a Treasurer. Mr. Tarkowski suggested utilizing subcommittees of the TAC in order to bring other groups on board, saying he thought it would be a good idea to have a TAC member serve as the chairman of those subcommittees. Mr. Whitmer suggested adding a subcommittee for public outreach, saying that such a committee could let people in the County know what the WAC was doing. He added that the WAC was doing a great deal, and that people needed to know about it. Mr. Tarkowski said there could be any number of subcommittees included and that it would be a good way to encourage public input into the process. Mr. Groseta said he thought that the subcommittees should be subordinate to the WAC, and that the WAC was sort of like a clearinghouse. Mr. Bluff said one problem he could see with allowing additional members on the WAC was funding, and that the WAC could end up being such a large group that it would become unmanageable. He also said he was satisfied having co-chairman for the WAC and that he felt that system worked. Mr. Tarkowski said he thought the idea of rotating the co-chairmanship was a very good idea. Chairman Davis said what he was hearing was that the WAC liked having a co-chairman system but wanted to have rotation in those positions, and that subcommittees should fall under the TAC. Mr. Tarkowski said it might also be a good idea to have the TAC look at whether expansion of the WAC would be a good idea. Chairman Davis agreed. Ms. Christensen said she liked the idea of having a public outreach committee, but that it was one committee that might not need to be under the TAC. There was brief discussion regarding whether there should be a chairman for the TAC. Mr. Munderloh said that the TAC was pretty informal, that he kept things rolling during meetings, but that he did not wish to be perceived as chairman of the TAC. Mr. Tarkowski said that if having a chairman for the TAC would provide some degree of protection for Mr. Munderloh, then it was probably a good idea. Mr. Hardy agreed. Chairman Davis suggested that the TAC discuss the idea and make a recommendation.

5. Discussion and possible action regarding the direction of the Water Advisory Committee. Cottonwood City Councilwoman Diane Joens participated in discussion of this item. The Board took no action on this item.

Mr. Munderloh referred to the retreat of July 2002, saying that the WAC had walked away from that retreat without clear direction as to where it was headed. Chairman Davis suggested starting with water management plans. He said he felt that the original charge of the WAC's mission statement was something that the WAC should review often in order to stay focused on what it wants to accomplish. Mr. Tarkowski said that following completion of the WAC's educational series, it had planned to put together a report for the Board to consider on potential water management strategies. He asked what kind of format the Board would like for that report, and whether it would like a menu of recommended actions from which to pick and choose, a recommended action plan, or a list of options. Supervisor Brownlow said he liked options, and Supervisor Street said she liked the idea of a menu. Supervisor Brownlow said he did not want the WAC to back the Board or any city council into a corner by telling them how to deal with planning and zoning issues. He said the WAC might tell the Board if it was aware of shortfalls in a certain area, but that it was not a planning and zoning body. Ms. MacFarlane asked if the Board wanted the WAC to research upcoming water legislation and forward that to the Board with a recommendation. Chairman Davis said the WAC was put together for a reason, that the purpose and focus of the WAC was water use and that water use constituted a wide spectrum. He said the TAC was comprised of some of the best experts in the industry, that the TAC made recommendations to the WAC and that it was up to the WAC to consider how to best implement those recommendations. Chairman Davis said that recommendations carried a great deal of weight with him and that when recommendations were forwarded to the Board the Board would discuss them and that it would not be bound by the WAC's recommendations. He said that menus and options were great, but that he valued recommendations and the process that the WAC

went through in order to develop recommendations. Ms. Moore said that sometimes the WAC would reach consensus on something that the Board would not agree with, and she asked what would happen then. Chairman Davis said he did not think the Board had been unreasonable or dictatorial in its approach. He said the Board wanted to know where the water was, that he believed there probably were a number of different aquifers and that the partnership with the USGS would provide that information but not until 2007. He asked whether, in the meantime, it would be possible to begin developing policies and whether there could be different criteria for different situations. Supervisor Street said she had some reservations about recommendations being made, particularly if it affected her district yet no one in her district had had an opportunity to provide input. She said that there had been a very good subdivision plan for an area in the southern part of her district but that because of talk about water and golf courses the subdivision went away and the property was now just a big lot split area. She said she would really like the WAC to look at the rest of the County. Ms. Christensen said that first the WAC had to obtain information and then reach agreement on it. She said she hoped that the recommendations forwarded to the Board from the WAC were the beginning of a discussion between the Board and the WAC, and that the discussions needed to be ongoing. Ms. Joens said she believed the WAC was different from other boards and commissions of the Board of Supervisors because the entities represented on the committee were all putting money into making the vision happen. Mr. Coates said he believed that at some point the WAC needed to expand beyond Yavapai County and that at some point the Board might want to meet with the Coconino County Board of Supervisors to discuss what is happening in their area. Mr. Whitmer said the ADWR had been trying to encourage the various watershed groups to begin working on regional planning now, and he suggested that the WAC begin the planning process. Chairman Davis asked if the WAC could begin the process of identifying different scenarios, and look at whether different rules could be implemented for different scenarios. Mr. Tarkowski said that was the WAC's next step. Chairman Davis asked where things were with regard to developing some basic kind of water management plan. Mr. Munderloh replied that there were some basic things happening in some communities, but that Prescott Valley had already implemented an inverted rate structure for water. Chairman Davis asked whether the WAC could develop a water management plan within the next year, and whether it could put in place a list of what had been identified, what had been agreed upon and what needed to be discussed. Mr. Tarkowski said that was the menu of items he had spoken about earlier and that the WAC could provide the Board with a report that would outline all of those discussion points. Chairman Davis asked if the WAC could also identify those areas for which agreement had not been reached or which needed more information, and he asked how soon such a report could be available. Mr. Whitmer said that what Chairman Davis was asking for had already been done for the San Pedro and that he could obtain a copy of that report, but that there still needed to be some thought about what would be the target for the next year. Mr. Tarkowski said the first point of the discussion would management concepts and that there would have to be agreement on where the WAC was trying to go. Mr. Whitmer said the San Pedro study looked at things like eliminating golf courses, filling in swimming pools, and so on. Ms. MacFarlane said one of the discussions the WAC would have to have would center on whether it wants to keep the streams in the County flowing. Chairman Davis said he thought there was consensus that surface water would be a piece of a management plan, but that it needed to be in writing. Ms. MacFarlane said she thought it would be worthwhile to obtain information about management practices in other cities and towns in the state. Chairman Davis said one thing that was not pleasant to talk about was the Prescott AMA, and that as much as people did not want to talk about it the AMA was mining groundwater. He said at some point it would be necessary to come up with a plan to get the Prescott AMA into safe yield, and that not talking about it was not going to fix the problem. Mr. Williams said the money generated by the WAC was being concentrated in one area and not in the rural areas. He said the WAC did not have information about the rural areas and that it did not even have much information about the AMA. Mr. Coates said he believed it was mandatory that the WAC address the immediate problem, which he said was the Prescott AMA. He said there were other things that entered into how the WAC would view the AMA and that one of those things was development in the Big Chino area. He added that the County's hands were tied because it could not use

water as an issue in determining zoning issues. Chairman Davis said maybe it would be possible to use the menu approach on management of the basin, and he asked if it would be possible to look for some water management plans that might have things that could be implemented in the County within the next year. Mr. Tarkowski said there was a plan that would take the Prescott AMA to safe yield by 2025, and that it would not include any action that would harm the Verde River. Mr. Munderloh said he would begin working on identifying basin boundaries and so forth.

- 6. Discussion and possible action to approve a contract extension with the U.S. Geological Survey for hydrologic investigations for federal fiscal year 2004. Upon a motion by Chairman Davis, seconded by Supervisor Street, the Board voted unanimously to approve the contract extension. No comments from the public.
- 7. Discussion and possible action to declare March as water awareness month for Yavapai County, beginning with March of 2004. Upon a motion by Chairman Davis, seconded by Supervisor Brownlow, the Board voted unanimously to declare March as "Water Awareness Month" in Yavapai County. No comments from the public.

Chairman Davis said this was something the Board would normally do the first of March, but that it wanted to make the cities and towns aware of what it was doing in the hope that the various councils might take the same action. He noted that the League of Women Voters already had a series of activities planned to celebrate the month. Mr. Tripp suggested that every community put together a series of articles in their local paper to let people know that March is water awareness month. Mr. Coates said he thought it was a good idea.

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

ATTEST:

_____ Clerk _____ Chairman