

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

September 27, 2004

The Board of Supervisors met in special session on September 27, 2004, at 2:00 p.m.

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

Absent: Lorna Street, member, due to previously scheduled vacation.

Also present: Jim Holst, County Administrator; John Munderloh, Yavapai County 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. Consider approval of recommended change to Senate Bill 849 (Northern Arizona Land Exchange Bill) to be forwarded to the offices of Senator John McCain and Senator Jon Kyl. The following persons participated in discussion of this item: Carol Springer, candidate for District 1 Supervisor; Tom Thurman, candidate for District 2 Supervisor; Prescott residents Bill Richards and Bill Feldmeier; Williamson Valley resident Richard Clarke; Nature Conservancy representative Dan Campbell; League of Women Voters representative Dorothy Hores; and Water Advisory Committee representative for District 1 Art Coates. Supervisor Brownlow moved to approve the recommended change, which was to change the first sentence in Sec. 203 of Title II of the bill to read "The Yavapai County Board of Supervisors shall establish a partnership....." but to amend the word "shall" to "may." Chairman Davis seconded the motion, which carried by unanimous vote of those present.

Chairman Davis said that as a result of two public meetings on this bill that had taken place last week it was evident that there were a number of organizations that wanted to be involved in the Verde River Basin partnership. He said there was a fear of federal control over the Verde River and basin but that there was also a fear that without federal involvement there would not be enough money to fund the studies necessary to find solutions to water problems. He said he believed that one way to address concerns would be to have the Board of Supervisors establish the partnership instead of having the federal government do it. Chairman Davis said that with the minor change suggested to allow for this, it would also provide some time to identify criteria for an appropriate partnership, i.e., to look at what people can bring to the table, what the risks would be, and to look at everyone who wants to be part of the partnership. He said that Ms. Springer had pointed out that it would be a good idea to change the word "shall" to "may" so that the recommended change would read "The Yavapai County Board of Supervisors may establish a partnership..." Ms. Springer said that since the original wording in the bill was "may" she felt it was appropriate to retain that word in the recommended change. She said she was also concerned that leaving in the word "shall" would make the establishment of the partnership a federal mandate. Chairman Davis said he had no problem with changing "shall" to "may." He called for comments on the proposed change to the bill. Mr. Richards said he had attended both meetings last Saturday and that he welcomed the Board of Supervisors becoming the lead agency on this issue. He said he believed the Board was capable of putting together the partnership, and that he would suggest that the Water Advisory Committee, which he said could be the basis of the partnership and which could be expanded, would probably require additional staff at some point. He said he assumed that the federal government would provide some money for staffing. Mr. Clarke said he was concerned that, given the present makeup of the WAC and of the other stakeholders, things were heavily loaded with regard to human uses of water. He said that people were not the only ones to use water, and that some non-government organizations with an ecological view of water were not represented at all. Ms. Hores said her organization had an opportunity to review a suggested draft organizational chart that was distributed at this month's WAC meeting and that she felt it represented broad coverage of stakeholders throughout the region. Mr. Coates said he disagreed with Ms. Springer's recommendation to change the

word "shall" to "may", and that he felt the word "shall" put the burden on the Board of Supervisors to ensure the establishment of the partnership. Chairman Davis said he felt that in both the current and previous versions of Title II there was no clear commitment of funding for the partnership. He said the Board fully intended to create the partnership and to take federal funding to augment what the WAC was doing, but that if something came up and there was no additional funding from the federal government and the partnership had to rely on local funding, the word "may" would mean the difference between a locally-controlled effort and a federal mandate. Mr. Coates said that point of view was well taken, and that he was much more comfortable with the Board of Supervisors being in charge of this effort. Ms. Springer said one of the reasons she felt the change was important was because of the short time frames for the Verde Valley studies. She said she believed the Board was in a much better position to know who should be at the table and to get them appointed quickly, and that it would be much better than waiting for the federal bureaucracy to set up a committee. Mr. Thurman said everyone had always said they did not want local water issues sitting in the hands of some committee sitting in a basement in Washington, D.C. He said he was concerned that if "shall" was changed to "may" it could mean that the chances of getting federal money would not be as good. Chairman Davis said that using the word "may" would leave an out if federal money doesn't come through. Mr. Thurman said he had some concerns that, even with the word "may", the federal government might still try to run things. Chairman Davis said staff had gone through the bill very carefully and that it was neither very clear nor concise. He said he actually preferred that the bill not be too structured, and that the wording at the end of the bill made it clear that the bill would not change state laws regarding water or override the authority of the Arizona Department of Water Resources. Supervisor Brownlow asked if there was anyone present on this day who did not want the Board of Supervisors to be in charge of establishing the partnership. There was no response. Supervisor Brownlow said he agreed with Ms. Springer's recommendation, adding that Ms. Springer had extensive legislative experience. Mr. Thurman said he was fine with the word "may." Supervisor Brownlow said he believed that the establishment of the partnership would help to solidify relations between the Verde Valley and the Prescott side of the mountain, and that after all, everyone on both sides of the mountain was interested in and concerned about the Verde River.