

MINUTES
OF THE
ARIZONA MUNICIPAL WATER USERS ASSOCIATION
SPECIAL BOARD OF DIRECTORS MEETING

November 7, 2007

MEMBERS PRESENT:

Mayor Steven Berman, President, Gilbert
Mayor Bob Barrett, Peoria
Councilmember Trinity Donovan, Chandler
Mayor Keno Hawker, Mesa
Mayor Marie Lopez Rogers, Avondale
Mayor Mary Manross, Scottsdale
Councilmember Claude Mattox, Phoenix
Mayor Elaine Scruggs, Glendale

MEMBERS NOT PRESENT:

Mayor James Cavanaugh, Goodyear
Vice Mayor Hut Hutson, Tempe

OTHERS:

Marilee Avina, AMWUA
Charlotte Benson, Tempe
Susan Bittersmith, CAWCD
Jessica Blazina, Glendale
Fred Breedlove, ADWR
Marshall Brown, Scottsdale
Tom Buschatzke, Phoenix
Marc Campbell, SRP
Marvin Cohen, Tucson
Jo Cook, AMWUA
Val C. Danos, AMWUA
Marilyn DeRosa, Avondale
Patricia DiRoss, SRP
Lisa Estrada, Peoria
Kathleen Ferris, Attorney

Jeff Gray, SWSG
Shirley Gunther, Avondale
Paul Hendricks, CAWCD
Pat Hill, AMWUA
Shilpa Hunter-Patel, Fennimore Craig
David Iwanski, Goodyear
Eric Kamienski, Tempe
Patrice Kraus, Chandler
Doug Kukino, Glendale
Brad Lundahl, Scottsdale
Steven Methvin, Scottsdale
Beth Miller, Scottsdale
Gregory Montes, Glendale
Cliff Neal, CAGR
Steve Olson, AMWUA

Diana Piña, AMWUA
Stephanie Prybyl, Gilbert
Kathy Rall, Gilbert
Stephen Rot, Glendale
Dave Siegel, Chandler
Kathryn Sorensen, Mesa
Brent Stoddard, Mesa
Melissa Taylor, Phoenix
Suzanne Ticknor, CAP
Doug Toy, Chandler
Sid Wilson, CAP
Chuck Wolf, Avondale

1. CALL TO ORDER

Mayor Berman called the meeting to order at 9:35 a.m.

2. POLICIES CONCERNING SUSTAINABLE WATER SUPPLIES

Mr. Olson reported that the AMWUA staff, directed by the Board of Directors, took the Sustainable Water Policies to ADWR, SRP, and CAWCD for their comment and technical review. In turn, each group expressed concern that there was not enough time to garner support for this type of legislation. Mr. Olson proposed that the AMWUA Board of Directors consider whether AMWUA continue to proceed toward submittal of legislation for the 2008 Legislative Session.

Mayor Berman asked those present if anyone in the audience wanted to comment on Agenda Item 2. He then opened the floor to those with comments.

Ms. Bittersmith, President of the CAWCD Board, asked permission to speak. Mayor Berman consented and turned the floor over to her.

Ms. Bittersmith said she was present at the meeting to deliver a letter to the AMWUA Board of Directors from the CAWCD Board of Directors. She told the AMWUA Board of Directors of her concern regarding AMWUA moving too far, too fast in pursuing the Sustainable Water Supply legislation. Ms. Bittersmith requested that CAWCD and AMWUA work together during this process and pledged CAWCD's willingness to work toward legislation for the 2009 Legislative Session.

Mayor Hawker asked Ms. Bittersmith if she had concerns about the current Sustainability Policies, either philosophically or in the details. Ms. Bittersmith replied that philosophically CAWCD and AMWUA are similar. She noted that in the details, the two boards may see things differently, but did not see the two organizations as being at odds with one another.

Mayor Scruggs stated she had concerns over what deliverables could be developed for the 2009 Legislative Session and asked Ms. Bittersmith what her thoughts on that issue were. Ms. Bittersmith said she thought AMWUA and CAWCD should meet together and develop the deliverables and try to get all of the players moving forward. She said CAWCD will take this seriously and make it a priority. Mayor Scruggs asked if CAWCD would be willing to move ahead at a quicker pace so as to have something ready for the 2008 Legislative Session. Ms. Bittersmith said CAWCD would rather move ahead with some sense of judiciousness, rather than moving ahead without all players being on the same page.

Mayor Berman asked Ms. Bittersmith what the downside of moving too fast would be. Ms. Bittersmith said the harm would be the splinterization of the water community, resulting in no one being willing to work together. Mayor Hawker asked Ms. Bittersmith why she felt CAWCD and AMWUA could not get together on this issue now, to which Ms. Bittersmith said she felt it was a legislative timing issue. Ms. Bittersmith stated that

this matter is complicated and therefore should be reviewed for its effectiveness, adequacy, and to eliminate any errors or weakness in the language.

Mayor Scruggs expressed her concern over this process taking such a long time and said she felt nothing was going to happen any time soon, if at all. Ms. Bittersmith said she thought it was very quick to get legislation together, in a presentable format, in only six months. Mr. Olson noted that the past few months had been spent circulating the ideas and obtaining support for them. Mr. Olson stated that the issue of language keeps coming up and needs to be addressed. He also stated that the activity level Mayor Scruggs expressed concern over was being met and moving forward.

Mayor Manross stated she was in agreement with part, but not all of the wording of the proposed legislation. She said she did not believe all members of AMWUA were in agreement and said that should be dealt with before moving on. Mayor Manross said she was not ready to fight for details until the AMWUA Board of Directors was united.

Councilmember Mattox added to the others' comments and said, "I think one of the things that can come out of this meeting today is giving direction to our staff to develop a timeline to set-up meetings and start moving forward." He then said, "I will tell you that back in May, when we were talking about this, my anticipation was that there were going to be stakeholder meetings that were going to start very shortly thereafter to start drafting legislation. The fact that Ms. Bittersmith says they (CAWCD) haven't seen this legislation indicates to me that there hasn't been communication." He went on to say that in his experience, when drafting and introducing legislation, "You don't drop it in two months before the session opens. We really need to vet it." Councilmember Mattox then said the City of Phoenix had some concerns about the same issues being addressed and then said he was going to distribute a letter that enumerated those concerns. He said he hoped it would help everyone to be on the same page and get everyone, including the stakeholders, to move together from the position of consensus.

Mayor Berman asked the Board of Directors if there were any other comments. Councilmember Donovan stated that bringing the water community together and having the AMWUA Board in agreement should be the Board of Directors' first priority.

Mayor Berman received a request from Marvin Cohen, of Sacks Tierney, to speak to the AMWUA Board of Directors. Mayor Berman turned the floor over to Mr. Cohen who said he was representing the City of Tucson at the meeting. Mr. Cohen said the City of Tucson would like to be included in this process and expressed that this type of legislation could be addressed in many different ways, but first and foremost, the water community needed to meet together and agree on this issue before presenting something to the legislators during the 2008 or 2009 sessions. Mr. Cohen urged the AMWUA Board of Directors to be conveners and invite all pertinent parties to develop legislation together so all sides could express their concerns and then move forward, having people in agreement rather than at odds with one another. Mr. Cohen noted that one does not go directly from policy to legislation without including others in the process.

Mayor Berman asked the Board of Directors if there were any other questions or comments regarding Mr. Cohen's remarks. As there were none, Mayor Berman next turned the floor over to Mr. Marc Campbell, of the Salt River Project (SRP).

Mr. Campbell said he was directed by SRP to tell the AMWUA Board of Directors that SRP was concerned about moving forward with legislation without all of the parties in the water community being included in the process and in agreement with one another. Mayor Berman then turned the floor over to Mr. Fred Breedlove, the Arizona Department of Water Resources (ADWR) liaison, for comment.

Mr. Breedlove began his remarks by stating that the water community has worked well together for many years. He then said ADWR wanted the AMWUA Board of Directors to know ADWR agrees with the concepts presented in the proposed legislation, but said their concern was that elimination of the stakeholders' process would not be helpful. He then said that if the stakeholders' process was started, legislation would be able to be passed.

Mayor Hawker asked Mr. Breedlove who he thought should be the point person for such a process, to which Mr. Breedlove replied, "AMWUA should be the convener or point person." Mayor Hawker then asked if the group with the best staff and processes, and perhaps the least objectionable position, should be the one to spearhead this process. Mr. Breedlove said he did not think that type of concern was necessary and that getting the water community together would not be that difficult.

Councilmember Mattox noted that with AMWUA acting as point person in this process, it would build AMWUA's leadership position and credibility in the water community. He also noted that since AMWUA started the process, AMWUA should be the convener and the AMWUA staff should make the stakeholders' process happen.

Mayor Barrett asked if the AMWUA staff could speak to the different water groups and find out who they have assigned to this issue and who will be attending the AMWUA meetings. He said if a list was generated, specific people could be contacted and brought into this process.

Mayor Berman stated that moving forward was of utmost importance, as the public will see the mayors of the cities and towns as being responsible, should water supplies not be adequate in the future.

Councilmember Mattox moved that AMWUA staff put together a stakeholders group and begin meetings immediately with the intent to draft legislation for submission in the 2009 Legislative Session. Councilmember Mattox also said the AMWUA staff would then put together a specific timeline with goal points for the timeline and bring it back to the AMWUA Board of Directors. Mayor Barrett proposed assigning one or two of the members of the AMWUA Board of Directors to oversee this process. Mayor Berman suggested the current President of the Board, the past President of the Board, and the current Vice President of the Board be the Board members to oversee this process, as they will have the most input and/or responsibility for its outcome over the coming months. Councilmember Mattox said he would volunteer to be a part of the group of

Board members overseeing the stakeholders' process, attend the meetings, and wholeheartedly support this undertaking. Other Board members will also be part of the process.

Upon a motion by Councilmember Mattox and a second by Mayor Scruggs, the AMWUA Board of Directors voted to direct the AMWUA staff to put together a stakeholders group and begin meetings immediately with the intent to draft and submit legislation for the 2009 Legislative Session, and include a timeline with specific goal points with one or two AMWUA mayors overseeing the process. A dissenting vote was cast by Mayor Hawker. The vote count was 7 ayes and 1 nay.

3. AMWUA LEGISLATIVE FORUM

Mr. Olson reported that the AMWUA staff identified four topics of concern for the upcoming Legislative Forum. Mr. Olson said the topics the Board of Directors may want to discuss are: the AMWUA Resolutions and Issues Papers; the Sustainability Policies; the Conservation Programs and strategies the AMWUA members are involved in throughout the metropolitan area; and Water Management Program highlights. Mr. Olson then turned the floor over to Ms. Hill.

Ms. Hill reported that Representatives Jack Brown, Doug Clark, Lynne Pancrazi, and Lucy Mason, along with Senators Chuck Gray and Jake Flake plan to attend the forum on November 29th. Councilmember Mattox asked Ms. Hill who was initially invited to attend the forum. Ms. Hill said the invitation was extended to the members of the Legislature that are most involved and responsible for the water process in Arizona. Councilmember Mattox said he thought the forum was an ideal time to invite all of the legislators with the intent of educating them on water issues. Mr. Olson noted that the Board of Directors' guidance from the previous meeting was to invite the chair people of the water committees first. Mayor Manross agreed and commented that she felt the original intent was to start a dialogue with those involved in natural resources. Councilmember Mattox said he would like to invite the entire Legislature in the future, if not now, so as to establish AMWUA's reputation as a leader in the water community. Mayor Berman asked the Board of Directors if they would be in agreement to invite the entire 90-person Legislature. Mayor Hawker said he would be in agreement to open the meeting to all legislators. Mayor Manross agreed.

Mayor Scruggs asked if the legislators would have an opportunity to speak at the forum, as she wanted to expand the dialogue between the legislators and the Board of Directors, rather than have the forum turn into "AMWUA 101".

Mr. Olson noted that an agenda for the forum had not yet been drafted and said the current meeting would be the opportune time to do so.

Councilmember Mattox asked if materials could be sent to the invitees prior to the meeting so the legislators could familiarize themselves with the issues ahead of time, thus coming prepared for a dialogue. Mr. Olson said he felt sending the Sustainability Policies, the AMWUA Resolutions and Issues Papers, and materials on "What is

AMWUA?” could be done immediately to alleviate having to lay the groundwork at the forum.

Ms. Ferris suggested to Mayor Berman that the mayors take the speaking roles at the forum so the legislators will know their positions on the policies and issues at hand. Mr. Olson agreed that it would be more effective to have the legislators hear from the mayors, rather than Ms. Hill or himself. Ms. Ferris then clarified for the group the issues for the forum. She said, as she understood it, the issues would be the Sustainability Policies, Groundwater Management, and Rural Arizona Water Resource Development. Ms. Ferris said making assignments for those speaking at the forum would be helpful and allow those most passionate about a specific issue the opportunity to speak. Mayor Scruggs asked that an agenda be put together and sent to the Board of Directors with those assignments. Councilmember Donovan asked the Board of Directors to remember that some legislators may not be well informed and that a succinct introduction should be made to ensure everyone is ready for the dialogue. Mr. Olson stated that the introduction would be a good function for the Board President to perform. Ms. Ferris suggested the introduction also include why AMWUA is around and its purpose. Mr. Olson said he and the AMWUA staff would put together the agenda with comprehensive bullet points and let the Board of Directors know who would be speaking and on what topic. Councilmember Mattox asked that the Legislative Workgroup’s timeline also be included in the outline, as well as the names of those individuals involved in the group, so the legislators would know who is taking part in this process.

Mayor Lopez-Rogers asked to introduce Dr. Charles Wolf, the Vice-Mayor of Avondale, to the group and let everyone know he would be taking her place at all future AMWUA meetings. Mayor Berman welcomed Dr. Wolf to the Board.

Mayor Berman asked the Board of Directors and audience if there were any further issues to attend to or comments to be made. As there were none, Mayor Berman adjourned the meeting.

4. ADJOURNMENT

The AMWUA Board of Directors meeting adjourned at 11:15 a.m.