



OFFICE OF THE COCONINO COUNTY BOARD OF SUPERVISORS

SPECIAL SESSION MINUTES

April 6, 2023

In-person

**Coconino County Administration Building, 1st Floor, Board Chamber Room
219 E. Cherry Ave., Flagstaff, AZ 86001**

1:30 PM – Discussion Item

Present: Chair Patrice Horstman, Vice Chair Jeronimo Vasquez, Supervisor Lena Fowler and Supervisor Judy Begay were present.

Also Present: Arizona Attorney General Kris Mayes, Health and Human Services Director Kim Musselman, Sheriff Jim Driscoll, Chief Deputy Sheriff Bret Axlund, Attorney William Ring, Chief Deputy Attorney Ammon Barker, Deputy Attorney Heather Mosher, Director of Emergency Management, Event Coordinator Brian Harris, Deputy County Attorney Sue Brown, County Manager Steve Peru, District 3 Director Jennifer Hamond, Communications Manager Stephen Pelligrini, Government Affairs Manager Gregory Nelson, Forest Restoration Director Jay Smith, Sustainability Manager Amanda Acheson, District 4 Director Angela Cody, Deputy County Manager/Flood Administrator Lucinda Andreani, Deputy County Manager Andy Bertelsen, Clerk of the Board of Supervisors Lindsay Daley and Chief of Staff for Kris Maye's Office Amy Love.

Absent/Excused: Supervisor Matt Ryan

Call to Order:

Chair Horstman called the meeting to order at 1:24 p.m. Everyone in the room introduced themselves.

Discussion Item:

1. Meet and greet with Arizona Attorney General Kris Mayes and the Board of Supervisors. Board members will present a brief summary of current events impacting the County,

which may include but not be limited to the following topics: Voting Rights, Opioid Settlement Funds and Pathways to Community, Local Groundwater Management, Grand Canyon Protection Act, Forest Restoration/Post-Wildfire Flooding/Emergency Management and Local Control and Flexibility to Meet Local Community Needs; and Attorney General Kris Mayes may also provide comments regarding the Attorney General's Office.

Arizona Attorney General Kris Mayes provided some information about herself and explained that she is there to listen. She also explained that she already has priorities she is working on such as protecting democracy. She further explained that there is an election integrity unit in her office and that they intend to prosecute threats. She also spoke about other issues her office is working on such as Fentanyl and making sure that money is spent wisely, protecting reproductive rights, and water. She mentioned that she is opposed to what La Paz County is doing as they are giving water away to Saudi Arabia. She explained that her office is also standing up a real environmental unit, because they have independent authority on environmental issues and environmental enforcement. She also stated that she is a supporter of local control and that she is not supportive of Senate Bill 1487.

Coconino County Attorney's Office

County Attorney Bill Ring provided information on community population and information on communities in relation to weight on the County Attorney's Office, Sheriff's Office, Judges and justice system. Attorney Ring provided statistics on felony cases and misdemeanor cases explaining the percentage of those cases in which people being prosecuted are from somewhere else, with a total of 3,574 felony and misdemeanor cases filed and 1,725 were from persons who do not claim Coconino County as their home. He explained that his office is dealing with people from all over the world, because of the federal attractions in the area. He also explained that justice services are demanded by extraordinary numbers with offenses committed by those not from Coconino County and because of this there is a structural/institutional problem with the way courts system are scaled. He explained that by 2050 Arizona will have a population of 10.2 million compared to today's population of 7.2 and the way resources are distributed in the state, although the urban areas will see the population boost, the rural areas such as Coconino County will not even though there is an impact to the justice services as a result of the visitation to the area, so the numbers for the County will not be enough for another legal unit for legal. He explained that the County is going to need more prosecutors, judges, staff, law enforcement, however, we don't have a population-based formula that is going to grow it and will need to be deliberate. He also mentioned that collaboration is going to be essential as well as a systems wide approach.

Attorney General Kris Mayes asked what kind of cases the County has had over time and how has that changed and what kind of help can be used from her office.

Attorney Ring explained that his concern is regarding offenses related to the franchise to the right to vote and worries someone is going to take advantage of response times of Sheriff's Office. He explained that the County is ill equipped to prevent certain things and ill equipped to prosecute. He stated that he foresees events in which they will need to collaborate in advance

with investigators in anticipation of certain types of events. He said that County currently does not have the ability to prosecute a mass event.

Attorney General Mayes agreed that it is important and that her office has 1,000 employees and can work with the County on planning ahead.

Attorney Ring stated that he would like to role play scenarios out so that they are prepared.

Voting Rights

County Manager Steve Peru gave information on the background of elections in the county, and how the function of elections is now separated from the Recorder's Office. He spoke about how Coconino County is unique in providing election services due to county geographic size being large and having a polling place at the bottom of the Grand Canyon in Havasupai. He spoke about the challenges now with citizenship requirements for voting and how to ensure security of poll workers and election workers. He explained that citizens feel they cannot trust the function of staff and citizens take out their frustration on staff. He also spoke about the challenge of possibly losing schools as polling locations due to increased concern of risk. County Manager Peru also spoke about the state Election Procedure Manual (EPM).

Attorney General Mayes asked how the EPM is going. County Manager Peru explained that Election Directors are providing information if there is anything unreasonable in EPM. Attorney General Mayes mentioned that it is a stark fact if needing to look at moving poll places away from schools. County Manager Peru explained that the Elections Director of the County has set up a task force with various people to start looking at how to be able to use the schools while keeping the risk low for the school, for example having election days be when they have staff training days and kids are off of school.

Opioid Settlement Funds and Pathways to Community

Sheriff Jim Driscoll spoke about the Sheriff's Office struggling to retain and hire deputies and staff. He stated that the Board of Supervisors has been supportive and given some tools to help like an increase in pay; however, the cost of living prevents people from living and working here.

Sheriff Driscoll explained that the Pathways program came about because he was contacted by the Joint Legislative Budget Committee and offered an opportunity to apply for a grant of \$2.5 million to reduce recidivism as part of the Mackenzie settlement. He spoke about the collaborative effort between criminal justice, behavioral health, and more, and how having the building adjacent to the jail, to have those released walk through the Pathways program information area as they walk out the door, helps. He explained that having immediate service has made a difference and recidivism has been cut in half already.

Health and Human Services Director Kim Musselman explained that they have advocates/detention officers promoting the program to inmates. She also spoke about having employees in the health field talk to candidates has helped as they are not part of the criminal justice system. She explained that it is a voluntary program. She also spoke about having other

partners and how they are able to leverage other opioid programs through health disparity programs. She explained there is a peer support program, and they also work to help support people by fulfilling some needs like getting phones, bikes and helping people get back on their feet.

Sheriff Driscoll explained that they can't have walk-ins.

Attorney Bill Ring mentioned that they have a prosecutor station at the location as well. Director Musselman mentioned that the defense attorney, defense attorney, probation, and the criminal justice partners are essential to the program. Sheriff Driscoll explained that immediate access to services and housing makes a difference. Director Musselman mentioned that they do not currently operate on the weekends.

Attorney General Mayes stated she would welcome any proposal the Sheriff might have in the process of setting up their process. She also mentioned Kris- would welcome any proposal you might have, in the process of setting up our process.

Local Groundwater Management

Chair Horstman spoke about the future of the west and Coconino County is going to depend on water. She explained that the challenge is that the County cannot manage its groundwater as they are not in an Active Management Area (AMA). She explained that when there is a zoning or development case, that the County cannot consider water when making decisions. She explained that this is a problem and there needs to be water management in Northern Arizona. She also spoke about needing an update in water laws such as the 1980 Brown Water Act as well as groundwater laws created. She spoke about legislation needing to be passed by the state so the County can manage their own groundwater.

Government Affairs Manager Gregor Nelson mentioned that bills 1306 and 2731 did not receive hearings this legislative session.

Attorney General Mayes explained that she met with the Department of Water Resources and that she agrees about the legislation needed and that there has been 20-25 years of unacceptable inaction on this issue in Arizona. She explained that it all starts with political will, leadership and following the laws that we do have in the books. She stated that if there are aquifers up here that need hydrological studies that may be something her office can help with.

Attorney Bill Ring explained that if the County is faced with a case where the Board cannot deny a case due to water, which therefore affects springs and hydrological connection then the impact of that leaves the County liable when the spring goes dry.

Grand Canyon Protection Act

Supervisor Lena Fowler spoke about communities relying on spring water and how a study is overdue because communities are at the mercy of spring water and in order to do adjustments, they have to establish a water district. She spoke about the impact of uranium mines and how a

lot has been learned. She explained that metals are leaking into Moenkopi Wash, which is a main water supply to communities downstream, and how there are health impacts and a high cancer rate in Western Navajo. She also mentioned that people can't herd sheep in the area anymore because of this. She explained that people are not going to know what is in the drinking water on their hikes in the Grand Canyon as water is being impacted and ranching communities also are being impacted as ranchers do not know what animals are drinking.

Attorney General Mayes asked if the Act would prohibit mining. Chair Horstman stated that the Act would prohibit mining in the Grand Canyon and permanently protect the Grand Canyon. Chair Horstman stated there are 800 mining permits and Obama stopped the mining on or near it; however, there are two mines that are reactivated.

Attorney General Mayes asked if there are cases that may apply. Attorney Bill Ring explained that what should be considered is if the water enters state land and does it have a detrimental action on the state land. Supervisor Fowler stated that the Department of Water Resources is not testing the water. Attorney General Mayes stated that she intends to be very aggressive in this issue and intends to use independent authority.

Supervisor Judy Begay explained that people are going on to where the uranium traces are and asking for pieces of land for solar power and Chapter officials are saying no because it will disturb the land; however, being told they can use their powers to supersede.

Forest Restoration/Post-Wildfire Flooding/Emergency Management

Deputy County Manager Lucinda Andreani spoke about the County having two fires last year. She spoke about advancing the natural restoration of the watershed. She explained that watersheds were not rivers prior to the fires but due to the fires. She also spoke about flood mitigation and alluvial fans created as wide spots in the drainage to let the water spread; however, there is now so much water and sediment that these alluvial fans get eroded because of severity and velocity of the water.

Forest Restoration Director Jay Smith spoke about work being done on Bill Williams Mountain and investing \$30 million on federal lands for restoration and how economic impact studies will be done on areas. He spoke about the impact of the Upper Rio watershed were impacted and how water flow would impact Ft. Valley area into Flagstaff. He explained that the County is trying to do thorough work with Forest Service and partners to protect communities but also, so the County is not fronting the whole bill.

Attorney General Mayes asked how bad the flooding has been. Chair Horstman explained that the County built 1 million sandbags and gave out 700,000.

Attorney Bill Ring explained that one of the powers of the Attorney General's Office is consumer protection. He explained that there are hundreds of homes that previously were in no waterway and now with the fires they are inundated with water. He explained that insurance companies have policies that protect from fire but not the flood; however, there is a connection between fire and flood. He explained that if a major insurance company denied claim because it

is considered water damage and not a result of fire damage then there may be a case for consumer protection to challenge it. Director Jay Smith explained that some homes are being denied insurance because they are considered to be in a high-risk fire area.

Director of Emergency Manager Wes Dison spoke about the process of declaring an emergency, and how the uniqueness of the monsoon season makes it challenging in declaring emergencies because there is a need to continuously do emergency declarations because of rain patterns over a course of two months. He explained that the County would like to see a redefinition of the harmful period. He spoke about the County being state managed, so the County has an entity interpreting that doesn't work for the County and the harmful incident period needs to be defined differently. He explained that the County has a monsoon season from July 4 - September 15 with significant documentation to back it up and how the County will have multiple incidents in that timeframe. He explained that the County would like to put a declaration in place in June to run everything under one event. Because the County has to do multiple declarations instead of one, then the County is not eligible for a federal emergency declaration and how this has remained an obstacle for occasions that would have been eligible for Federal declaration if the incidents were counted as one rather than multiple. He mentioned that then this would also open the incidents up to federal funding rather than the state and county paying for it.

Attorney General Mayes asked why Arizona Department of Emergency Manager won't change the definition. Deputy County Manager Lucinda Andreani answered that she doesn't think it is inconsistent with other states and so she is taking it on at the federal level but also needs the state to take it on as well. Director Dison explained that it is also an individual interpretation of federal guidelines at the state.

Attorney General Mayes asked if the County was not able to get a federal declaration or get money. Deputy County Manager Andreani explained that the County did not qualify within the threshold to get the federal declaration so not able to get federal funding, as a result of the incidents counting as separate incidents from each other rather than one incident, which then costs the State and County. Attorney General Mayes stated that she will look into it.

Director Dison also stated that he questions why the County is state managed as most other states have abandoned that and it may be better to deal directly with FEMA. Chair Horstman also mentioned that it also politicizes issues, and it should not be politicized. Manager Andreani explained that smaller counties should be able to elect if they want to be state managed even if it were to change for other counties.

Local Control and Flexibility to Meet Local Community Needs

Vice Chair Jeronimo Vasquez spoke about maintaining local control, for example with short-term rentals which have affected workforce housing and how the County needs the ability to regulate that in counties as our needs are different.

Other Topic

Supervisor Lena Fowler spoke about Pandemic Unemployment Assistance (PUA) benefits and how 20,000 letters have bent to citizens from the state telling people they need to reimburse the

state, most for over \$16,000 for the year. They are now being told that they committed fraud and need to pay back the state even though they were eligible for the funds. She explained that she has been working with Senator Peshlakai and Senator Kelly's Office and O'Halleran's staff regarding this issue. She also mentioned that people are now having all assistance halted, as a result until they pay back the funds. She also spoke about fake recovery centers and how the Department of Economic Security (DES) needs to investigate.

Attorney General Mayes explained that there are fake mental health treatment centers and fraud happening there with kidnapping and her office is investigating and there has been over a year of these criminal enterprises that are taking advantage of a loophole in an Arizona Health Care Cost Containment System (AHCCCS) program. She explained that it is a fee for service program and because no doctor has to sign off, they will go on the Navajo Nation and bring people off and take them to Phoenix and charge AHCCCS for services never provided. She stated it is a huge fraud and crime against the people victimized. She stated there are a number of indictments already and they are trying to recover money to go back to the victim.

Attorney General Mayes explained that she just learned of the DES issue yesterday. She said she needs to dig deeper into it to learn to what degree was this a mistake or was this actual fraud.

Supervisor Fowler stated she has a file of all the citizens she is working with to help. She explained that she asked DES for a list of the zip codes of the letter that the state sent out because she is only aware of the people who reached out to her, and she knows there are people out there that likely aren't aware of getting help. She also explained that one citizen won their case. She stated that the U.S. Department of Labor is puzzled by the DES letter. Attorney General Mayes stated that she will need to follow-up.

Closing Remarks from Attorney General Kris Mayes

Attorney General Mayes spoke about local control and short-term rentals and that she agrees with the County and that she believes in local control and has been requested to work on the issue because it is impacting public safety, school districts, tax revenue and housing affordability. She stated that her office has been talking to Sedona and knows that Gila County is trying to enact something. She explained that the law is very broadly written and if the County talks to her office they will work with the County. She also stated she agrees with Attorney Bill Ring in that they need to look at the larger constitutionality of the law and they can look at it if an opinion of the Attorney General's Office is requested.

Adjourn:

Chair Horstman adjourned the meeting at 3:31 p.m.

(SEAL)

COCONINO COUNTY BOARD OF SUPERVISORS



Patrice Horstman, Chair

ATTEST:



Lindsay Daley, Clerk of the Board of Supervisors