



## OFFICE OF THE COCONINO COUNTY BOARD OF SUPERVISORS

### SPECIAL SESSION MINUTES

September 6, 2023

**5:00 p.m. – Public Hearing**

*(Discussion item to follow after the hearing)*

**County Administration Building  
First Floor Board Room  
219 E. Cherry Ave., Flagstaff, AZ, 86001**

**Present:** Chair Jeronimo Vasquez, Vice Chair Judy Begay, Supervisor Matt Ryan, Supervisor Lena Fowler and Supervisor Patrice Horstman were present in person.

**Also Present:** County Manager Steve Peru, Assistant County Manager/Elections Director Esfir Musta, Deputy County Manager Andy Bertelsen, Deputy County Manager Sue Brown, Deputy County Attorney Heather Mosher, Deputy County Attorney Erin Anding, Clerk of the Board of Supervisors Lindsay Daley and Deputy Clerk of the Board Valerie Webber were present in person.

Chair Vasquez called the Special Session to order at 5:00 p.m. and led the pledge of allegiance.

#### **Call to the Public:**

Clerk Daley provided instructions to attendees on how to provide comments in person and virtually by clicking on the raise hand icon appearing in the lower portion of their computer screen to speak or by pressing \*9 if present telephonically. She indicated that there were no members of the public who raised their hand to speak or provided any public comment requests.

#### **Public Hearing:**

1. Public Hearing, consideration and possible action to approve Resolution 2023-43, establishing the A-1 Ranch Domestic Water Improvement District and appointing Randon Cupp, Dean Buchenauer, and Brandon Short as the interim Board of Directors, of a three-member board, to serve until elections are held. **County Manager**

Deputy County Manager Andy Bertelsen introduced the item by explaining that the Board is being asked to approve Resolution 2023-43 to establish the A-1 Ranch Domestic Water Improvement District and to appoint Randon Cupp, Dean Buchenauer, and Brandon Short as the interim Board of Directors, to serve until elections are held. He added that attorney for the applicants, Steve Wene, is present and filed an amended petition. The original petition requested a five-member board but has been amended to a three-member board.

He noted for background purposes that on August 2<sup>nd</sup>, property owners, through their attorney Mr. Wene, filed a petition requesting the Board of Supervisors establish an improvement district pursuant to statute. Per statute, a hearing was required to be set within 40 days, which is why the hearing was set today. Hearing notices were sent out to those included within the proposed district boundary over 20 days prior to the hearing and the hearing notices were published twice in the local newspaper one week apart.

Also, per statute, it is required that the petition is signed by a majority of persons owning real property, by the owners of 51% or more of the real property within the limits of the proposed district boundary. The signatures have been validated and of the 35 properties, 24 properties signed the petition which equals 69%.

Counsel for the proposed Domestic Water Improvement District (DWID), Steve Wene, thanked Clerk of the Board Lindsay Daley for all the work she did to assist the County in meeting all the statutory requirements since the petition was filed. He thanked the Board for the opportunity to speak and explained the purpose and need to develop the DWID.

Supervisor Ryan stated there are a few pieces to review: one is the need and percentage of the threshold of signatures on the petition to meet 50% plus 1. He asked if all landowners were contacted or if there was an attempt to reach out.

Counsel Wene described outreach that was done and stated that the petitioners that signed the petition were between 60 to 65% of landowners and this is substantially above the 50% plus one that is required.

Upon inquiry from Supervisor Ryan, Counsel Wene explained that the districts are more financially viable than a water company of this size. He clarified that the three board members being recommended do meet all the qualifications to be on the board, there was an amended petition filed fixing an issue with a typo and replacing a board member to address a qualification issue.

Supervisor Horstman noted for the record this matter is in District 1 and she nor the Clerk of the Board have not received any complaints.

Supervisor Begay asked about the Resolution and the statement about when elections are held.

Counsel Wene explained that at the first meeting of the District Board a decision will be made so that two of the board members will have a term that expires at the next election and one board member will have a term that lasts until the 2026 election, so the terms are staggered.

Supervisor Fowler said it sounds like there is a lot of support for this particular water district, that it is a big plus and was a big challenge.

Chair Vasquez opened the public hearing at 5:20 p.m.

Clerk Daley provided instructions to attendees on how to provide comment by providing a completed public comment form to the Clerk of the Board or by clicking on the raise hand icon appearing in the lower portion of the computer screen to speak or by pressing \*9 if present telephonically. She indicated to the Chair of the Board there were no hands raised nor no one from the public requesting to make a comment.

Chair Vasquez closed the public hearing at 5:22 p.m.

Supervisor Horstman said she is ready to make a motion.

Chair Vasquez stated we have a motion to approve Resolution 2023-43, establishing the A-1 Ranch Domestic Water Improvement District and appointing Randon Cupp, Dean Buchenauer, and Brandon Short as the interim Board of Directors, of a three-member board, to serve until elections are held.

**There was discussion on the motion.**

Clerk of the Board Lindsay Daley noted for the record there needs to be a correction to the resolution.

Deputy County Attorney Heather Mosher stated in the “third Whereas the petition is signed by a majority of the persons owning real property, that should be ‘and,’ that is what the statute requires. The third Whereas, the petition is signed by a majority of the persons owning real property, that should say ‘and’ the owners of 51%.”

Supervisor Horstman said she also wanted to state for the record she would like to state that in fact the County has followed the requirements of A.R.S 48 -903, petition in fact this hearing was scheduled in 40 days of the petition. The hearing notice went out 20 days prior to the publication and a majority of the over 51% of the landowners have signed petition and there are registered and qualified voters to serve on this board. The County has received no objections and has heard that this is the best way to proceed as it is the lowest cost to operate the water system, so there is public benefit to proceeding with this.

Chair Horstman said the Board has received the resolution and she can read it into the record or just accept the resolution as presented with the third “Whereas” saying “owning real property and by the owners” as read into the record.

Chair Vasquez said he thinks it was already read into the record.

**Motion:** Approve Resolution 2023-43, establishing the A-1 Ranch Domestic Water Improvement District and appointing Randon Cupp, Dean Buchenauer, and Brandon Short as the

interim Board of Directors, of a three-person board, to serve until elections are held, **Action:** approve, **Moved by:** Supervisor Patrice Horstman, **Seconded by:** Supervisor Matt Ryan.

There was further discussion on the motion.

Supervisor Ryan stated he could also make the findings and placed them on the record (inaudible).

**Chair Vasquez called for the question; the motion passed unanimously.**

**Discussion Items:**

2. Discussion and update from the County Manager regarding possible community, regional and/or administrative matters. **County Manager**

County Manager Peru noted at this time there are no updates to provide for item #2.

There being no further discussion, Chair Vasquez adjourned the meeting at 5:28 p.m.

**COCONINO COUNTY BOARD OF SUPERVISORS**

(SEAL)



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Jeronimo Vasquez, Chair

**ATTEST:**



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Lindsay Daley, Clerk of the Board of Supervisors