

# Meeting Minutes

## Phoenix, Maricopa County

### June 24, 2003

#### COMMISSION MEMBERS PRESENT

Jay Brashear, Dolly Echeverria, Earl Eisenhower, and James Henness.

#### COMMISSION MEMBERS ABSENT

Cecil Miller.

#### STAFF PRESENT

George Mehnert

#### 1. CALL TO ORDER

Chair Eisenhower called the meeting to order at approximately 9:00 a.m.

#### 2. ROLL CALL

See above.

#### 3. ATTORNEY INVOICES (discussion and action).

Commissioner Brashear, Chairman Eisenhower, Director Mehnert, and the other commissioners present discussed allowing the chair and director pay attorney invoices without a vote by the commissioners on each invoice unless there is a questionable invoice that the commission needs to vote on. Commissioner Henness asked the chair to explore the possibility of the Chair checking and approving the invoices in the future as a matter of Commission policy.

1. Invoice (91973) dated February 25, 2003 for January attorney services : \$4,356.17.
2. Invoice (92386) dated March 20, 2003 for February attorney services: \$3,873.00.
3. Invoice (92879) dated April 18, 2003 for March 2003 attorney services: \$5,855.75.
4. Invoice (93299) dated May 27, 2003 for April 2003 attorney services: \$4,805.30.
5. Invoice (93698) dated June 18, 2003 for May 2003 attorney services: \$253.12.

**Motion:** To approve all five attorney invoices.

Motion by: Dolly Echeverria

Second by: Jay Brashear

Vote: All aye

#### 4. REPLACEMENT OF PHYSICAL EVIDENCE (MINER'S BUCKET) WITH A PHOTOGRAPH. (discussion and action).

Discussion by Chair and Commissioners regarding replacing miner's bucket with photograph.

**Motion:** To approve replacing of miner's bucket with evidence.

Motion by: Dolly Echeverria

Second by: Jay Brashear

Vote: All aye

**5. REPORT FROM DIRECTOR** (discussion and action).

Report from director regarding FY04 budget of \$157,000.00, and serious nature of lack of budget and doubling up hearings during single trip to save money. Recognizing that advertising expenses and attorney fees may be similar to the past fiscal year the Commission can save some money on travel and per diem by holding more than one hearing per out of town hearing trip.

Discussion of timetable and changing timetable to double up on hearings. Commissioner Henness asked if we will be able to move forward with hearings this year. Director replied that we will be able to move forward and that doubling hearings will allow us to get a little farther down the road toward getting the work done. Director explained the he works backward scheduling hearings from the sunset date and wants the Commission to complete its hearings six months prior to the sunset date to be able to close the commission down. The Director indicated there may be public trust value hearings that are not included in any timetable.

Commissioner Brashear explained that he was concerned when holding more than a single hearing a day, some people may not show up thinking they may not have time to participate. Commissioner Echeverria pointed out that the longest times for testimony have been for rebuttal testimony which means people have shown up and have participated. And if we need to go a couple of hours past what we intend for a hearing, then so be it. We publicize times for hearings to begin, not times for hearings to end. Commissioner Henness added that if we have to come back another day to finish a hearing so be it. Chairman Eisenhower added that as was the case in Santa Cruz and Cochise Counties, we did not set a time for hearings to end, we finished one hearing and then went to the second hearing. And that if we have to we will go into the evening to finish a hearing.

Commissioner Henness commented that the rebuttal thing concerns him, but that we are being fair and allowing everyone to speak, and that the Chair has some discretion.

The Director added that we have never had a request to hold a hearing on a Saturday, or at some other time, and that everyone knows state agencies operate between 8:00 and 5:00, but that if we receive a request to hold a hearing at some other time, the Commission will need to deal with it at the time.

Commissioner Brashear asked if the Director was coordinating with the Land Department on the studies they are doing for the Commission and the Director said not really because the Land Department was updating studies as the Commission is scheduling hearings. Cheryl Doyle indicated the Director was correct that the Commission establishes the order for hearings and the Land Department does the best it can to provide updated studies.

**6. CALL FOR PUBLIC COMMENT** (comment sheets).

(Pursuant to Attorney General Opinion No. 199-006 [R99-002]. Public Comment: Consideration and discussion of comments and complaints from the public. Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.)

Chairman Eisenhower asked the public present if they had any problems with doubling up hearings. No one had any other suggestions regarding doubling up hearings.

**7. FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE HEARINGS AND OTHER MEETINGS.**

Commissioner Brashear asked a question regarding when the Lower Salt and Santa Cruz can be decided, in terms of meeting dates. The Director explained that it could not be decided until all of the time has expired for filing

of post hearing memoranda including response memoranda and indicated he believes the date could not be earlier than August 11, 2003. The Director indicated that the reports had yet to be voted on regarding the small and minor watercourses for La Paz and Mohave Counties and that the Cochise and Santa Cruz small and minor watercourses can be voted on after July 2003 when we have additional funds to pay the attorney to write the reports.

**8. ADJOURNMENT.**

**Motion: To adjourn.**

Motion by: Jim Henness

Second by: Jay Brashear

Vote: All aye

**Meeting adjourned at 9:45 a.m.**

Respectfully submitted,

**George Mehnert, Director**

**Date: June 25, 2003**