

**UPPER VERDE RIVER WATERSHED PROTECTION COALITION  
PRESCOTT, ARIZONA  
OCTOBER 24, 2007**

**MINUTES**

A MEETING OF THE UPPER VERDE RIVER WATERSHED PROTECTION COALITION WAS HELD ON OCTOBER 24, 2007 in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Chairman Fann called the meeting to order at 2:01 p.m.

**ITEM NO 1. Introductions, Awards, or Presentations**

Members present:

Mayor Karen Fann, Town of Chino Valley, Chairman  
Councilman Mike Flannery, Town of Prescott Valley, Vice Chairman  
County Supervisor Carol Springer, Yavapai County  
Mayor Rowle P. Simmons, City of Prescott

Guests present:

Prescott City Councilman Bob Bell  
Ed Muccillo  
Linda Campbell  
Candace McNulty  
Ken Janecek  
Joanne Oellers  
Christopher Everett

**ITEM NO 2. Call to the Public.**

No public comment.

**ITEM NO 3. Approval of Minutes – Sep 26, 2007 Meeting  
[Committee]**

**VICE CHAIRMAN FLANNERY MOVED TO APPROVE THE MINUTES AS SUBMITTED; SECONDED BY MEMBER SPRINGER; PASSED 3-1 WITH MEMBER SIMMONS ABSTAINING AS HE WAS NOT PRESENT AT THE SEPTEMBER 26, 2007 MEETING.**

**ITEM NO 4. Member's Adoption of Amended Purpose Statement Incorporating Safe Yield and appointment of TAC representative.**  
[Committee]

Mr. Holmes said that this item is a point brought up at a previous meeting to incorporate safe yield into the work of the Coalition, in the IGA. There are two points—one is to protect the base flow of the Upper Verde River to the maximum extent possible and, second, to amend the IGA to include safe yield as part of the projects and programs they look at.

Mr. Holmes reported that Chino Valley approved the amendment and appointed himself as the TAC representative, and Daniel Timmons as the alternate.

Vice Chairman Flannery reported that Prescott Valley approved the amendment and appointment John Munderloh as the TAC representative.

Member Simmons reported that the City of Prescott approved the amendment and appointed Jim Holt as the TAC representative.

Member Springer reported that the Board of Supervisors has not yet met; it is on the agenda for November 5, but she does not anticipate any problems, so the issue is whether they want to wait to include Yavapai County until the November 28 meeting of the Coalition, or move ahead.

Chairman Fann said that they could table this until the next meeting, pending the Yavapai County meeting, or go ahead and approve it contingent upon Yavapai County's approval at their November 5, 2007 meeting.

Member Simmons said that he would prefer to table it. Vice Chairman Flannery said that he would agree with tabling. Member Springer said that tabling was fine; however, Yavapai County is not going to consider appointing a TAC representative. She said that the logical person in the County is John Rasmussen, but technically he works for the Water Advisory Committee and not the County, so some people may consider his expertise inappropriate.

Chairman Fann asked for clarification on why the County will not be appointing a representative. Member Springer said that they are not a water provider; they are comfortable with the rest of the entities' expertise.

Chairman Fann asked the TAC members if they saw any problem with tabling this to the next meeting.

Mr. Munderloh said that they believed that the TAC could go ahead as a three-member TAC, as provided for in the By-laws approved last month.

**MEMBER SIMMONS MOVED TO TABLE THIS ITEM TO NEXT MONTH'S MEETING; SECONDED BY MEMBER SPRINGER; PASSED UNANIMOUSLY.**

**ITEM NO 5. Proposal to Approve the Burgess & Niple Contract for Professional Services as Program and Project Manager**  
[Committee & Staff]

John Munderloh said that this item is regarding the agreement for consulting and other services with the firm Burgess & Niple. They went through an RFP process last summer and they were the firm selected by the review panel. Staff has been negotiating with the firm since its selection to develop the contract and scope of services which is included as Exhibit A at the end of the packet.

Mr. Munderloh said that they used standard boilerplate language from the Town of Prescott Valley at the front of the contract. There is a small issue in that all of the members of the Coalition need to sign the Agreement, which will allow them to proceed.

Chairman Fann asked if Ivan had looked at the contract. Mr. Munderloh said that he has. He said that it was his opinion that the IGA does not create a contracting entity so each party must sign the contract.

Chairman Fann opened it up for discussion at this time.

Member Springer asked if they know the name of the person that will be their contact person. Mr. Munderloh said that they do—it is Ed Muccillo. He said that one of the team members is Civiltec and they have an office in Prescott. Mr. Muccillo will spend most of his time in Phoenix, but he will have an office here as well in Civiltec's office.

Mr. Muccillo said that in talking as a group, his role as the Program Manager is to coordinate the team, and Exhibit A delineates the various roles of the team. He said that one of the advantages of having someone not involved as much in the area, and having an assistant program manager that is involved in the area, is that they have the best of both worlds. He will keep office hours at Civiltec, and some of the more technical team members have offices in the area. Mr. Muccillo said that to some extent it will be reacting to the needs of research and planning projects, workshops, etc. Member Springer said that she thinks it will be a matter of learning as they go.

Mr. Muccillo said that one of the key tools in the process is the monthly progress and status report that they will get from the consultant, and he would encourage and welcome feedback. He said that it will be an evolutionary process, to be looked at month by month.

Chairman Fann said that it is her perception that this firm is for consulting and other services, and they will be responsible for managing and overseeing the direct projects for the Coalition, preparing the agenda, backup and as they go through the process, having studies done, etc. Whatever the Coalition determines needs to be done, they'll direct the consultant on what they want. They will be asking of the consultant how much it will cost, who should be doing it for them, when it should be done, and what they can expect in return. In addition, they would help communicate, coordinate and work with a number of people in the public and groups. Mr. Muccillo said that was very well said.

Member Springer said that she is a little concerned with how the TAC and consulting firm will work together to bring the Coalition the information.

Mr. Munderloh said that they will sort as they are going. The TAC and Program Manager will act as a platform team, to meet once a month, sitting down as equals to hammer out ideas either coming from the Board or to be taken to the Board.

Vice Chairman Flannery said that one of his concerns is in terms of the billing process. Mr. Munderloh said that they will work it out as they go. The concept he has is that the Chairman of the TAC will be responsible for reviewing the statement. The Program Manager might be managing bills from various team members. He said that it could be reviewed by either one member of the TAC or by all. Vice Chairman Flannery said that what he is hearing is that there will be a lot of feeling their way through the process.

Chairman Fann asked what they will do if there is a discrepancy with an invoice. Mr. Muccillo said that there are a few ways to address that issue. He said that from the Program Management aspect, that is his burden at the monthly board meeting and monthly TAC meeting, before they embark on something with respect to technical tasks they would prepare a scope of work and fees associated with it.

Chairman Fann asked if the first few months' invoices would come to the Board, or if they have addressed that. Mr. Munderloh said that the TAC will do that as a TAC item until there's a comfort level. Mr. Muccillo said that Exhibit A shows Mr. Munderloh listed for invoicing since Prescott Valley is the fiscal agent.

Member asked if each of the entities could receive an e-mail with what their respective contributions would be so they could take that specific figure to their boards/councils.

Member Simmons said that he believed that all of his questions had been answered, but he was assuming that any new project would be approved by the Coalition. Staff replied that was correct.

Howard Mechanic questioned whether they were going to incorporate the specific numbers indicated in their proposal. Mr. Muccillo said that was part of the approach by doing a scope of fees.

Mr. Mechanic said that he sees \$110,000 for projects under #2, and asked if that was the amount or if it could be less than \$110,000. Mr. Muccillo said that it would absolutely be less than \$110,000. Chairman Fann suggested that they revise the wording to read up to \$110,000.

Mr. Munderloh said that the overall cost of not to exceed \$200,000 is in the scope of service in Exhibit A. Staff felt that was important. What they want to be able to do is provide flexibility. If for some reason the program management ends up costing a lot of money, they don't want to leave their projects—they want to be able to move them around. Limiting it to that \$110,000 will reduce their amount of flexibility.

Mr. Munderloh explained that the \$115,000 is a subset of the \$200,000. Mr. Mechanic said that they would still have the flexibility if they came into the Board and asked for approval. Mr. Muccillo said that the delineation between the two is that if it is a routine ongoing effort that the Board would feel is necessary, it would probably fall under project management. If it becomes a task that can be captured in a scope and lump sum fee, it would become a project.

Member Springer said that she liked that they used the word tasks as it makes a very clear distinction between projects. The actual projects will have to stand on their own.

Mr. Mechanic said that since the amount is based on billing, he asked if they could have a schedule attached that indicates the different hourly rates. Mr. Muccillo said that he can give them a narrow range. With different staff it may be adjusted, but he could provide those rates.

Joanne Oellers, representing the Center for Biologic Diversity, asked how communicating with the public would work. Mr. Munderloh said that both the Coalition and TAC meetings are public meetings. For the Program

Manager to consult with the TAC or the Board, it will occur in a public setting.

Mr. Holmes said that in reference to Mr. Mechanic's comments on various types of hourly wages, he asked if it would need to be in the contract or in the invoice. Mr. Mechanic said that it should be part of the contract. Chairman Fann said that it should be part of the contract so that when they get a bill they can compare that hourly wage to the invoice submitted.

Chairman Fann suggested that those rates be taken out of the proposal, and attached to the contract as Exhibit B. Member Springer asked if someone would be getting a complete document to each of the entities. Staff replied that they would.

**MEMBER SIMMONS MOVED TO INSTRUCT THE (UNOFFICIAL) TAC TO TAKE BACK THE CONTRACT TO THE RESPECTIVE COUNCILS AND BOARD OF SUPERVISORS WITH THE MENTIONED CHANGES, FOR APPROVAL AND TO BE BROUGHT BACK TO THE NOVEMBER COALITION MEETING; SECONDED BY VICE CHAIRMAN FLANNERY.**

Mr. Muccillo asked if they can go ahead and have a TAC meeting. Mr. Munderloh said that it depends on whether Burgess & Niple wants to meet without getting paid.

Mr. Munderloh said that they do not know officially who all of the TAC members are, but there is a provision to go forward with the three TAC members that have been appointed.

Mr. Munderloh said that it depends on when it is scheduled and how far the approvals have come from the individual entities that are signatories to the contract. Staff could probably give them a notice to proceed based on a dollar figure being approved.

Chairman Fann asked how the Board would feel about having a special Coalition meeting with just this item on the agenda. Mr. Munderloh said that the issue is getting signatures on the contract; once that it is done, it is done.

**MOTION PASSED UNANIMOUSLY.**

**ITEM NO 6. Next Meeting Time / Location / Agenda Items**

[Committee]

(The next regularly scheduled meeting date is November 28, 2007)

(The regularly scheduled meeting for December is the 26<sup>th</sup>)

Chairman Fann noted that the next regularly-scheduled meeting would be November 28, 2007. It was agreed that they would hold the meeting as scheduled.

Member Simmons noted that there will be a new representative from the City of Prescott as his term ends on November 27, 2007.

Discussion was held on agenda items.

Member Springer said that they would need to have approval of the mission statement and contract. Also, she said that earlier in the year they had tentatively approved a list of projects and she would like to look at those again with the consultant. She said that they may want to change the priorities, add or eliminate some of those proposed projects.

Vice Chairman Flanner asked if all of the Coalition members had paid their dues. Mr. Munderloh said that he did not come prepared to address that, but he believes that most have paid. He said that they need to look at that since the entities will soon be getting into the budget process for next year.

Chairman Fann asked for an agenda item next month on a financial report, noting who has paid, how much is available, how they intend on using the money to carry them through this fiscal year.

Member Springer said that she would like to see the Board have a standard agenda item for a financial report. Mr. Munderloh said that he would have that become part of the Program Manager Report.

Discussion was held on whether the December 26 meeting would be held.  
**MEMBER SPRINGER MOVED TO CANCEL THE DECEMBER 26, 2007 MEETING; SECONDED BY VICE CHAIRMAN FLANNERY; PASSED UNANIMOUSLY.**

Chairman Fann said that the next normally-scheduled meeting would be held on January 23, 2008.

There being no further discussion, the meeting of the Upper Verde River Water Protection Coalition Board adjourned at 3:00 p.m.

---

KAREN FANN, Chairman

ATTEST:

---

ELIZABETH A. BURKE, Clerk