



**Arizona County Clerks Association (ACCA)
Annual Conference Minutes
September 29, 2021**

The Arizona County Clerks Association met for its 2021 Annual Conference on September 29, 2021, at the Prescott Resort and Conference Center located at 1500 Arizona 69, Prescott, Arizona.

Welcoming comments prior to official convening:

At 11:30 a.m., President Kapin entertained welcoming comments from guest speakers as summarized below:

Craig Sullivan, Executive Director/County Supervisors Association (CSA), thanked President Kapin and the Yavapai County team for hosting the conference, and thanked the clerks for their support of CSA. Acknowledging the importance of Clerk contributions, he extended an invitation to call upon CSA for assistance whenever needed.

Mary Mallory, Yavapai County Supervisor/District 5 welcomed everyone, stating she was appointed to the Board of Supervisors in 2019, and later successfully ran for election. She acknowledged the importance of county clerks, who "keep us supervisors out of trouble".

Special guest Fran McCarroll, 30-year veteran as Maricopa County Clerk/retired, stated the Clerk is many-faceted position with continually increasing responsibilities due to laws enacted by legislature. Ms. McCarroll stated the clerks' greatest asset is the Clerks Association members, and no question of members is too great or too small.

CALL TO ORDER:

At 12:05 p.m., President Kapin called the conference to order.

President Kapin introduced new Clerks Association members Alma Schultz, Santa Cruz County Clerk/Elections Director; and Bianca Figueroa, Deputy Clerk/Greenlee County.

President Kapin entertained roll call, asking members to introduce themselves.

Members present in person were:

Alma Shultz, Clerk/Elections Director/Santa Cruz County
Amber Dale, Deputy Clerk/Mohave County
Bianca Figueroa, Deputy Clerk/Greenlee County
Christy Isbell, Deputy Clerk/Yuma County
Deb Schaffer, Deputy Clerk/Maricopa County
Dustin Welker, Clerk/County Manager/Graham County

Members present in person, continued:

Ginny Anderson, Clerk/Mohave County
Jayme Rush, Deputy Clerk/Yavapai County
Juanita Garza, Clerk/Maricopa County
Kim Kapin, Clerk/Yavapai County
Kim Lemons, Clerk/Cochise County
Marian Sheppard, Clerk/Gila County
Melissa Buckley, Clerk/Navajo County
Melissa Henderson, Deputy Clerk/Gila County

The following members joined the meeting later in the day:

Lindsay Daley, Clerk/Coconino County, joined remotely at 1:15 p.m.
Diane Green, Clerk/La Paz County, joined the remotely at 1:45 p.m., and later departed at 2:30 p.m.

The following members were excused:

Beth Bond, Deputy Clerk/Apache County
Dustin Welker, Clerk/County Manager, Graham County
Hanna Duderstadt, Deputy Clerk/Graham County
Jennifer St. John, Clerk/County Manager, Santa Cruz County
Kelsey Pickard, Deputy Clerk/Pinal County
Leah Thomas, Deputy Clerk/Navajo County
Natasha Kennedy, Clerk/Pinal County
Tim Mattix, Deputy Clerk/Cochise County
Valerie Webber, Deputy Clerk/Coconino County

Guest speakers included, in order of appearance:

Craig Sullivan, Executive Director/County Supervisors Association (CSA)
Mary Mallory, Yavapai County Supervisor/District 5
Fran McCarroll, Clerk of Board/Maricopa County/Retired
Leslie Hoffman, Yavapai County Recorder
Lynn Constabile, Yavapai County Elections Director
Danee Garone, Staff Attorney/Arizona Ombudsman Citizens Aide.
Doctor Nanette Odell, ADA Compliance Specialist, City of Tempe.

PRESENTATIONS:

2021 Legislative Session – Election Law Changes: Leslie Hoffman, Yavapai County Recorder and Lynn Constabile, Yavapai County Elections Director.

Ms. Hoffman and Ms. Constabile gave a PowerPoint presentation on the many Senate Bill and House Bill changes enacted pursuant to the 2020 election and noted that in general, the effective date for successful legislation is September 29, 2021.

President Kapin thanked Ms. Hoffman and Ms. Constabile for the informative presentation, presented them with thank-you gifts, and expressed the Association's appreciation for the gift bags they provided for the clerks.

At 1:00 p.m. President Kapin recessed, and then reconvened the meeting at 1:12 p.m.

At 1:15 p.m. Lindsay Daley, Coconino County Clerk joined the meeting remotely.

BUSINESS MEETING:

No. 1: Consideration and approval of Minutes from December 10, 2020, and March 31, 2021.

No revisions to either set of minutes were offered.

MOTION (BUCKLEY, SHEPPARD): Approve the minutes from December 10, 2020, and March 31, 2021, as presented.

VOICE VOTE: The motion carried unanimously of the members present.

No. 2a: Treasurer's Report -- Consideration and possible approval of Annual Clerks' Meeting Expenditures.

Upon presentation of the Treasurer's Report and with no changes offered, President Kapin entertained a motion to approve the report/expenditures as presented.

MOTION (ANDERSON/BUCKLEY): Approve as presented.

VOICE VOTE: The motion carried unanimously of the members present.

No. 3: President's Report.

•Update on COVID 19 –

President Kapin stated the Association met virtually due to the pandemic on March 31, 2021. Acknowledging the negative impact the pandemic had on many Clerk activities statewide, she expressed her pride that everyone managed to "get through these last 20 months".

•President's Book --

President Kapin stated the Association previously agreed to establish a President's Book, to be inherited by each successive President in order to accommodate a smooth transition upon the election of new president(s).

•Clerk Certification Program --

President Kapin stated continuation of the certification program is an important issue. The Association previously indicated a preference for an in-person program. However, COVID-19 is still an issue and some may be unable to attend in person. Program details will be worked out within the coming year. As per the previous program, ACCA members may participate, but would receive certification after achieving a minimum of two (2) years of experience in a County Clerk of Board office, of which up to 6 months may be from employment in other County government offices/departments.

President Kapin suggested a possible hybrid program with some online classes and an in-person meet for one (1) day on the last day. Ms. Kapin is open to suggestions.

President Kapin requested suggestions for methods of making the Clerks Association stronger, which may be submitted to any Association Executive Board member: Ms. Kapin, Ms. Buckley, Ms. Schaffer, and Ms. Isbell.

No. 4: Accept resignation of ACCA Treasurer, Deb Schaffer, effective close of business December 13, 2021, and discuss appointment of next Treasurer.

President Kapin acknowledged the Association is excited for Ms. Schaffer's upcoming retirement on December 13. Everyone agreed that Ms. Schaffer will be greatly missed.

Following expressions of appreciation and best wishes from everyone, President Kapin entertained a motion to accept Ms. Schaffer's resignation as ACCA Treasurer.

MOTION (SCHAFFER/SHEPPARD): Approve Ms. Schaffer's resignation as presented.

VOICE VOTE: The motion carried unanimously of the members present.

•Appointment of new ACCA Treasurer.

President Kapin stated the Association needs to be separated as an entity with the Arizona Corporation Commission; and to separate the Association's bank account to ensure it is not tied to a single Association officer, since officer terms are for two (2) years.

Ms. Anderson asked if Ms. Schaffer's attorney provided transition assistance when she assumed the Treasurer position.

Ms. Schaffer responded she had not reached out to the County Attorney at that time. However, she does not believe the ACCA could be the only entity whose officer terms expire after two (2) years.

President Kapin stated last year her attempts to register were unsuccessful due to the original set-up. Expediting Treasurer transitions will be a group effort and might require a visit to Phoenix by Executive Board members, in person, to accommodate the necessary changes. The goal will be to complete this by the end of 2022, or the end of this year if possible.

President Kapin called for volunteers to serve as Treasurer beginning next year, upon Ms. Schaffer's retirement on December 31, 2021.

Discussion ensued, and Lindsay Daley and Ginny Anderson expressed interest in assuming the Treasurer position.

MOTION (DALEY/BUCKLEY): Appoint Ginny Anderson as ACCA Treasurer, effective at close of business December 31, 2021.

VOICE VOTE: The motion carried unanimously of the members present.

County Updates:

•Gila County –

Ms. Henderson and Ms. Sheppard reported Gila County has experienced not only the impact of COVID-19, but also forest fires, flooding, and COVID-19 once again.

Ms. Sheppard stated the Board conducted many more meetings than normal, with many more late items added to the agendas. Liquor licenses have also "kicked back in", with Arizona State's reviews delayed or essentially non-existent.

Ms. Sheppard asked what role county clerks fill regarding Industrial Development Authority (IDA) activities and its minutes, website maintenance, and compliance with the Open Meeting Law.

Upon discussion, members agreed the only role of county clerks is to ensure the Board of Supervisors appoints/re-appoints members to the IDA, and to ensure the oaths of office are on record with the Clerk of Board.

•Coconino County –

Ms. Daley reported as of April, Coconino County has a new County Manager and new Deputy County Manager. She spoke regarding the impact of COVID-19 (high positivity rate); summer flooding, and currently back to the pandemic again.

Ms. Daley stated as of March the County Recorder's Office will no longer contract with the Board of Supervisors for election services. Establishment of a separate elections department and an elections administrator is being considered. Should this occur, some Recorder's Office staff will move to the elections department.

Ms. Daley reported a long-term staff member who handled their OnBase agenda software has retired. He and his expertise are greatly missed.

•Mohave County –

Ms. Anderson reported that COVID-19 was extremely challenging last year, with two (2) board meetings each week for approximately 8 months. The Clerk's office accomplished "nearly nothing else". This year has been better, with "catch-up" now in progress.

Approximately 8,000 properties were listed on the tax deeded property auction, 5,000 of which sold.

Discussion ensued regarding the conduct of tax deeded property auctions.

President Kapin and Ms. Anderson reported on unique properties placed for auction within their respective counties. Discussion ensued on the difficulties getting prospective bidders to "do their homework" on properties of interest, and county disclaimers to encourage them to do so.

Those clerks who use *Public Surplus* for tax deeded property auctions all expressed how easy the company is to work with. However, Ms. Anderson stated bidders who registered with the company and later move to a different residential address must call *Public Surplus* in order to change his/her address. Mohave County's future public notices will include a notification regarding this requirement.

Discussion ensued regarding the process for abatement of back taxes pursuant to Arizona Revised Statutes and issues the clerks experience regarding same.

•Santa Cruz County –

Ms. Schultz stated the county manager wanted a quicker, more efficient agenda process than the "Word" software and email method they had been using. Software companies were reviewed, and they are currently transitioning to *CivicClerk* software.

•Navajo County –

Ms. Buckley reported they have two (2) new supervisors. They have also experienced fires and floods this year – and, of course, are still dealing with the pandemic.

Ms. Buckley's Executive Secretary is retiring and recruitment has commenced. The Executive Secretary also supports the board members.

Ms. Buckley stated her new Deputy Clerk is Leah Thomas, who has been with the county for 35 years and comes with a wealth of knowledge regarding county functions.

•Maricopa County –

Ms. Garza and Ms. Schaffer reported on Maricopa County activities.

Some 100 meetings were conducted regarding Maricopa County's 2020 Election Audit. Although Ms. McCarroll had previously retired from County employment, she was still available for approximately 6 months during the audit and was extremely helpful.

Ms. Shaffer reported that two (2) Maricopa County district supervisors submitted their resignations, effective in November. Per statute, county clerks vote on appointments for mid-term supervisor replacements.

The board declared an emergency regarding the recent flooding in Gila Bend.

Ms. Garza and Ms. Shaffer briefly reviewed the county's agenda process. All items are authorized by the chairman and each agenda includes more than 100 items.

Ms. Green departed from the meeting at 2:30 p.m.

•Greenlee County –

Ms. Figueroa stated Greenlee is a small county, usually with less than 15 items on the agendas, most of which are consent items. The meetings are hybrids and she does not believe Zoom meetings will ever be discontinued.

Additional discussion ensued regarding the counties' various agenda processes. Some clerks edit the agenda items, and some do not. Although the counties set deadlines for the departments to submit their items, in reality there actually is no deadline. The statutory deadline allows for the Clerk to post the agenda 24 hours prior to the meeting.

Discussion ensued regarding public record requests, including whether a fee may be charged for records that are emailed. Some counties reported their county attorneys have directed a fee cannot be charged for electronically forwarded records. Ms. Anderson stated if records must be printed in order to scan them, a fee may be charged.

Ms. Buckley stated Navajo County uses the *AgendaQuick* public records request system and they are extremely pleased with it.

Discussion ensued regarding the current redistricting process per the 2020 census, with the clerks reporting on their progress to date.

Yuma County –

Welcoming the newest Clerks Association members Alma Schultz and Bianca Figueroa, Ms. Isbell stated the members are all there for each other whenever another has a need. In reality, the Association is not only a professional group, but a "friendship group". She encouraged Ms. Garza to call on any of the members at any time.

Ms. Isbell stated the impact of the pandemic has also been challenging in Yuma County, with extra Board meetings, an increased number of items in general, and an increased number of items/attachments submitted late.

At 2:58 p.m., President Kapin recessed, then reconvened the meeting at 3:12 p.m.

•Arizona's Public Access Laws -- Danee Garone, Staff Attorney, Ombudsman-Citizens' Aide.

Mr. Garone stated the role of the State Ombudsman is to investigate complaints regarding the public access law and to train public officials and the public regarding the Open Meeting Law (OML). He gave a PowerPoint presentation covering details of the OML and Public Records Law. Topics covered include but are not limited to the following:

Open Meeting Law:

- Who must follow the OML – Basically, all public bodies as defined in A.R.S §38-431(6) – Which includes all public officials, advisory committees and sub-committees.
- ARS requirements for public officials
- Enforcement – Attorney General, County Attorney, the Courts
- Notice/disclosure statement regarding where meetings will be held
- Definition of a meeting under the OML
- Agenda requirements
- Public notice requirement for each meeting – Notice contents
- Calls to public – Optional. If entertained, treat everyone fairly. No official action.
- Social events/seminars – May post courtesy agenda including date, time, purpose and statement that no official action will be taken
- Rights of public during meetings – Attend, listen, tape record, video tape.
- Executive Sessions – In summary:
 - Agenda cites applicable statute, general topic description
 - Requires vote to enter Executive Session
 - Confidential -- Chair reminds all present regarding confidentiality
 - May discuss only specific matters per statute
 - No action or decision may be taken
 - Minutes or recording required

Public Records Law:

- Definition of public records
- Records management – retention schedules
- Felony for stealing, destroying, mutilating records, etc.
- Record request requirements/guidelines
- Exceptions to disclosure – Record(s) may be withheld if personal privacy would be harmed, or if withholding is in the best interests of the state

- Fees for copies
- Commercial purpose defined; fee for reasonable time, materials, equipment, personnel in reproducing records shall be charged.

• ADA Compliance, Policy Development & Inclusive Meetings -- Doctor Nanette Odell, ADA Compliance Specialist, City of Tempe.

Dr. Nanette Odell gave a PowerPoint presentation covering many aspects of ADA Compliance, including but not limited to:

- Helpful language/hurtful words to avoid;
- Service animals and cautions regarding same;
- Public meeting checklists;
- Communication tips for the disabled – vision, hearing, mobility, cognitive and behavioral related disabilities;
- Special food requirements/accessibility to tables; and restroom accessibility.

There being no further business to come before the Association, President Kapin adjourned the meeting at 5:22 p.m.



Kim Kapin
President

10/6/2022
Date

KK/cpi