

MINUTES

ARIZONA COUNTY CLERKS ASSOCIATION (ACCA)

MARCH 25-27, 2004

CLERK'S SPRING RETREAT – REX RANCH, SANTA CRUZ COUNTY

Present: Fran McCarroll, President, Maricopa County
Melinda Meek, Treasurer, Santa Cruz County
Gloria Gonzalez, Santa Cruz County
Donna Hale, Vice President/Secretary, La Paz County
Beth Bond, Apache County
Marian Sheppard, Gila County
Kay Gale, Greenlee County
Yvonne Pearson, Greenlee County
Lori Godoshian, Pima County
Robin Brigode, Pima County
Sue Stallworth, Yuma County (and husband, Richard)

Special Guests: Dean Wolcott, retired Maricopa County Deputy Attorney
During luncheon meeting on March 26th:
Greg Lucero, County Administrator, Santa Cruz County
Manny Ruiz, Supervisor District 1, Santa Cruz County
Robert Damon, Supervisor District 2, Santa Cruz County

Welcome & Introductions:

President McCarroll thanked Melinda Meek for the beautiful location for this year's Spring Retreat and introductions were conducted.

Fran distributed a Survey and one of the questions was everyone's favorite color. The majority choice, and newly adopted color for ACCA, is green. Red came in a close second.

For newcomer Sue from Yuma, Fran gave a quick history on the Association's beginnings to the way it has evolved, with the main point being that the Clerk's are their own best support group, sharing and comparing ideas and information. She noted that special speakers and trainers have been invited to attend past retreats, sharing valuable information.

Business

Treasurer Meek presented the Treasurer's Report:

Beginning Balance	\$6,048.68
Funds Received:	
Reimbursement from '03 Summer Retreat	\$ 285.13
Registration fees – Rex Ranch	\$3,000.00
2004 Association Dues	\$1,400.00

Expenses:	\$ 250.00
Current Balance:	\$10,483.81
Estimated Expenses for '04 Spring Retreat:	\$ 4,300.00

Motion by Kay Gale, second by Lori Godoshian, to approve the Treasurer's Report, motion carried.

A wonderful Mariachi Band, comprised of young students from Santa Cruz County, played at the dinner on March 26th and it was unanimously recommended that the Treasurer give them a check for \$100.

Motion by Kay Gale, second by Lori Godoshian to approve the minutes of the November 19, 2003, meeting held in conjunction with AACo, motion carried.

Minutes Legislation

A review of what took place at the November 19th meeting with Sally Bender was discussed briefly.

This issue appears to be status quo with several of the counties doing things differently when it comes to publication of minutes.

Fran mentioned an idea she had, which would require a legislative change, and would allow counties to publish their own paper for a nominal fee (i.e., \$2 a month) that would meet the publication requirement. She explained that Maricopa County's "official newspaper" is the Record Reporter and it consists of Xeroxed pages with a staple in the corner that has about three distribution racks, a Class 2 permit and a subscriber base. She asked the Clerks to think about the idea.

Discussion centered around meetings that are posted, minutes that are published and how their was a differing opinion about work sessions and Board attendance at special events, etc. Warrant publication was briefly mentioned as well and Lori had a question about payroll warrants not being published. Dean noted that salaries are fixed and there would be redundancy in publishing them. It was established that none of the counties present publish payroll warrants.

Kay noted that she never heard from Mr. John Fearing, Executive Director of the ANA, and will call Sally Bender to find out why Mr. Fearing had not contacted her to conduct the pilot program that was discussed at the November 19th meeting.

Mail Process, Incoming and Outgoing

Sue noted that the Yuma Clerk's office has a half-time person that sends out all outgoing mail for all departments. That person does not, however, handle incoming mail.

Lori had a question for Dean about process servers and does the Clerk have to accept service if the Board of Supervisors are neither Plaintiff nor Defendant. She explained that she was not keeper of the records of a particular department she was being asked to accept service for and felt they should be served directly.

Dean noted that if a county has an entity being served with a Subpoena Duces Tecum, it should be accepted by the Clerk.

Fran said that she has a notice that says something to the effect that they will accept service but the server is to be aware that her office is not guarantying that by accepting service, they have served the proper place. She says that her office logs in all acceptance of service and forwards them to the County Attorney's office. She noted they do not sign Waivers of Service as it makes a different in court and time scheduling.

Upon request from several counties, Fran will send out a copy of that notice to the other counties.

The matter of the \$12 fee that accompanies service was discussed and Dean noted that it is a statutory fee for the recipients response to the service. Dean stated that counties can request additional monies if additional records are needed. He also noted that the Waivers of Service should be signed by the County Attorney.

Survey

Fran noted that she will compile the results of the survey she distributed and send them to everyone.

There were several questions on the survey that generated discussion. One of them was stale dated warrants. Fran indicated that legislation was modified and the notification requirement that is sent to the recipient was taken out; however, this year there is legislation to put it back in. She noted that counties are responsible for sending out a notice and dollar amounts come in to play whether it should be sent certified or not.

Fran further noted that the statute notes that the Board shall determine why warrants are not cashed. Her wording on the agenda reflects, "approve stale dated warrants listed on file in Clerk's Office". In the minutes, the names of the recipients are listed.

Another question was about counties that hire lobbyists to work in Washington. It appears that Maricopa County was the only county present that has lobbyists in Washington.

Liquor License charges were discussed with some counties charging a fee and others not. It was noted that large cities, such as Tucson and Phoenix, charge \$500 to process and renew liquor license applications.

Fran mentioned that her P & Z Department deemed that all liquor licenses require a Special Use Permit and it would take a two to four week process and would like to charge \$350.

Some counties, which include Yavapai, Greenlee and Pima, give the Clerk the ability to process the applications; however Pima and Greenlee do have them ratified at a subsequent Board meeting (unsure about Yavapai as Bev was not in attendance).

Other issues discussed included the approval of liquor licenses by the State that were denied by the Supervisors. Maricopa had one and the State gave reasons for approval that had something to do with lack of violations over a certain period of time, applicant's clearing up of problem items, etc.

Clerk Certification charges were discussed briefly. Pima charges \$1.50 plus \$.25 for each page. Other counties charge just per page fee.

Bond fees for formation of special districts was also discussed. Donna had a check for the formation of a new fire district and questioned whether to deposit it or not. Several counties noted that if the district is formed, they return the check and bill the special district. If it is not formed, expenses are taken from the funds remitted.

Storage of records were discussed. Maricopa County utilizes Iron Mountain for storage of warrants, to be shredded after a certain amount of time. Fran noted the Clerk's office has a storage room filled with records she is responsible for. She noted a destruction schedule is followed.

Other topics of discussion: Committee/Commission/Board appointments, Constables, number of Ordinances adopted by counties and the process for tracking amendments, etc. Pima noted they have a procedure on how to prepare ordinances and resolutions and it is on-line under the Clerk's office.

Legislative Update by Dean

Dean Wolcott distributed and discussed the following items:

- Opinion No. 2004-01, Maricopa County Attorney, dealing with appointment of deputies for county officers. Conclusion of the opinion: "...the role of the Board of Supervisors in reviewing the appointment of a deputy county attorney pursuant to A.R.S. §§ 11-403 and -409 is ministerial only, and the appointment must be approved unless there is a clear showing that the County Attorney acted unreasonably, arbitrarily, and capriciously in making the appointment."
- SB 1275 Confidentiality of Petroleum Industry information. Dean said this affected counties due to zoning issues, etc. that may come before the counties. Would need to be filed separately from public records. For the protection of "trade secrets".
- SB 1269 Section E in particular deals with counties and public records, dealing with an index of records that have been withheld from requestor. An index would need to be created that are subject to redaction or nondisclosure. Listing would include: who has record, recipient; subject matter; legal basis for withholding.
- HB 2675 Liquor licenses, timeline changes, transfers, etc. Major change in the requirement that BOS cannot consider application if the license has been deemed rejected within 24 months prior (changed from 12 months).
- SB 1048/ Property Tax Exemptions
1004

Electronic Signatures

Dean distributed paperwork relating to the use of electronic signatures and legislation (A.R.S. § 41-132) that gave the Secretary of State statutory duty to accept electronic signatures.

Pima County noted that their procurement department is looking at this issue.

Fran stated that Maricopa has electronic signatures for Agenda Central only – electronic authorization.

Dean felt the topic was complex, noting that an electronic signature is not a stamp, like on warrants; nor is it created by a signature machine, but rather signatures that are solely restricted to electronic mail and contracts created by computer. He noted that A.R.S. §41-132 applies only to State agencies and only permits counties doing business and contracting with the State to create a policy that authorizes electronic signatures. He did not see how the law applies to counties and non-state vendors.

Dean further indicated that electronic signatures are verifiable, unique to the person using it. That person may not surrender control at any time and the signature has to be linked to the record it is verifying. If the record is changed the electronic signature is nullified at the same time. He was not sure how anyone can obtain this result.

Discussion ensued on this issue with Robin noting that the Pima County attorney is looking into this matter.

Dean noted that the State has procedures that perhaps the County can adopt for contracts between parties but he was unsure about procurements under state contract. A seven point questionnaire for County Attorneys was distributed regarding Electronic Signatures.

The matter of Supervisor signatures was discussed at length with some counties noting that contracts that are signed by the Chairman for departments without going through the Clerk have been problematic.

Contracts, renewals, etc.

Marian asked about whose responsibility it was to track contract renewals, expirations, etc.

Discussion ensued about the responsibility staying with the department that generated the agreement. It was noted that Yavapai keeps an index of all contracts, filing date, termination date, if renewable.

Sue noted that in Yuma, if a motion does not reflect the option to renew, their attorney's opinion is that it cannot be renewed. If it is in the motion, they have a tickler file for the renewal dates.

It was noted that there should be at least three copies of contracts – one for the Clerk, one for the requesting department and one for the vendor.

In answer to the question about "approved as to form", Dean explained that the document is in a form that is legal for the client to sign and that it conforms to State and Federal law. He further noted that if an attorney signs a document as "approved", then he/she is saying the document is not only in legal form but makes good business sense too.

Change
Dean
OK

Fran noted she had a five point check list to ensure the contracts match the agenda item review form, which included correct vendor, term, dollar amount, etc. If it does not meet the criteria, the contract goes back to the County Attorney.

BOS Travel Authorization

A.R.S. §11-626, claims by supervisors to be signed by another member of the board and the county treasurer; and §11-215, duty stations, were discussed briefly. Fran noted that they have the signatures notarized. Dean noted that because the statute states "shall be verified as other claims", that they are verifying under perjury, and the notary is verifying the signer is the person he/she says they are. *Send form E*

Consent Agenda and Miscellaneous Meeting Issues

Marian asked those in attendance as to what items were placed on Consent Agenda. Most everyone agreed about public works issues (i.e., right of way issues, easements, deeds, signs); duplication and stale dated warrants; appointments of Precinct Committeemen, committee members, tax assessment issues, contract renewals, etc. were on the consent agenda.

Lori noted that most contracts and IGA's go on consent, along with renewals, etc.; however, depending on the dollar amount, some go on the regular agenda. Pima noted they have a Call to the Public prior to consent so the public can speak on issues on the consent calendar.

Melinda noted that Santa Cruz County meets each week and does not have a consent agenda.

Committee appointments were discussed and it was noted that Sue stated that the Yuma Attorney opined that P & Z Commission appointments are to be done by individual supervisors and should not go on the full Board agenda for approval, per statutory interpretation.

Lori and Robin noted that Pima County changes their schedule in the summer and have less meetings. They put a list out in April of each year.

Fran indicated they have a summer schedule as well and it is posted in January, with less meetings in July and August. She discussed the difference between an informal agenda (like a work session, mostly for discussion, but sometimes there is action); and the formal agenda. In answer to Marian's question, Fran noted that changes to the agenda are asked of her at the beginning of the meeting and she announces changes to the agenda (i.e., typos, dates, etc.).

Other matters discussed: Invocations, data processing programs (Word Perfect vs Word).

Future Meetings

Judy Jones-Grugel was not in attendance and did not report on the Summer Retreat. Judy will be contacted and may be sending information to everyone regarding availability of the Sierra Springs Ranch.

Sue Stallworth volunteered to have Yuma County host the next Spring Retreat (2005).

It was also reiterated that Apache and Gila Counties will host a joint retreat in 2005 as was mentioned during the meeting of November 19, 2003.

Miscellaneous

Kay noted that a cattle rancher in Greenlee County is taking on the Forest Service, refusing to pull permits. She felt this will be a huge issue and the other counties may be hearing about it.

Adjournment

President McCarroll adjourned the meeting on Saturday, March 27, 2004, at 9:35 a.m.

Donna J. Hale, Vice President/Secretary