

Welcome

The meeting will begin shortly, in the meantime please:

- Keep your microphone muted during the meeting
- If you have a question/comment during the meeting, type it in the chat box and it will be read and addressed
- If you experience any technical difficulties, please contact ADWR Help Desk at 602-771-8444 or tickets@azwater.gov

Willcox Active Management Area Groundwater Users Advisory Council

May 26th, 2026



Meeting Agenda

1. Call to Order – Welcome & Introductions (*Cali Mauri, ADWR*)

2. Meeting Logistics (*Cali Mauri, ADWR*)

3. Overview of Council Member Responsibilities (*Cali Mauri, ADWR*)

Cali Mauri will give a presentation on the roles of the GUAC and GUAC coordinator.

4. Open Meeting Law Training (*Nick Bacon, Arizona Ombudsman-Citizens' Aide*)

Nick Bacon will provide training on Arizona's Open Meeting Law.

5. Management Plan Briefing (*Madison Moreno, ADWR*)

Madison Moreno will brief the council on draft management plan promulgation.

6. Election of Officers (*Willcox GUAC Members*)

The council will take action to elect a chair and a vice chair to serve a two-year term.

7. Call to the council (*Chair*)

8. Call to the public (*Chair*)

9. Adjournment (*Chair*)

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 - Type your question/comment in the chat box and it will be read and addressed
- During the Call to Public attendees will have the option to speak to the Council
- With any technical difficulties please contact ADWR Help Desk at 602-771-8444 or tickets@azwater.gov
- If you would like to be added to the GUAC mailing list, please email cmauri@azwater.gov stating:
“Add (your email) to Willcox AMA GUAC Mailing List”
- This meeting is being recording and will be posted to ADWR’s website

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Overview of Council Responsibilities

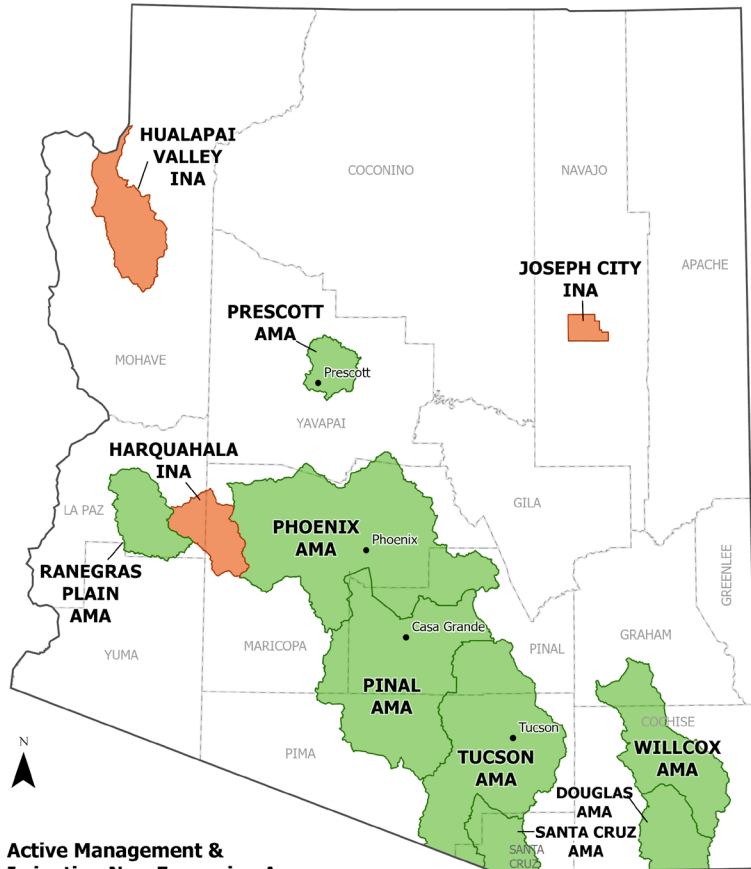


Establishment of The GUACs

The 1980 Groundwater Management Act established the initial four Active Management Areas and a Groundwater Users Advisory Council (GUAC) for each.



The Seven GUACs



Active Management & Irrigation Non-Expansion Areas



ADWR, ITD-GIS January 2026

Green Active Management Areas
Orange Irrigation Non-Expansion Areas

Prescott – One of the initial four AMAs - EST. 1980

Phoenix - One of the initial four AMAs - EST. 1980

Pinal - One of the initial four AMAs - EST. 1980

Tucson - One of the initial four AMAs - EST. 1980

Santa Cruz - Originally part of the Tucson AMA - EST. 1994

Douglas – The first subsequent AMA established December 1st, 2022.

Willcox- The second subsequent AMA established January 8th, 2025.

Council Structure

- There shall be a groundwater users advisory council in each active management area consisting of five members. Members of the council shall be appointed by the governor to represent the users of groundwater in the active management area and on the basis of their knowledge of, interest in and experience with problems relating to the development, use and conservation of water.
- The term of office of each member is six years. The terms of two members shall expire on the third Monday of January each even numbered year, except that each third even numbered year the term of one member shall expire.
- Members of the council shall serve without compensation, except that each member shall be reimbursed for travel and subsistence while engaged in business of the council in the same manner as is provided by law for state officers.



Administrative Duties of the Groundwater Users Advisory Councils

The Groundwater Users Advisory Council shall:

1. **Advise** the area director for the active management area, **make recommendations** on groundwater management programs and policies for the active management area and **comment** to the area director and to the director on draft management plans for the active management area before they are promulgated by the director.
2. Keep the minutes of its meetings and all records, reports and other information relative to its work and programs in permanent form indexed and systematically filed.
3. Elect from its members a chair and vice-chair for terms of two years expiring on the third Monday of January of each even numbered year.

Administrative duties of the Groundwater Users Advisory Councils (continued)

The Groundwater Users Advisory Council shall:

4. Designate the person or persons who shall execute all documents and instruments on behalf of the council.
5. Manifest and record its actions by motion, resolution or other appropriate means.
6. Make a complete record of its proceedings which shall be open to public inspection during regular business hours in the branch office of the department in the active management area.
- ~~7. Provide comment to the Arizona water banking authority with regard to draft plans for additional storage facilities and draft plans of operation in accordance with sections 45-2453 and 45-2456.~~

GUAC Meetings

Format

- Formal public meeting, subject to Open Meeting Law requirements.
- A quorum of members (3/5) must be present to hold a meeting.
- The chair leads the meeting, with ADWR support.
 - Any items discussed must be on the agenda
 - Items for recommendation or action must be specifically listed as such on the agenda and are formalized through a motion procedure.

Content

- Updates related to water conditions, use, data, management, regulation, etc.
- Discussion and recommendations on groundwater management programs and policies, including management plans
- ~~▪ Discussion and recommendations on withdrawal fees~~
- ~~▪ Discussion and recommendations on conservation grants~~

What to Expect From a GUAC Coordinator

- Identify meeting times
- Send Save-the-Date emails
- Gather presentation requests from the council
- Inform the public of meetings at least 24 hours in advance
- Maintain records of GUAC meetings and post meeting materials to Public Meetings Calendar

Questions?

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Arizona's Open Meeting Law

Nick Bacon

Staff Attorney

Arizona Ombudsman-Citizens' Aide

Role of the State Ombudsman

- Public Access Program
 - Investigate complaints about public access laws:
 - Open meetings
 - Public records
 - Train public officials and educate the public on the rights of the public under the public access laws
 - Prepare materials on public access laws
- We **do not** give legal advice

Statutory Requirements

- Chapter 7 of the Arizona Agency Handbook (revised 2018)
 - Elected or appointed officials must review the materials at least one day before taking office
- Check your laws for other requirements

Open Meeting Law

The Basics

What is Open Meeting Law?

A set of laws intended to promote government transparency and accountability by:

- Facilitating public access to the governmental process
- Preventing public bodies from making decisions in secret

Who Must Comply?

- “Public Bodies”
 - All councils, boards, commissions of the state or political subdivisions
 - Multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions
 - Includes corporations or other instrumentalities whose boards of directors are appointed or elected by state or political subdivision

“Public Body” also includes...

- Standing committees
- Special committees
- **Advisory committees**
- **Subcommittees**
 - *of or appointed by* the public body

Advisory committees and subcommittees are defined as...

- Any entity, **however designated**
- **Officially established**
 - on motion or order of the public body
 - *or* by the presiding officer of the public body
- For the **purpose of making a recommendation** concerning a decision to be made or a course of conduct to be taken by the public body

In Other Words . . .

No matter what you call it, if you vote to create a group of people to give you advice about what to do, the group needs to follow the open meeting laws, too.

Who Enforces Open Meeting Laws?

Investigations

- Three entities have authority to investigate allegations of an OML violation:
 - Arizona Attorney General;
 - County Attorneys; and
 - Ombudsman-Citizens' Aide
- Powers are similar
- Approach might be different

Who Enforces Open Meeting Laws?

Lawsuits

- Arizona Attorney General; County Attorney; and any person impacted by an alleged violation:
 - Can bring a suit against a public body for the purpose of enforcing compliance
- AG can also:
 - The AG is the only entity that can sue an *individual* for open meeting law violations
 - Courts can impose penalties of up to \$2,500 and remove individuals from office

What Must a Public Body Do?

- Tell the public where to find meeting notices
- Provide meetings notice
- Have an agenda
- Meet in public
- Permit public to attend
 - Exception: authorized executive sessions
- Take all legal action in public
- Create meeting minutes or a recording

Open Meeting Law

Meetings

What is a Meeting?

- “Meeting” is a **gathering**, in person *or through technological devices*
- of a **quorum** of a public body to:
 - Discuss
 - Propose
 - Deliberate
 - Take **legal action**

What *else* is a meeting?

- *One-way electronic communication* by one member to a quorum that proposes legal action
- Exchange of *electronic communications* among members involving discussion, deliberation, or taking legal action about a matter likely to come before the public body

What is a *Not* a Meeting?

- Social gatherings
- Other gatherings or meetings
- Seminars
- Talking about issues in public
 - Can talk about issues possibly before the public body *if* it is not directed to fellow members *and* there is no plan for collective deliberation
 - Be careful with this one

Advisory Committee Exemption

New in 2025: A.R.S. § 38-431.08(A)(5)

- Open Meeting Law does not apply to the communications of certain advisory committees
- Precise guidelines:
 - Advisory Committees only (i.e. for the purpose of making recommendations only, see definition in A.R.S. § 38-431(1))
 - Only 3 members
 - May not include more than 1 who is a member of any public body

What is Legal Action?

- **A collective decision, commitment or promise made by a public body**

Public's Rights

- Attend
- Listen
- Make a recording
 - Audio or video
 - Provided there is no active interference with the conduct of the meeting

Public has **NO** Right to:

- Speak
- Disrupt

Practice Tips:

- *Clearly state the rules at the beginning of the meeting*
- *Make a good record of warnings before ejecting someone from the meeting or taking action against them for disruption*
- *Other statutes that apply to certain meetings may require allowing public participation (e.g., public hearings on administrative rules)*

Calls to the Public

- Optional: “A public body *may* make an open call to the public.”
- *Reasonable* time, place, and manner restrictions, for e.g.:
 - Limits on time
 - Prevent repetition
 - Prohibit disruptive behavior

Common Pitfalls of Calls to the Public

- The public may discuss matters not listed on the agenda
- If it's not an agenda item, the public body can only:
 - Direct staff to study the matter
 - Ask that a matter be placed on a future agenda
 - Respond to criticism

NOTE: These three responses must take place at the **conclusion of the call to the public*

Electronic Devices

A Word of Caution

Electronic Devices

- Electronic devices can turn a conversation into a meeting
 - Emails
 - Texts
 - Teams or messaging programs
 - Social media comments
 - Other apps like WhatsApp, Snapchat, etc.
- It does not matter if it is on your work device or your personal device
- Don't forget about public records!

Use of Electronic Devices

- Cannot use any device to circumvent the law
- “Splintering the quorum”:
 - Serial communications (oral, written, electronic, in person etc.)

Staff E-mail

- Not a Violation for staff to send email to the public body
- Staff may send e-mail or other communications to board members
- Passive receipt of information from staff, *without more*, does not violate the open meeting law
 - Examples: board packets, information about scheduling next meeting

Proposing an Agenda Item (Not a Violation)

- Proposing an item for the agenda does not propose legal action
- **“without more”**
- Caution:
 - communicate the *topic* only, *not* the legal action you want the board to take

Staff & Other Persons

- Cannot knowingly direct staff to communicate in violation of the open meeting law
- Sanctions may be imposed on someone who knowingly aids, agrees to aid, or attempts to aid another person in violating to open meeting laws

Appearance of Impropriety

- Using electronic devices during a meeting:
 - Even if you are not discussing business over text during a meeting, remember that the public is watching

Practice tip: Do not use electronic devices during a public meeting unless absolutely necessary

Open Meeting Law

Notice

The Initial Statement

- Tells the public where individual meeting notices will be posted
- Must be posted on public body's website
- Except for Special Districts ...

Notice of Meetings

A.R.S. § 38-431.02(C)

Provided at least 24 hours in advance of the meeting:

- To all members of the public body
- To the general public
- 24 hours may include Saturdays **IF** the public has access to the physical posting location. May not include Sundays or other legal holidays

Exceptions:

- Recess and resume
- Actual emergencies

Contents of Notice

- The name of the public body
- Date, Time, and Place
- Must include an agenda OR inform the public how to obtain a copy of the agenda

Posting Meeting Notices

- Must be posted in all locations identified in the Initial Statement. This must be a location where the public has access
- Must post it on the website
- Must give additional notice that is reasonable and practicable
- Except for Special Districts ...

Special District Initial Statements and Meeting Notices

A.R.S. § 38-431.02(A)(3)

- Special Districts may file their Initial Statement and Meeting Notices on their websites and/or physical locations, as other public bodies.
- If they choose not to post on a website, Special Districts must file an Initial Statement with the Clerk of the Board of Supervisors that states where all Meeting Notices will be posted.
- Allows Special Districts to post Meeting Notices in only physical locations.
- If possible, posting notices on a website is recommended.

Social Events & Seminars

- Consider posting a “courtesy notice” announcing the event and disclosing that a quorum might be present
- Identify date, time, location, and purpose, as appropriate under the circumstances
- State that no business of the public body will be discussed and no legal action will be proposed or taken
- Members must be scrupulous to avoid improper discussion

Open Meeting Law

Agenda

The Agenda

- Specific matters to be **discussed, considered, or decided**
- Information *reasonably necessary to inform the public*
 - All discussion must be reasonably related to an adequately described agenda item
- Time the public will have access to the physical location, unless the meeting is solely virtual

If it's not on the agenda...

- You cannot discuss it!
- You can ask to put it on a future agenda
- New items must wait for a future meeting

Open Meeting Law

Minutes

Minutes

- Minutes or recording required
 - If you use a recording to transcribe or create minutes, you have to retain the recording for 3 months after minutes are approved (per State Library)

Content of Public Meeting Minutes

- Date, time, and place of meeting
- Members present & absent
- General description of matters considered
- Accurate description of “all legal actions proposed, discussed, or taken” including:
 - A record of how each member voted
 - Names of members who propose each motion
 - Names of persons, as given, making statements or presenting material to the public body; and
 - A reference to the legal action about which they made statements or presented material

Access to Public Meeting Minutes

- Minutes or a recording shall be open to public inspection **3 working days** after the meeting
 - *Not after approval!*

Open Meeting Law

Executive Sessions

Executive Sessions

- Public excluded
- Only permitted for matters listed in A.R.S. § 38-431.03(A)
- Must include possibility of executive session in the meeting notice and agenda
- Must vote to enter executive session
- Discussion is confidential
- No action permitted
- Must have minutes or recording

Reasons for Executive Sessions

- **“Discussion or consultation for legal advice with the attorney”**
- Records exempt from public records laws
- Discussing positions and instructing the attorney about contract negotiations, pending litigation, or in settlement talks
- Discussing negotiations re: purchase, sale, or lease of real property
- Discussing security plans, procedures, or systems
- Employment issues re: public officer, appointee, or employee

Executive Session Notice/Agenda

- Notice must include the specific statutory section authorizing the executive session
- Agenda must provide a general description of the matters to be discussed or considered
 - Needs to be more than a statutory citation
 - Need not contain information that would defeat the purpose of the executive session

Executive Session Meeting Minutes

- Are **confidential** (with exceptions)
- The requirements are almost the same as for regular sessions
- Minutes must include:
 - Date, time, and place of meeting
 - Members present & absent
 - General description of matters considered
 - An accurate description of all instructions given
 - “Such other matters as deemed appropriate by the public body”

Executive Session Pitfalls

- Inappropriate disclosure
 - What happens in executive session stays in executive session
- Taking legal action
 - All votes must take place in public
- Discussion about *what action to take*, rather than discussion about the available options or criteria

Open Meeting Law

Violations

Why It Matters

- Legal action taken during a meeting held in violation of any provision of the open meeting law may be null and void unless ratified
- The penalties can be harsh

Penalties for Public Bodies

- All action is null and void
- Can ratify action after the violation
 - Within 30 days after violation is “discovered or should have been discovered”

Penalties for Individuals

- Individual members who violate and any persons who aid, attempt, or agree to aid – must be “knowingly”
 - **Civil penalty (paid by individual) up to \$500 for the second violation.**
 - **Up to \$2,500 penalty for third violation and on.**
- Fines come out of your own pocket and can’t be reimbursed
- **If person who is otherwise liable “objected to the action of the public body and the objection is noted on a public record, the court may choose not to impose a civil penalty on that person.”**

More Penalties for Individuals

- If a public officer “knowingly” violated “with intent to deprive the public of information” –
 - Court may remove public officer from office **and**
 - Charge officer and any person that aided, agreed to aid, or attempted to aid, all the costs and attorney’s fees

How to Handle (Possible) Violations

- During a meeting: Recess and assess
 - Can you resolve the issue and continue?
- Ratify
- Does a single OML violation taint your whole meeting?

Open Meeting Law

Final Thought

OML: When in Doubt...

- **RESOLVE ALL DOUBTS IN FAVOR OF OPENNESS!**
- And feel free to contact the OCA if you have questions!

Resources

- Arizona Agency Handbook, Chapter 7
- Ombudsman's Arizona Open Meeting Laws Booklet
- Ombudsman website
- Attorney General Opinions
 - 1999 - Present
 - Prior to 1999

Questions?

Nick Bacon

Staff Attorney

Arizona Ombudsman-Citizens' Aide

nbacon@azoca.gov or ombuds@azoca.gov

(602) 277-7292

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Willcox AMA Management Plan Timeline

May 26, 2026

Where are we now in the Process?



Establishment & Development

- Within two years of the establishment of the AMA, ADWR is required to write and adopt a Management Plan. A.R.S. § 45-569.
- Over the last year and a half, ADWR met with stakeholders, hosted workshops, shared information, and requested feedback on the potential conservation programs that may be implemented into the Plan.
- We appreciate everyone who has participated in this work.



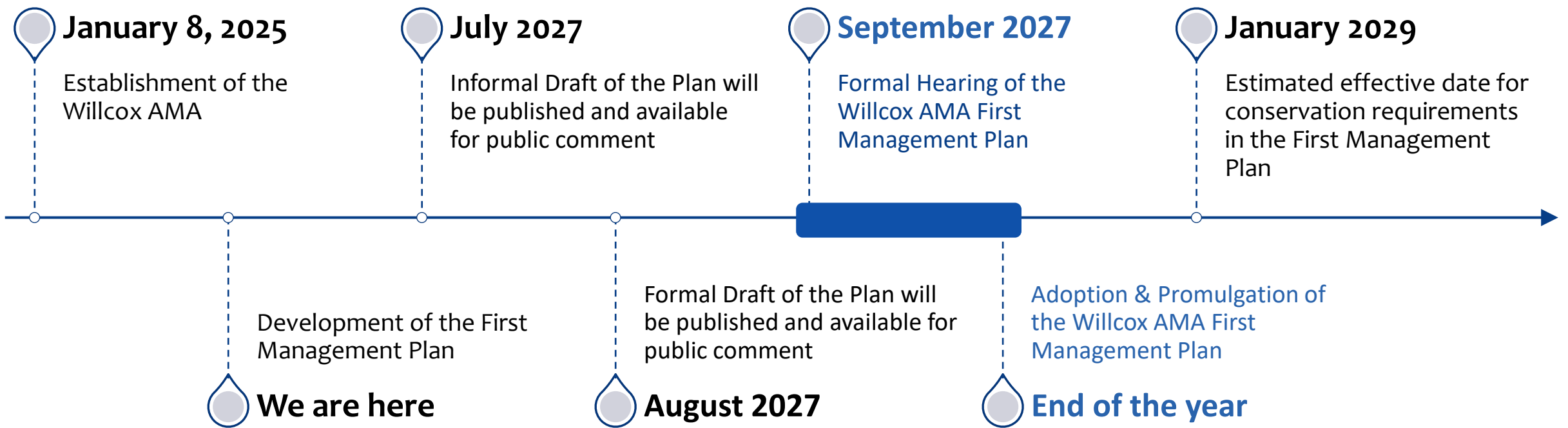
Informal & Formal Drafts

- The Department will publish an informal draft of the Plan and will review any comments received by the public.
- After making any changes based on informal comments received, ADWR will complete and publish a formal draft and begin accepting formal comments.



Formal Hearing & Adoption

- Within 30 days of completing the formal draft, the Department will notify the public of the formal hearing. A.R.S. § 45-570(B).
- Between 30-60 days after the notice, ADWR will hold a formal hearing. A.R.S. § 45-570(C). At that hearing ADWR will present data in support of the adoption of the proposed Management Plan and a summary of the received comments. A.R.S. § 45-570(D).
- Within 30 days of the hearing, the Director will publish a written summary and findings. A.R.S. § 45-571(A).
- If the Director decides to adopt the Management Plan, the Director will also file an order adopting the Plan. A.R.S. § 45-571(B).



Providing Comments and Input to ADWR

Send comments regarding Management Goal & Plan:

managementplans@azwater.gov

Other AMA questions:

AMA Customer Service email: earp@azwater.gov

AMA Customer Service phone: 602.771.8585



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