

NOTICE OF PUBLIC MEETING OF THE WATER CONSERVATION GRANT FUND COMMITTEE FOR THE PURPOSE OF RATIFYING PAST ACTIONS TAKEN IN VIOLATION OF OPEN MEETING LAW

LOCATION: **Virtual Only** - <https://azcommerce.zoom.us/j/97798022765>
Join by Phone – (253) 215-8782 | **Meeting ID:** 977 9802 2765

DATE: March 19, 2024

TIME: 2:00 PM

Pursuant to A.R.S. § 38-431.05, notice is hereby given to the members of the Water Conservation Grant Fund Committee and to the general public that the Water Conservation Grant Fund Committee will hold a meeting open to the public on March 19, 2024, at 2:00 PM. This meeting will be held virtually only. Members of the public may attend by using the meeting information listed above.

The agenda with meeting information will be available on WIFA’s website:
[https://www.azwifa.gov/news/public-meetings.](https://www.azwifa.gov/news/public-meetings)

The purpose of the meeting is to ratify actions of the Water Conservation Grant Fund that may have been taken in violation of the Open Meeting Law. These actions involved:

- January 24, 2024 Water Conservation Grant Fund Committee Meeting:
 1. Vote to recommend Grant Application WC4-191-2024 – Town of Gilbert for approval by the WIFA Board of Directors.
 2. Vote to recommend Grant Application WC4-192-2024 – Town of Gilbert for approval by the WIFA Board of Directors.

A detailed written description of the actions to be ratified, and all deliberations, consultations, and decisions by members of the public body that preceded and relate to the actions to be ratified is attached to this Notice.

Dated this 13th day of March, 2024.

Water Infrastructure Finance Authority

By 

Charles Podolak, Director

WIFA is committed to complying with the Americans with Disabilities Act. Persons with a disability may request reasonable accommodation, such as a sign language interpreter, by contacting WIFA at (602) 364-1310. Requests should be made as early as possible to allow time to arrange the accommodation.

DETAILED WRITTEN DESCRIPTION OF ACTIONs TO BE RATIFIED

Pursuant to A.R.S. § 38-431.05(B)(3), the following is a detailed written description of the actions proposed to be ratified at a public meeting of the Water Conservation Grant Fund Committee on March 19 2024, at 2:00 p.m., being held virtually. Members of the public may attend this meeting:

Online: <https://azcommerce.zoom.us/j/97798022765>

Phone: (253) 215-8782 **meeting ID:** 977 9802 2765

Actions to be Ratified: Ratification of actions taken in possible violation of Open Meeting Law is authorized by A.R.S. § 38-431.05(B). The actions allegedly taken in violation of the Open Meeting Law, and the actions proposed to be ratified, are described below:

1. A vote to recommend Grant Application WC4-191-2024 – Town of Gilbert for approval by the WIFA Board of Directors.
2. A vote to recommend Grant Application WC4-192-2024 – Town of Gilbert for approval by the WIFA Board of Directors.

Description of Activities that Relate to the Actions to be Ratified: On January 24, 2024, the Water Conservation Grant Fund Committee (the “Committee”) held a regular meeting to review applications for grant requests from the Water Conservation Grant Fund and to make recommendations regarding those applications to the Water Infrastructure Finance Authority of Arizona’s Board of Directors (the “Board”). Pursuant to A.R.S. § 49-1335(A), the Committee is established and consists of eight (8) members. The January Committee meeting was called to order at approximately 1:02 PM with five (5) members in attendance; Member Sam Draper; Member Andrea Gerlak; Member Rhett Larson; Member Erin Young; and Chairwoman Kim Schonek. Member Blake Anderson joined the meeting at approximately 1:04 PM. The Committee proceeded to transact its business, including reviewing grant applications.

At approximately 1:20 PM Member Rhett Larson left the meeting. At approximately 3:00 PM Member Sam Draper left the meeting. Member Rhett Larson rejoined the meeting at approximately 3:08 PM.¹ Thus, from approximately 3:00 PM – 3:08 PM, there were four (4) Committee members in attendance, and the Committee did not have a quorum and could not transact business.² During those eight (8) minutes, the Committee voted unanimously (4-0) to recommend Grant Application WC4-191-2024 in the amount of \$60,000 and Grant Application WC4-192-2024 in the amount of \$250,000 for approval by the Board. Both applications were submitted by the Town of Gilbert. On February 21, 2024, the Board met independently to consider, among other items, the Committee’s recommendations. During the February Board meeting, the Board approved Grant Applications WC4-191-2024 and WC4-192-2024 by a vote of 6-0.³

Staff discovered the quorum issue on February 28, 2024, while reviewing the January Committee meeting minutes.

¹ The January Committee meeting minutes are recorded and publicly available on the Water Infrastructure Finance Authority of Arizona’s webpage at: <https://www.azwifa.gov/news/public-meetings>

² Arizona statutes generally define a quorum as a majority of the members of a board or commission. A.R.S. § 1-216(B). Because there are eight (8) members of the Committee, a minimum of five (5) members is required for quorum purposes.

³ Although there are nine (9) members of the Board, six (6) members were in attendance for the February Board meeting. Pursuant to A.R.S. § 49-1206(I), an affirmative vote of at least six (6) Board members is required to approve funding from the Water Conservation Grant Fund.






Notice of WCGF Action to be Ratified March2024

Final Audit Report

2024-03-13

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"Notice of WCGF Action to be Ratified March2024" History

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