The Board of Supervisors met in regular session February 17, 2016 at 9:00 a.m. in Cottonwood, Arizona. Present: Jack R. Smith, Chairman; Thomas Thurman, Vice-Chairman, Craig Brown, Member; Rowle P. Simmons, Member; A. G. "Chip" Davis, Member; Phil Bourdon, Count Administrator Also Present: Jack Fields, Assistant County Administrator/Deputy County Attorney; Barbara Fox-Thomas, Deputy Clerk of the Board; DeShannan Young, Administrative Assistant II

CALL TO ORDER

Chairman Smith called the meeting to order.

INVOCATION - Pastor Rob Biggs, Evangel Worship Center

Pastor Rob Biggs led the invocation followed by the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

ROLL CALL

Barbara Fox-Thomas, Deputy Clerk called roll and informed the Chairman a quorum had been met.

SUPERVISORS’ REPORTS AND COUNTY ADMINISTRATOR’S REPORT Pursuant to A.R.S. §38-431.02(K), individual Supervisors and the County Administrator may present brief summaries of current events but no discussion may occur and no action may be taken regarding anything that is presented.

Supervisor Brown stated the mastication program had been started around the Granite Oaks, Black Jack and Chipmunk. It is being done by the state and should be completed in May. Supervisor Davis recognized Penny Pew with Congressman Gosar’s office in the Prescott Boardroom. Supervisor Simmons stated that the first meeting of the Courthouse Centennial Committee took place. He and Mr. VanKeuren would be sitting on the committee for District 1. Supervisor Thurman reminded everyone that construction had begun on Highway 169 turn lanes so drive with caution. Supervisor Brown also added that the Governor signed a proclamation in support of the restoration of the JTEG funding. He said that they are anticipating 95% of the funds to be restored.

PRESENTATIONS

1. **Board of Supervisors** - Presentation by Leon Thomas, Phoenix District Office District Manager, Bureau of Land Management regarding the District's engagement with the county. Leon Thomas and Rem Hawes participated in the presentation. No comments from the public.

Mr. Thomas introduced himself as the new District Manager for the Phoenix District Office for Bureau of Land Management (BLM). He has been in the position for four months. He shared with the Board some of the district projects. Wickenburg – Box Canyon has been put on hold waiting for the U.S. Fish & Wildlife Service to make a final designation of critical habitat for the Yellow-billed Cuckoo. Supervisor Thurman asked if possible closure of the area was still possible. Residents in the area like to have access. Mr. Hawes stated that it is still possible but unlikely.
Supervisor Simmons asked what the Yellow-billed Cuckoo is. Mr. Hawes stated that it was a migratory bird. Mr. Hawes stated that he suspected that Box Canyon will not be designated as critical habitat for the bird. Wickenburg – White Spar 69kV Rebuild is a joint effort between BLM and the Prescott National Forest. APS will be adding capacity to avoid failure for some communities in the area. Skull Valley fuels treatment is being completed. Mr. Thomas made the Board aware of a grant opportunity for communities for hazardous fuels reduction. He said the office offers workshops to help with grant-writing. Costco & Creekside areas were mechanically treated by BLM saw crews or masticators in 2015. Skull Valley – Mining Exploration will begin drilling and removing up to 1,000 tons bulk sample at the Kitty Litter Mine. Supervisor Simmons asked if a full blown Environmental is required. Mr. Thomas stated that only if the mining company finds the site viable and wanted to move forward. Black canyon National Recreation Trail received critical support from Supervisor Thurman. Supervisor Brown welcomed Mr. Thomas to his new position and stated that he looked forward to working with him and addressing the communication issues that have come up in the past. Mr. Thomas returned the sentiments.

2. **Board of Supervisors** - Verde River Basin Partnership presentation on the "Verde River Basin Water Resources Primer" by Chris Jensen, VRBP Board Member participated in the discussion. No comments from the public.

Mr. Jensen stated that the Verde River Basin Partnership (VRBP) is a non-profit science and educational organization regarding the Verde River. The Verde River is under threat. The biggest threat is from excessive groundwater pumping. The number of wells in the last 50 years has increased 400% causing a reduction of flow in the Verde River. We need to protect the river. It is VRBP belief that education is part of that protection. The “Verde River Basin Water Resources Primer” is a 138 page document consisting of nine chapters. It is VRBP’s hope that the “Primer” will be a valuable tool to government officials to make wise decisions in regards to the Verde River. Mr. Jensen then presented each of the Board members with a copy of the book. Supervisor Brown asked if it covered the impact of a possible Prescott Water Ranch. Mr. Jensen said that it did but it was not specific to the pipeline. He said there were issues throughout the basin that needed to be addressed. Supervisor Brown agreed and said that we need to take a hard look at this. Mr. Jensen pointed out that one of the biggest issues was the lack of recognition by the State that surface water and groundwater were connected making it hard to do an effective management strategy. Supervisor Thurman said that decisions need to be made before the Federal government tries to take over and dictate the appropriate course of action. Supervisor Davis thanked Mr. Jensen for saying that it was a basin wide issue and thanked them for addressing the entire system. It invites everyone to the table. Supervisor Davis asked who the author was. Ed Wolfe and Bill Myer were the authors with contributions from others including Jean Marie Haney. Supervisor Simmons said that looking at the entire basin goes a long way to reach regional cooperation instead of pitting side against side. Chairman Smith stated that we need to be all inclusive and work together to find solutions.

**CONSENT AGENDA** Upon a motion made by Vice Chairman Thurman, seconded by Supervisor Simmons, the Board voted unanimously to approve all items on the Consent Agenda except for items 9, 10, 17 and 23.

1. **Board of Supervisors**- Approve minutes of meeting of January 27, 2016 and February 3, 2016.
2. **Board of Supervisors** - Consider establishment of proposed Mystic Heights Domestic Water Improvement District and Mystic Heights Domestic Wastewater Improvement Districts (Sedona area) pursuant to Title 48, Chapter 6, and specifically A.R.S. §48-905, and if establishment is approved also appoint the district's first board of directors; Doug Hawkins, Suzanne Hawkins and Steven Hawkins and approve the Order of Establishment as requested by the petitioner. Barbara Fox-Thomas, Deputy Clerk of the Board. Resolution 1933 and 1934.
3. **Board of Supervisors**- Approve appointment and removal of precinct committeemen as recommended by the Yavapai County Republican Party all as evidence in Board Memorandum No. 2016-01.
4. **Board of Supervisors** - Approve acceptance of Prop 202 Funding from the Yavapai-Apache Nation in the amount of $20,629.20 to be divided $2,500 Beaver Creek Buggy, $10,000 Friends of the Verde River Greenway, $3,129.20 Rainbow Acres, $2,500 Verde Valley Caregivers and $2,500 Y.E.S. the Arc.

5. **Board of Supervisors** - Approve Resolution authorizing the issuance of Revenue Bonds (West Yavapai Guidance Clinic Project) of the Industrial Development Authority of the County of Yavapai. Donald Zavala, Attorney for the Industrial Development Authority. Resolution 1931

6. **Board of Supervisors** - Approve vouchers.

7. **Development Services** - Recommend to the Arizona Department of Liquor Licenses and Control approval of a Series 06 (06130068) Acquisition of Control application for Anthony Lee Schaible of the Javalina Crossing Saloon located at 34441 South Old Black Canyon Highway, Black Canyon City, AZ 85324.

8. **Development Services** - Approve a Use Permit to allow for the existing use of the building as a medical office on an approximate .37 acre (16117 sq. ft.) parcel in an R1L-18 (Residential; Single Family; Limited) zoning district; Marcus J Lawrence Memorial Hospital; Jeanette M. Estes; APN: 405-06-133; HA# H15094. The property is located on Candy Lane in the Montezuma Park Unit 5 subdivision in the Community of Lake Montezuma. S01 T14N R05E G&SRB&M Staff: Tammy DeWitt; Supervisor District 2, Tom Thurman

9. **Development Services** - Approve a Use Permit to allow for short term rental (less than 30 days) of existing house on a .2 acre (8712 sq. ft.) parcel in a PAD (Planned Area Development) zoning district. Max and Pamela Redmond. APN: 405-50-004. HA# H15086. The property is located on the east side of Sunridge Circle in the Sedona Golf Resort Parcel J in the Community of Village of Oak Creek. Supervisor District 3 S23 T16N R05E G&SRB&M Staff: Tammy DeWitt, Senior Planner participated in the discussion. Unanimously approved. Motion made by Supervisor Davis, seconded by Vice Chairman Thurman. No comments from the public.

Supervisor Davis recognized Commission Linder in the audience. Supervisor Davis stated that the Big Park Regional Coordinating Council requested the Use Permit be for a five year term instead of a six year term but the Commission approved the six years. Ms. DeWitt stated that it was left at six years to fall in line with the two year administrative review.

10. **Emergency Management** - Request adoption of a resolution to establish the Yavapai County Unified Emergency Management Advisory Committee pursuant to Presidential Policy Directive 8 for National Preparedness, as well as Homeland Security Presidential Directive 8, and appoint jurisdictional nominations to sit on the committee. The resolution has been reviewed by County Counsel. Item tabled.

11. **Facilities/Capital Improvements** - Request approval to award Authorization of Services No. 1520871 to the Contract for Professional Services dated June 7, 2010 between Yavapai County and CIVILTEC ENGINEERING, INC. in the amount not to exceed $14,558.00 for Yavapai County Public Works Complex, 1100 Commerce Drive, Prescott, for a water hydrant line extension. Kenny Van Keuren, Facilities/Capital Improvements Director.

12. **Flood Control District** - The Board of Supervisors will resolve into the Board of Directors of the Yavapai County Flood Control District, and following consideration of this item will reconvene as the Board of Supervisors - Approve FY 15/16 funding in the amount of $180,000 for a new Community Intergovernmental Agreement (IGA) with the City of Cottonwood for the Citywide Drainage Study and Improvements Project.

**BOARD OF DIRECTORS**

**YAVAPAi COUNTY FLOOD CONTROL DISTRICT**

**Minutes of Meeting**

**February 17, 2016**

The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District.
Present: Jack R. Smith, Chairman; Thomas Thurman, Vice-Chairman; Craig L. Brown, Member; A. G. “Chip” Davis, Member; Rowle P. Simmons, Member and Phil Bourdon, County Administrator.

Also present: Jack Fields, Assistant County Administrator/Deputy County Attorney; Barbara Fox-Thomas, Deputy Clerk of the Board and DeShannan Young, Administrative Assistant II.

Upon a motion made by Vice Chairman Thurman, seconded by Director Simmons the Board voted unanimously to approve the FY 15/16 funding in the amount of $180,000 for a new Community Intergovernmental Agreement (IGA) with the City of Cottonwood for the Citywide Drainage Study and Improvements Project.

13. **Human Resources** - Approve revisions to an existing County job description: E-Rate Manager
14. **Public Defender** - Approval of substitute contract for Dependency Indigent Services to replace a contract attorney
15. **Public Defender** - Approve the use of Conflict Contract Administrator on cases where the Public Defender represents a co-defendant. Yavapai County has used a similar process in the past.
16. **Public Works** - Approve Change Order #1 (Final) with Asphalt Paving & Supply, Inc. for 2015/2016 Fall Overlay Project in Yavapai County, AZ; Project #1520381, in the decreased amount of $17,901.66.
17. **Public Works** - Request approval to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) to fund an amount of $8,747.00 to construct a right turn lane at the intersection of Highway 89 and Verde Ranch Road (District 4) Byron Jaspers, Public Works Director participated in the discussion. Unanimously approved. Motion made by Supervisor Davis, seconded by Vice Chairman Thurman. No comments from the public.

Supervisor Davis wanted to point out that this project was brought on by a partnership with ADOT and that these partnerships were in the best interest of the citizens. Supervisor Brown stated that this was part of an on-going safety project in the Paulden area. Chairman Smith thanked Mr. Jaspers for bringing these and other partnerships to the Board.

18. **Public Works** - Accept two easements and two land surveys for right of way on Poland Road. Mayer area.
19. **Public Works** - Approve Authorization of Services #1620875 with Engineering & Testing Consultants, Inc. (ETC) for soil survey and pavement thickness design for future improvements to Tolemac Way in the lump sum total amount not to exceed $4,150.00. District 4.
20. **Public Works** - Release the financial assurances held in retention for the construction of the extension of Monterey Circle in Phase II of Sedona Villas at Las Piedras. The road is classified as private and will not receive maintenance from Yavapai County. (Sedona Area)
21. **Public Works** - Approve Change Order #1 (FINAL) to Authorization of Services #1520863 with Western Technologies, Inc. in the increased amount of $1,625.00 for additional testing services on the 2015-2016 Fall Overlay Project #1520381. Chino Valley area.
22. **School Superintendent** - Approve agreements between Yavapai County School Superintendent and Pace Preparatory Academy, Valentine Elementary School District # 22, and Yucca Elementary School District # 13 for E-Rate Consulting Services.
23. **School Superintendent** - Approve the annual Intergovernmental Agreement (IGA) among the Arizona Supreme Court, the Yavapai County Board of Supervisors, the Yavapai County School Superintendent and the Yavapai County Superior Court. The purpose of the IGA is to define the responsibilities of the parties in the development of education programs and the use of funds. The Arizona Administrative Office of the Courts (AOC) provides $142,476 in funding for the Juvenile Detention Education Program. Item tabled.
24. **Sheriff** - Approve six employees to attend the Basic Crisis Negotiation School in Glendale, AZ on February 29 - March 4, 2016.
25. **Sheriff** - Approve two employees to attend the Conference on Crimes Against Women in Dallas, TX from April 4-6, 2016.
26. **Voter Registration** - Consider selling one Voter Drop Box for $1.00 to the Town of Dewey-Humboldt at 2735 S Hwy 69, Humboldt, AZ.

### ACTION

1. **Board of Supervisors** - Approve proclamation for Yavapai County Salute to National Veterans Patients Week for recognition of veterans of US Armed Forces who are currently under the care of the Veterans Administration Hospitals (VA). Unanimously approved. Motion made by Supervisor Brown, seconded by Vice Chairman Thurman. No comments from the public.

Ms. Fox-Thomas read the proclamation. Chairman Smith pointed out that many of the Board members had participated in the visiting of the veterans at the V.A. and was able to hand out valentines cards made by local school children. Supervisor Brown said that it was important to let veterans know that our V.A. is very well ran and that he is thankful for the care they provide to our veterans.

2. **Board of Supervisors** - Discussion and possible action regarding legislative updates. Supervisor Thurman, Liaison for the Legislative Policy Committee on the County Supervisors Association. No action taken.

Vice Chairman gave a brief PowerPoint stating this was the 38th day of the Arizona 52nd Legislature, 2nd Regular Session. There are 1,219 bills and 105 resolutions posted. February 19th is the deadline for bills to be heard in their chamber of origin and members are pushing to have their bills heard. March 18th is the last day for committee hearing to hear bills from the opposite chamber. Any bill that has not cleared the committee process by then is considered dead. Vice Chairman Thurman stated that last week the legislature and the governor agreed on a package that will restore $28M of the $30M cut to JTED. The Arizona Sheriff Association met with Governor Ducey to express their concerns over recent cost shifts. The House took up all three PSPRS reform bills sponsored by Senator Lesko. All three of the bills passed out of the Senate last week. All three bills passed out of the House with modification that will require Senate approval with one of the measures set to go to the ballot this May. There are concerns that the reforms did not go far enough. Vice Chairman Thurman then went over the Executive Budget Impacts to Counties. The Annual impact is $3.4M for Yavapai County. Vice Chairman Thurman then went over the bills discussed at the Legislative Policy Committee (LPC) meeting. HB 2051 catastrophic public nuisance; determination; abatement, LPC voted unanimously to oppose. SB 1282 public records; unduly burdensome requests motion passed to support. SB 1306 county development fees – CSA had sent a request to counties for feedback. HB 2267 prime contracting classification; repeal CSA is reviewing a strike everything amendment that was amended onto the bill. SB 1419 inmate medical services; rate structure only includes three largest counties, opposing. SB 1257 misconduct involving weapons; public places will be brought back to the CSA board of directors next week. HB 2517 business professionals; regulation restrictions and SB 1347 county dust control; residential property are both being opposed. Supervisor Brown thanked Vice Chairman Thurman for his service.

### HEARINGS

1. **Development Services** - Approve a Use Permit to allow for the existing dairy buildings to be used as an event venue for weddings, corporate retreats, business conferences, etc. on a portion of an approximate 43 acre parcel in an R1L-18 (Residential; Single Family; Limited) zoning district. Mongini House I, Casa Verde Consulting. APN: 406-04-017A. HA# H15087. The property is located on UVX Road south off of SR 89A adjacent to the City of Cottonwood. S02 T15N R03E G&SRB&M Staff: Tammy DeWitt, Senior Planner and Mike Gardner participated in the
Ms. DeWitt gave a brief PowerPoint presentation regarding the proposed Use Permit. She showed the area location along with imagery of the property and the proposed project. The Use Permit would allow existing building to be used for special events, 25 events a year with a maximum of 250 guests. Applicant is also asking for a waiver of paving requirements and screening and landscaping requirements. The property has been a working dairy since the 1800’s. Development Services received three letters of support and one letter of opposition. The concerns expressed in the letter of opposition were that it would disrupt area and residents, lower property values and traffic problems. The Planning and Zoning Commission gave it a unanimous recommendation for approval. Supervisor Brown had concerns regarding the waiver for the paving permit because of the ADA requirements. He also questioned what the mitigation for dust control in the parking area would be. Mr. Gardner, agent for the applicant, stated that the parking area is a grass pasture which is irrigated. Supervisor Brown still had concerns that with continuous use the grass would die which would lead to a dust control issue. Supervisor Brown asked if the Health Department had taken a look at and if they had any concerns. Ms. DeWitt stated that they were notified of the project but have brought forth no concerns or requirements. Supervisor Brown said that he wished issues were ironed out before being brought before the Board. Mr. Gardner stated that the biggest obstacles for the applicant at this time are the Fire District’s requirements. Vice Chairman Thurman asked what the size of the Barn is. Mr. Gardner stated that it is 5,100 sq. ft. Vice Chairman Thurman suggested they try working with the Fire District to receive waivers for some of the requirements. Chairman Smith stated that he believed the Fire District’s requirements were good and for everyone’s safety. Supervisor Davis stated that he hoped the applicant would continue with the project. People visit Arizona to get a feel for the wild west. He believed this would be great for the economic development of the area and a great attraction for Yavapai County. Supervisor Brown again voiced his concern about the dust control.

2. Public Works - Consider approving a resolution establishing Casa de Corte Via and Siesta Lane in Casa de Corte Acres as County highways. Village of Oak Creek area. Byron Jaspers, Public Works Director participated in the discussion. Unanimously approved. Motion made by Supervisor Brown, seconded by Supervisor Simmons. No comments from the public. Resolution 1932

Mr. Jaspers stated this resolution would be to establish Casa de Corte Via and Siesta Lanes as County Highways. Whenever Public Works is paving a road the County needs to establish those roadways. He stated that these are a couple of the last dirt roads in the area and paving would save on maintenance cost in the future.

CALL TO THE PUBLIC: Individuals may address the Board for up to 3 minutes on any relevant issue within the Board’s jurisdiction. Pursuant to A.R.S. §38-431.01(H), Board members shall not discuss or take action on matters raised during the call to the public. The Board may direct staff to study the matter or direct that the matter be rescheduled for consideration at a later date.

Penny Pew with Congressman Gosar’s office gave an update on the work Congressman Gosar had been doing. She stated that he would be holding a town hall meeting on March 8 at 6pm and a “Cops and Coffee” on March 9 from 8:00-9:00. Vice Chairman Thurman thanked Ms. Pew for her diligence. Supervisor Simmons commended her for the work on the Skull Valley mining issue. He stated that the office has been very proactive. Supervisor Brown said that the whole office was wonderful to work with and that the Congressman for his work with the veterans. Chairman Smith echoed the sentiments of the other Board members. Each of the Constable applicants in attendance introduced themselves to the Board and gave a brief explanation of their background. Supervisor Brown reminded the applicants that the
appointment was only till the end of the year and that they would have to run for office if they wanted to continue.

Motion made by Supervisor Simmons to move into Executive Session, seconded by Supervisor Brown.

**EXECUTIVE SESSION**

1. **Board of Supervisors** - Convene into executive session pursuant to A.R.S. §38-431.03(A)(1), to discuss the possible appointment of the Verde Valley Constable.
2. **Board of Supervisors** - Convene into executive session pursuant to A.R.S. §38-431.03 (A)(1) for discussion regarding Clerk of the Board recruitment.
3. **Board of Supervisors** - Convene into executive session pursuant to A.R.S. §38-431.03(A)(3) and (A)(4) for legal advice/consultation regarding pending litigation: Phoenix Cement Company vs. Yavapai County.

**EXECUTIVE SESSION FOLLOW-UP ACTION**

1. **Board of Supervisors** - Consider appointment of the Verde Valley Constable. Unanimously approved. Motion by Supervisor Davis to appoint Mr. Jody Fanning as the Verde Valley Constable effective March 1, 2016. No comments from the public.

Chairman Smith and Supervisor Simmons both stated that this was a very tight race and that all five candidates were extremely qualified. Chairman Smith again reminded everyone that this appointment was just till the end of the year and that they would need to run for office. Supervisor Davis agreed and told everyone to be aware of all the issues that are coming before the legislature regarding constables.

2. **Board of Supervisors** - Consider such action as may be required regarding pending litigation in Phoenix Cement Company vs. Yavapai County. No action.

**COPIES OF THE AGENDA ARE AVAILABLE IN THE BOARD OF SUPERVISORS’ OFFICE, 1015 FAIR STREET, ROOM 310, PRESCOTT, ARIZONA, OR AT THE BOARD OF SUPERVISORS’ COTTONWOOD OFFICE, 10 SOUTH 6TH STREET, COTTONWOOD, ARIZONA, AFTER 2:00 P.M. ON WEDNESDAY PRECEDING THE MEETING. THE AGENDA IS ALSO AVAILABLE AFTER 2:00 P.M. ON THURSDAY ON THE INTERNET AT: WWW.CO.YAVAPAI.AZ.US . ANY AMENDMENTS TO THIS AGENDA WILL BE NOTICED AS PROVIDED IN A.R.S. 38-431.02 AND WILL BE REFLECTED IN THE MEETING RESULTS POSTED ON THE WEBSITE FOLLOWING THE MEETING.**

Pursuant to the Americans with Disabilities Act, the Yavapai County Board of Supervisors endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact the Board of Supervisors’ Office at (928) 771-3200, TDD# (928) 771-3530 at least 48 hours prior to the meeting (not including weekends or holidays) so that an accommodation can be arranged.

**Posted: _______________________, at ______:______ by ______

____________________________________________

Clerk of the Board**