

OFFICE OF BOARD OF SUPERVISORS  
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

November 19, 2001

The Board of Supervisors met in regular session on November 19, 2001.

Present: Gheral Brownlow, Chairman; Lorna Street, Vice Chairman; Chip Davis, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney/Assistant County Administrator.

ITEM NO. 1. Board of Supervisors.

1. Resolve into the Board of Directors of Bryce Canyon Drive Sewer Improvement District and hold hearing on assessment and approve Resolution No. 2001-5, Approving the Assessment for the District. Reference: Special District minutes.
2. Resolve into Board of Supervisors. Canvass results of special election held on November 6, 2001, for the merger of the Cornville-Page Springs Fire District and the Verde Rural Fire District. Ms. Staddon told the Board that there was an 11.31% voter turnout in the Cornville-Page Springs Fire District, with 85.24% of those who voted voting in favor of the merger. She said that in the Verde Rural Fire District the voter turnout was 6.82%, with 93.42% of those who voted voting in favor of the merger and that as a result the merger election was successful. Supervisor Street moved to approve the results of the election. Supervisor Davis seconded the motion. He said he believed the reason there was low voter turnout was that people were very comfortable with what was taking place. He added that there was adequate public notice of the election given, and that both fire districts had worked hard to ensure that people knew about the proposed merger. He said he wanted to applaud the fire districts for their efforts. Chairman Brownlow called for the vote, which carried unanimously. There were no comments from the public.
3. Yavapai County Trails Committee members Bill Cowan, Fran Whetten and Lynn Reddell. Presentation of plaque from the U.S. Forest Service to the Board of Supervisors in appreciation for continued contributions to trail opportunities in the Verde Valley. Mr. Cowan presented to the Board a plaque, saying it was being given in recognition of the County's contribution to trails in the Verde Valley area. The Board thanked Mr. Cowan, Ms. Whetten and Ms. Reddell.
4. Bob Aberg, Big Park Regional Coordinating Council. Request for Yavapai County to enter into an intergovernmental agreement with the Sedona-Oak Creek School District for a school safety pathway project. Mr. Aberg showed the Board a map of existing and projected pathways in the Village of Oak Creek/Big Park area, pointing out the location of the elementary school and saying that the entrances to and exits from the school were located along Bell Rock Boulevard and that there were no pathways in front of the school. He said this was a problem. The Board members reviewed the map provided by Mr. Aberg, and Supervisor Davis said he believed that if the section of pathway by the school could be completed that it would improve safety in the area. Mr. Aberg told the Board that the school district had adjacent ways funds and had budgeted between \$25,000 and \$30,000 to help construct the pathway. He asked that the Board develop an intergovernmental agreement with the school district and begin the preliminary design of the pathway, saying that June of 2002 was the projected date to begin construction. He added that the proposed pathway would tie the entire community together with safe paths to travel. Supervisor Davis said this was an unusual situation in that the school district had come to the County with funding available for construction and had indicated that it would be willing to work with the County in the future regarding maintenance on the pathway. Supervisor Street asked if the total project cost would be \$30,000. Supervisor Davis said the Public Works Department did not believe it would cost any more than that amount, and that in any event the amount of available funds would not be exceeded. He said he had not asked anyone to determine the exact cost, but instead wanted to put this issue in front of the Board and obtain approval in order to have Public Works start working on it. Supervisor Street said there were 22 public school districts in the County, with eight or nine of them located in cities or towns. She said she had requests from school districts in Mayer, Yarnell and Congress that wanted the County to build sidewalks for them, and that while it was a good idea she did not believe that all good ideas had to be funded by the County. She said that if what Mr. Aberg was requesting would not cost the County anything, then she had no problem with it. She asked if the Public Works Department would be paid back for its time. Supervisor Davis said Public Works' time would probably be paid for out of the special projects

fund. He said this was a good opportunity, and that he was asking for permission to put together an IGA between the County and the Sedona-Oak Creek School District and for Public Works to begin looking at right-of-way acquisition and the like. Supervisor Davis moved to authorize Public Works to proceed with planning with the understanding that any expenditures have to come back to the Board for approval, and to authorize the development of an intergovernmental agreement between the County and the school district, saying that if there was not enough adjacent ways money available to do the project he would be willing to use part of his special projects money in order to ensure that the project is successful. Supervisor Street seconded the motion, which carried by unanimous vote.

5. Tohono O'odam Nation Vice-Chairman Henry A. Ramon. Consider approval of a resolution requesting Congress to amend the present nationality law and make all enrolled members of the Tohono O'odam Nation United States citizens and requesting that President George W. Bush sign the amendment. Mr. Ramon told the Board that Tohono O'odam means "Desert People", and that as of this date nine of the state's 15 counties had approved the resolution. He told the Board that this resolution had been identified in Washington, D.C., as a bipartisan, non-controversial issue and that it would likely be presented to Congress as part of a consent calendar. He said that the Immigration and Naturalization Service was remaining neutral on the issue, but had acknowledged that the problem could not be resolved administratively. Mr. Ramon said that the nationality laws had impacted his people because of their way of life. He told the Board that his people were born in their homes and therefore were not registered with the state and did not have documents to prove their United States citizenship. He said this affected 7,000 of his people, including 1,400 of them who lived across the border in Mexico. Mr. Ramon said he was asking for the Board's support because his people were being subjected to immigration law and could be deported. He explained that his Nation's constitution provided that all off spring of the people listed on the Nation's base roll were considered to be tribal members. He added that his Nation does the research on members and sends the list to the Secretary of the Interior for approval, and that the Nation was asking Congress to make the tribal enrollment card their official document of U.S. citizenship. Supervisor Street said she had been in Magdalena, Mexico during some of the festivals of the Tohono O'odam. She asked Mr. Ramon how tribal membership was determined and how it would be determined for children born in the future. Mr. Ramon responded that any offspring of current members would automatically be tribal members. He said his Nation was giving consideration to putting a limit to the blood quantum. Supervisor Davis asked Mr. Ramon if there was a limit on the quantum at this time. Mr. Ramon said there was not, but that consideration was being given to establishing a limit. Supervisor Street asking if the tribal members living in Arizona were included in the Bureau of Indian Affairs system. Mr. Ramon said they were. Supervisor Street asked if the same was true for members living in Mexico. Mr. Ramon said it was, but that those members had to cross the border in order to receive services and that this was a problem because of the immigration laws and the tribal members' lack of citizenship documents. Supervisor Davis asked what the INS would do to safeguard against people illegally using the tribal members' enrollment cards. Mr. Ramon said his Nation was working with the INS regarding that issue and that once the issue of citizenship was resolved his Nation would be in a better position to deal with the question of the cards because it would receive federal funds that it could use to help the border patrol. Supervisor Street moved to approve Resolution No. 1310. Supervisor Davis seconded the motion, which carried by unanimous vote.
6. Consider approval of items appearing on the Consent Agenda for Board of Supervisors and on the Consent Agenda for Special Districts. With the exception of items 4. and 6., all items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public. See Consent Agenda for detail.

ITEM NO. 2. Development Services Director Ken Spedding and Senior Planner Elise Link. Planning and zoning. Planning & Zoning Commission Chairman Helmut Woellmer was present to represent the Commission.

1. Consideration of renewal of a use permit to allow the continued use of a temporary sales office in the garage of a model home, 405-46-126 and 130, Big Park/Village of Oak Creek area, G. Thomas Tyo agent for Canyon Mesa III Associates, L.L.C., #1028. Consideration of Renewal of a Use Permit to allow the continued use of a

temporary sales office in the garage of the model home located on Lot 10 or relocated to the garage in the model home located on Lot 14 in the Canyon Mesa Country Club Planned Area Development (PAD). Each lot is on approximately .06 acres. Located along Mesa Grande Drive approximately one hundred twelve (112) feet from Jacks Canyon Road in the Big Park/Village of Oak Creek area. Located in SEC 18 TWN 16N R6E G&SRB&M. The Planning and Zoning Commission recommended approval of the Use Permit subject to the following stipulations: 1). The Use Permit shall comply with the Letter of Intent and Site Plan dated October 15, 2001 except where these stipulations differ, the stipulations shall govern; 2). The Use Permit shall be granted for a two (2) years period or until the remaining fourteen (14) Phase III townhouses sell, whichever occurs first, and at which time all signs and improvements associated with the nonresidential use shall be removed; 3). The Use Permit shall be nontransferable; 4). The Sales Office shall be used for the sales of Phase III townhouses only. Rental activity is expressly prohibited at this site; 5). The hours of operation shall be limited from 10:00 a.m. to 5:00 p.m. daily, seven (7) days per week; 6). Signage shall be limited to the existing signage or a similar replacement. Ms. Link located the temporary sales office on the east side of Jacks Canyon Road, saying that the applicant was requesting a two-year extension of time in order to complete the sale of townhomes in Unit 3. She told the Board that there had been no protests of this application at the Commission hearing, but that she had placed it on the regular agenda because the Commission had approved it by an 8-to-1 vote, with Commissioner Woellmer voting in opposition. She pointed out that the sales office would be for the sale of townhomes only, and that no rental activity would be allowed to take place from the office. In response to a question from Supervisor Davis, Ms. Link said that the use permit had previously been extended for a period of two years. She said that two years was a short time frame but that the developer had stated that was all he wanted. She said the Commission had advised the applicant that it did not want to see this come back again for another extension of time. Supervisor Davis asked why, if there were only 14 units remaining to be sold, they could not be marketed out of a real estate office. Max Baril, who said he was representing Mr. Tyo, told the Board that the original use permit had been issued in 1999 and that it was approved before construction on the project began. He said that economic conditions at the beginning of 2001 had caused sales to slow down and that he hoped to be able to sell the remaining units within the next two years. Supervisor Davis asked if the properties were being marketed by Coldwell Banker, saying again he did not understand why they could not be marketed from a real estate office instead of having a sales office on site. Mr. Baril said that could be done, but that it would be more expensive. He said that having the sales office on site provided the opportunity to present the models as people come to the country club and that he could reach more potential buyers in this way. Supervisor Davis said there had been problems regarding activities at Canyon Mesa and that people had said they were being straight with the County but that he had been presented with evidence to the contrary. He said he was concerned about credibility. Mr. Baril said that the vice president of Coldwell Banker had assured him that no rental activity would take place from the temporary sales office. He said he had nothing to do with rental activity in the area, that he was not renting any of the buildings he had constructed, and that he was interested only in selling them. He said there was a sign that stated no rentals. Supervisor Davis asked Mr. Baril what his interest was in Unit 3. Mr. Baril responded that he was the owner, and that whatever was happening in other areas of Canyon Mesa it had nothing to do with him. Mr. Woellmer told the Board that his opposition was based on the fact that the use permit stipulations indicated the sales office was for the sale of lots and that now it was for the sale of townhouses. He said he had not been sure whether that was all right. Mr. Baril said he had never sold just a lot, and that the subdivision was approved for 20 townhomes. He provided the Board with a copy of a letter from Coldwell Banker, which Supervisor Davis read aloud, indicating that a complete sellout of the project was anticipated within 24 months and that the sales office was only for sales with no rentals or leases to be handled at that location. Supervisor Street asked Deputy County Attorney Randy Schurr if it was possible to approve the use permit for only one year. Mr. Schurr responded that it was. He acknowledged that the previous stipulations had referred to lots instead of townhouses, but said that staff had not considered that to be a violation and that it was clear from the beginning that this would be a development of townhouses. Chairman Brownlow asked what would happen if the County found out that the sales office was being used for rental activities. Mr. Schurr replied that there was a process for revoking the use permit. He said he believed it was important to be clear that there were two different locations for Coldwell Banker in the area, and that Coldwell Banker might be handling rentals out of the other location. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission,

but to change the time for the use permit from two years to one year. Supervisor Street seconded the motion. She told Mr. Baril that Canyon Mesa was a controversial subdivision, and that the Board's action on this day was not about him personally. She said there had been a continuous problem with rental and lease activity in the area. Chairman Brownlow called for the vote, which carried unanimously.

2. Consideration of a preliminary plat/final site plan and re-plat of Tracts A through R, Sedona at Seven Canyons, 408-35-136 through 267, 268A, 269, 270A, 271, 272, 273A and B, 274A and B, 275, 276A, 277A and B, 278A, 279A and 280A, Sedona area, Brian O'Neill, Project Manager, agent for Sedona Development Partners, L.L.C., #1026.  
Consideration of a Preliminary Plat/Final Site Plan consisting of a total of twenty (20) timeshare units and a re-plat of Tracts A through R on approximately one hundred thirty-five (135) acres in a Planned Area Development (PAD) zoning district for the project known as Sedona at Seven Canyons. Located at the end of Long Canyon Road, approximately one and one-half (1-1/2) miles north of its intersection with Boynton Pass/Dry Creek Road in the Sedona area. Located in SEC 27 TWN 18N R5E G&SRB&M. The Planning and Zoning Commission recommended approval of the Preliminary Plat/Final Site Plan subject to the following stipulations: 1). Approval of this preliminary plat/Final Site Plan shall supercede the previously approved Final Site Plan dated May 19, 1997 and approved on 7-21-97 and the recorded Final Plat dated June 21, 1999. 84 Villa units will be marketed for a minimum 28-day fractional owner ships and there will be no rentals; 2). Submittal of Final Plat as specified under Article 5 of the Yavapai County Subdivision Regulations in substantial conformance with the approved preliminary plat/Final site Plan map dated 10-18-01 consisting of 7 sheets; 3). During construction of roadways, installation of utilities, etc. dust mitigation measures shall be implemented; 4). One-foot non-access easement around the perimeter of the property to prohibit uncontrolled access to the adjacent Forest lands. Applicant to provide signage around the perimeter of the property designating trailheads at specific locations to the National Forest; 5). Fire hydrants/fire suppression equipment to be installed and approved by the Sedona Fire District and building separation to be shown on the Final Plat to meet Fire Codes. Ms. Link told the Board that 1997 was the last time this item had been heard. She said it had first been approved as either a PUD or PAD in the early 1980s, and that in 1997 it was approved for 300 timeshare units which represented a huge reduction in the overall density and that units had also been removed from the hillside at that time. Ms. Link said that since 1997 the previous developers had gone through a number of permitting processes and that the infrastructure and the golf course were now underway. She said that in April of 2001 the property was purchased by Four Seasons and that a plan has since been submitted to reduce the overall density to 97 units with each unit to be sold with fractional ownership interests of one-tenth and the minimum use time of 28 days. In response to a question from Supervisor Davis, Ms. Link said the stipulations provided for minimum use of 28 days. She said that as a result of the changes submitted by the new owners the overall revised plan was approved as a minor amendment by the Development Services Director with the understanding that the new plan and plat would be brought forward. She noted that the first phase would include 20 villas and that the next application would likely be for the clubhouse. Ms. Link said the application before the Board on this day was approved by the Commission by a unanimous vote, and that it represented a much lower density than the previous plan. Chairman Brownlow asked if the developer had been required to do a number of road improvements in conjunction with the development. Ms. Link said that was correct, and that a number of off-site improvements had been done. Deputy County Attorney Randy Schurr told the Board that the PAD was initially approved in 1980 and that the first unit had been approved in 1981 on the condition that the owner pave the entire length of Dry Creek Road. He said that as a result of those significant expenditures that provided a benefit to the general public, the plat was vested. He said that in 1997 the Commission and Board felt the new plan was better, and he noted that because of the vesting it was not possible to simply make this development go away. Supervisor Davis said perhaps the County was guilty of bankrupting the developer because of the stipulations requiring the off-site improvements. Mr. Schurr said it was true that the developer had run out of money but that it was probably a good thing because what was being proposed now was a much less intensive project. Supervisor Davis asked if funds were deposited as part of the previous approval. Ms. Link said they were. Supervisor Davis asked if the County should return some of that money because of the reduction in density for the project. Mr. Schurr said the developer had agreed to contribute his share as determined by a traffic analysis done at that time, and that as a result the contribution was locked in. Applicant's representative Mike Withey told the Board that it had been a very long road with this development. He said the golf course was under construction, and that he believed it

would be one of the finest quality developments in the state if not in the entire southwest. He noted that both staff and the Planning & Zoning Commission were in support of the project. Mr. Withey said the 1997 project was better than what was approved in 1980 and that now the developer was keeping the same general tracts of development but reducing the number of units from 300 to 96. He said that instead of one- week increments for owners it would now be four to five weeks, and that the units would not be rented. He said the units would also be just one story instead of three stories, and that with regard to the Dry Creek Road crossing the developer was committed to making the improvements. Supervisor Davis asked if the golf course would be for use by members only. Mr. Withey responded that it would be for members or fractional owners, and that the course would have less turf area than what was allowable. Chairman Brownlow called for comments from the public. Reuel Prinzing said he lived in the Canyon del Oro Subdivision adjacent to the subject project and that this was a project that had done nothing but get better. He said he represented property owners in the area and the Long Canyon Road Association, and that people were happy with what the developer had done. Harry Easton, who said he represented the Red Rock/Dry Creek Community Plan committee, told the Board that the developer should be commended. He said people in the area had seen timeshares abused to a great extent and that he would like to see discussion about the issue. He said that in this case the stipulations spelled out that fractional owners could not rent out their shares, but that he would like to see the stipulations tightened up. Village of Oak Creek resident Joanne Johnson said she agreed with Mr. Easton and that she, too, was concerned that because of the lodging provisions in the Ordinance this could revert to one-week increments. She asked if that could happen, and suggested that the Board put something more definitive in the stipulations and also consider revising the Ordinance at some point. She said she was concerned about what would happen when the current developer is no longer involved. Mr. Schurr said he did not understand the concern because the stipulations spelled out that no rentals would be allowed and that such language was more restrictive than the Ordinance. Supervisor Davis asked if it was true that the stipulations would follow the land and not go away if ownership changed. Mr. Schurr said it was true. Mr. Spedding asked if the Board wanted to ask the developer to include in the stipulations language restricting the ownership to one-tenth fractional ownership. Supervisor Davis said he did not believe that was necessary, and that Mr. Withey had sufficiently clarified that issue. Supervisor Davis moved to approve the recommendation of the Planning & Zoning Commission. Supervisor Street seconded the motion, which carried by unanimous vote.

Consent Agenda for planning and zoning items, for which there were no protests at the Planning & Zoning Commission hearing, and which provides for acknowledgement of deferred or withdrawn items that have been advertised for hearing on this date. Items 1. and 2., below, were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.

1. Use permit for off-premise temporary sales office in an RCU-2A zoning district, Sedona at Seven Canyons, 408-20-019, Sedona area, Brian O'Neill, Project Manager, agent for Sedona Development Partners, L.L.C., #1027. Consideration of a Use Permit to allow a three thousand nine hundred (3,900) square feet, site-built structure to be used as an off-premise Temporary Sales Office for the sales and marketing of the Sedona at Seven Canyons fractional ownership villas in an RCU-2A (Residential, Rural, two (2) acre minimum lot size) zoning district on a sixty thousand nine hundred seventy (60,970) square feet pre-existing, non-conforming parcel. Located on Tract "A" in the Canon Del Oro Plat 2 Subdivision approximately two (2) miles north of the intersection with Boynton Pass/Dry Creek Road and directly north of the Sedona at Seven Canyons development. Located in SEC 27 TWN 18N R5E G&SRB&M. The Planning and Zoning Commission recommended approval of the Use Permit subject to the following stipulations: 1). The Use Permit shall comply with the revised Letter of Intent dated 10/23/01 and the Site Plan dated 10/22/01 and the office shall be used to sell interval owner ships and golf course memberships for the Sedona as Seven Canyons development only; 2). The sales office use permit shall be granted for a term of five (5) years or until there is not longer a need for the office, whichever occurs first; 3). Use permit approval subject to an amendment of the Red Rock Dry Creek Community Plan to acknowledge the temporary sales office use; 4). The hours of operation shall be limited from 9:00 a.m. to 7:00 p.m., seven (7) days a week; 5). The Sales Office and access road shall meet Fire Code Standards, unless waived by the Sedona Fire District and that necessary dust suppression measures be taken; 6). The Applicant shall obtain any United State Forest Service (USFS) approvals for roadway improvements that may be necessary, prior to issuance of building permits; 7). Approval of a waiver from the County Parking Standards to allow a fifteen (15) space

parking lot.

2. Final plat/final site plan, Sedona National 408-23-001, 004, 004A, 005, 006A and B, Sedona area, Troy Gillenwater agent for Precambrian Development, #7268. Consideration of a Final Plat/Final Site Plan consisting of a total of twenty (20) single-family residential lots, a clubhouse/lodge with thirty-two (32) guest units and an eighteen (18) hole golf course in a PAD (Planned Area Development) zoning district. Located on the southeast base of Doe Mountain off Boynton Pass Road (Forest Service Road 152) approximately two and one-half (2.50) miles northwest of the City of Sedona.
3. Consideration of a Zoning Ordinance Amendment – Outdoor Lighting, Planning & Zoning Commission, #1004. *The Planning & Zoning Commission deferred this item to its December 5, 2001, meeting in order to review new information. The Board of Supervisors did not take action on this item.*

ITEM NO. 3. County Assessor Tony Martinez. Request for approval of a resolution pursuant to A.R.S. §11-269.06 for establishment of the Yavapai County Assessor Property Information Storage and Retrieval Conversion and Maintenance Fund. Mr. Martinez explained that the state legislature had given counties the authority to charge a surcharge for each instrument recorded, and that charging \$4 per instrument would be consistent with what other counties were charging. He said if approved the new surcharge would take effect in January of 2002. Mr. Martinez told the Board that his objective was for the County to have its own computerized property system and no longer be dependent upon the Arizona Department of Revenue for that service and that he hoped this could be accomplished by 2004. He said that if his department adopted the Eagle system used by the Recorder that it would be possible to obtain that system at a discount. He said that this would enhance the ability of his office to move forward and do a better job. Mr. Martinez said the surcharge would also provide funds for hand-held computers that could be used in the field and that this would enable his department to do the same amount of work without having to increase staff. He added that the projected revenues could be a little higher or a little lower depending on the number of property transfers in the County. County Recorder Patsy Jenney-Colon told the Board that she was very supportive of Mr. Martinez' request, saying that her office would not be where it is now in terms of technology without the Recorder's surcharge. She said she had recommended to Mr. Martinez that he ask for the maximum surcharge amount of \$4. Mr. Martinez noted that the surcharge would sunset in 2006. Ms. Jenney-Colon said the surcharge was a user fee and she urged the Board to approve it. Mr. Holst asked if this would make the Recorder's Office and the Assessor's Office more compatible. Mr. Martinez and Ms. Jenney-Colon said it would. Supervisor Davis moved to approve Resolution No. 1311 authorizing the establishment of the Yavapai County Assessor Property Information Storage and Retrieval Conversion and Maintenance Fund, pointing out that the philosophy of having users drive funds was something the Board had discussed in the past. Supervisor Street seconded the motion, which carried by unanimous vote.

ITEM NO. 4. Elections Director Sharon Keene-Wright and County Recorder Patsy Jenney-Colon. Establish precinct boundaries, approve supervisorial district boundaries, approve justice of the peace precinct boundaries and approve Yavapai Community College District boundaries. Ms. Keene-Wright told the Board that what was discussed at the November 5, 2001, meeting was the same with the exception of the Camp Wood precinct and that after more study she had decided to leave that as Camp Wood 1 precinct and Camp Wood 2 precinct. She asked if the Board had any comments. There were none. Ms. Keene-Wright said that with regard to realignment of precincts because of development most of them involved realigning in order to put the boundaries on a road or at the back of a parcel, and that the biggest changes in terms of moving people around had occurred in Supervisor District 1. She said the goal was to have precinct boundaries that are identifiable. In response to a question from Supervisor Street, Ms. Keene-Wright said that a portion of The Ranch would be moved into the Yavapai Hills precinct as the result of changes in legislative district boundaries. She said that with regard to supervisor district boundaries, there was a question about the Skull Valley precinct. Supervisor Street said she did not want that precinct in her district because she already had the most population and because of growth rates in the Prescott Valley and Congress areas. There was agreement that the Skull Valley precinct should remain in Supervisor District 1. Ms. Keene-Wright reminded the Board that a portion of the Castle Hot Springs precinct was the only area of the County that would be in a different congressional district. She said that other changes in supervisor and justice of the peace boundaries had been discussed earlier, and that late last week Yavapai Community College District had advised her that it did not want any changes in its boundaries at this time. Chairman Brownlow asked Supervisor Street if she was satisfied with the Thumb Butte/Dearing Park and Coyote Springs precincts and a portion of The Ranch being moved into District 1. Supervisor Street said that was fine with her. Supervisor Davis moved to approve moving the Thumb Butte/Dearing Park and Coyote Springs precincts from Supervisor District 2 to Supervisor District 1, along with that portion of The Ranch for which such a change was necessitated by legislative district boundaries. Supervisor Street seconded the motion, which carried by unanimous vote. Supervisor Street moved to approve justice of the peace precinct boundaries, moving the Kirkland precinct from the Prescott Justice Precinct to the Bagdad-Yarnell Justice Precinct. Supervisor Davis seconded the motion, which carried by unanimous vote. Supervisor Street then moved to approve the boundaries for the Yavapai Community College District, with no changes. Supervisor Davis seconded the motion, which carried by unanimous vote. Supervisor Street moved to establish precinct boundaries as presented by Ms. Keene-Wright, and to approve and establish precinct boundaries being changed due to changes in

legislative district boundaries. Supervisor Davis seconded the motion, which carried by unanimous vote. There was brief general discussion about legislative and congressional district boundaries, with Village of Oak Creek resident Doug Ayres participating in the discussion.

ITEM NO. 5. Public Works Director Richard Straub.

1. Hearing: Consider approval of a resolution to establish Naples Street, Paulden area, as a County highway. Resolution No. 1312, establishing Naples Street, was approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.
2. Hearing: Consider approval of a resolution to establish Happy Valley Road, Highland Pines area, as a County highway. Resolution No. 1313, establishing Happy Valley Road, was approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.
3. Hearing: Consider approval of a resolution to establish Restaurant Road, Skull Valley area, as a County highway. Resolution No. 1314, establishing Restaurant Road, was approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Street. No comments from the public.
4. Consider approval of Change Order #1 to Contract #974390 with Waste Management for Operation and Maintenance of Transfer Stations, to reduce the hours at the Seligman Transfer Station and proportionately reduce the monthly maintenance fee, effective January 1, 2002. In response to a question from Chairman Brownlow, Mr. Straub said the County's contract with Waste Management would end in 2003 and that he would like to discuss options with the Board sometime in the next six months. Supervisor Davis said he believed that this request was a good example of new management in the department and that many things had been improved. Upon a motion by Supervisor Street, seconded by Supervisor Davis and with no comments from the public, the Board voted unanimously to approve the change order.
5. Consider approval of Memorandum of Understanding between Northern Arizona Council of Governments (NACOG) and Yavapai County for the administration of LTAF II (Local Transportation Assistance Funds) from October 2001 to October 2002. Transportation Planning Engineer Mike Willett explained that the MOU was for administration of all the funds the County expected to receive this year. He said that the MOU the Board had considered at its October 15, 2001, meeting was only for the voucher program and that the new MOU included the voucher program for ten months and administration for other programs for 12 months. Mr. Willett said the state was looking at possibly cutting the LTAF program and that the County's share of LTAF monies could go from \$140,000 to \$90,000. Supervisor Davis noted that there was a reduction in the amounts of funds from last year to this year. Mr. Willett said the County had received the first quarter payment for the 2002 money and would probably received the second quarter payment, but that the third and fourth quarter payments could be substantially less than the first two quarters. He said that because of uncertainty regarding the funds, the amount of money to be paid to NACOG had been left blank and that what the Board should agree on is a percentage amount. Supervisor Davis asked why NACOG needed to be involved if the Board decided to fund programs through other organizations. Mr. Willett said there was a great deal of paperwork involved as well as monitoring. In response to a question from Chairman Brownlow, Mr. Willett said it was his understanding that Prescott, Prescott Valley and Chino Valley had given their entire LTAF allocations for the new year to the voucher program. Chairman Brownlow asked if the County was committed to the voucher program. Mr. Willett said the Board could choose to give its LTAF monies to other organizations or it could use the funds for transit studies. He said the Board needed to decide how much it wanted for the voucher program and how much it wanted for other organizations. He noted that last year NACOG had been paid 15% of the allocation for the voucher program and 6% for the other programs. Mr. Holst said that at least part of what NACOG did was process paperwork, but that he did not know that it was worth 15%. Mr. Willett reiterated that the MOU provided for NACOG to handle the LTAF voucher program and administer all other LATF monies. Supervisor Davis said what the Board was seeing was a reduction in funding with no guarantee for the future, and the funds the County is supposed to receive on the chopping block because of state budget woes. He said he believed it might be premature for the Board to enter into an agreement when it did not know what kind of money it would have. Mr. Willett said the money available for the voucher program would be about one-half of what it was last year because of funding. NACOG Economic Development Director Teri Drew told the Board that the application submitted for LTAF funding included the voucher program. She said that NACOG had entered into agreements with the other entities in the tri-city area for the program, and that those entities had committed 100% of their funds to it. She said there was a real need for transportation services and that even with the voucher program 100% of the need was not being met. Ms. Drew said that NACOG was not simply a pass-through for the LTAF

monies, and that there was a process involved that included procuring vans and the like for other agencies. She said she had anticipated last year being a pilot program for the voucher program and that she had thought it would take just one person to handle everything, but that it ended up taking three people to run the program. Ms. Drew said that NACOG had provided for more than 13,000 rides and that there were vouchers for all them. She said the program had recently implemented a \$2 co-pay for all individuals using the program and that limits had also been set regarding how the program could be used by people who are looking for jobs. She said that those people would be given rides to the one-stop work center, and that individuals who are using the voucher program to get to and from work would be allowed to use it only until they receive their first paycheck. Ms. Drew said that NACOG had developed a rate sheet and would be giving individuals vouchers worth a certain amount of money and letting those individuals decide which transportation companies to use. She said she was also looking for money from other state programs to help improve the voucher program. Supervisor Street asked if there was a breakdown by area of the number of people using the voucher system. Ms. Drew said that with NACOG's current data it would be difficult to break it down. She said the value of the program did not lie only in what is provided to individuals in each district but that employers also benefited from the program. She said the program operated in the tri-city area but that it also provided rides for people in Yarnell, Paulden, and the Dewey/Humboldt area. Chairman Brownlow asked how the contract could be reworded so that if the LTAF funds are cut the County will not be obligated to pay for the program from the General Fund. Mr. Hunt said the Board could have the agreement worded any way it wanted to. Mr. Willett reiterated that since no one knew what the state would do with regard to the funding, it would be better to put in a percentage instead of a monetary amount. Mr. Holst said he was not certain the County could protect itself from having to pay the 25% match. Supervisor Street said she was opposed to the idea and did not want to continue the voucher program at all. Chairman Brownlow said he disagreed. He said the Board had been working on the program for a long time, and he asked Supervisor Street what she would do with the funds if they did not go to the voucher program. He asked Supervisor Street if the Board should just let the money sit there, and whether she was suggesting that the County take over the operation from NACOG. Supervisor Street said no, that she approved of helping organizations meet their goals and objectives but that she had always had trouble understanding this type of program. She that, philosophically, she did not line up with this type of program because it was being used to help people get back and forth to work and that she also had concerns about the matching funds. Supervisor Street said she had problems with the program because it was a welfare type of program and that she felt people should be able to help themselves and contribute somehow. She said there was no guarantee of continued funding and that while the County did have funding she would prefer to put the money into vans or even transit studies. Sue Marsh, representing the Four County Conference on Developmental Disabilities, told the Board about a young mentally retarded client who had a job at Yavapai College but who had to pay \$14 to get a ride from home to work in order to make \$15. She said the client wanted very much to work and that the college was willing to give her more hours, and that without NACOG and Vocational Rehabilitation she would not have been able to get the client's ride money back for her. Supervisor Street said she did not mean to be disrespectful, but that she had relatives who had disabilities and handicaps and that she was very well acquainted with the difficulties encountered by those who are disabled. Ms. Marsh said that without the voucher program many disabled people would not be able to get to work. Supervisor Street said the voucher program was a good idea, but that she did not believe government should pay for all of it. Judy Bergmann, who said she was representing Vocational Rehabilitation, told the Board that she had 100 clients, all of whom were disabled. She said that if her clients had to sit in a day program or in a sheltered workshop it would just cost the taxpayers money, but that when they are able to get out and work they contribute by becoming taxpayers. She said that when they start paying taxes, they are paying for part of the program. Ms. Bergman said that if the tri-city area had a good public transportation program her clients could ride the bus, but that there is no such program. She said that mentally retarded means "slowed down" and that such individuals could be very productive. Supervisor Davis asked what percentage of funds was being considered to pay NACOG for its services. Mr. Willett said that historically it had been 15%. Supervisor Davis said that if the percentage was the same to administer the program as it was to run it, he was not interested in discounts. Ms. Drew told the Board she believed that transportation was everyone's responsibility, and that the LTAF funds were intended for transportation. She said the purchase of vans was population-specific, and that the highest users of the voucher program were the elderly and those with medical needs. Supervisor Davis said he did not believe the Board had to make a decision on



this day. He said he had asked service groups in his district what their needs are now and two to five years out, and that once he received that information he would be in a position to prioritize needs for his district. He said he could not make that decision on this day and that he would like to hold a decision until everyone had their ducks in a row. Supervisor Davis said that perhaps NACOG would have time to tighten up the voucher system in order to ensure the Board that it was really getting what it was paying for. He asked if it was possible to hold off on a decision. Mr. Holst said if the Board did not take action the program would be suspended. Chairman Brownlow asked what would happen if the Board did not fund the program for another month. Ms. Drew said she would have to suspend service to the unincorporated areas of the County. Supervisor Street asked if there was any way she could find out how many people in the County areas were being served by the voucher program. Supervisor Davis asked Chairman Brownlow and Supervisor Street if they knew on this day how much money they wanted to spend on youth, senior and veteran programs, saying that if they did not know they might end up making an obligation and then finding out that the need is not as great as they thought. Chairman Brownlow said that might be true, but that Supervisor Davis had spent his money and that Districts 1 and 2 had not. He said that the tri-city area had worked on this program with other jurisdictions for a long time and that for the County to pull out now was unthinkable. He said if the Board wanted to hire someone to do the work, it could consider doing that. In response to Supervisor Street's question regarding the number of people being served in the unincorporated areas, Ms. Drew said that 162 people had used the program last month. She added that the cities and towns in the tri-city area had agreed to participate in the voucher program provided the County did the same, and that currently the program in the County was operating outside of a contract. Mr. Willett said the MOU did not require the Board to break out the voucher money, but instead required only that the County pay NACOG a percentage to administer the program. He said the Board could allocate a couple more months for the voucher program. At this point, the Board considered the other LTAF items on the agenda, returning later to discussion of this item. Chairman Brownlow asked if the Board wanted to extend the program for another 30 days. Supervisor Davis asked Ms. Drew if she thought she could iron things out within 30 days. Ms. Drew said she could, adding that the Board could limit what type of population it wants to serve with the voucher program. Supervisor Davis said his concern was the difference between administrative costs for the whole program, one being the voucher program, and the administration of the other grants. He said he also wanted to see Supervisor Street's concerns addressed. Supervisor Davis moved to approve a 30-day extension in the amount of \$5,000, saying the Board could revisit this issue at its December 3, 2001, meeting. At this point, Supervisor Street had to leave the meeting due to a previous commitment and she was gone for the remainder of the meeting. Chairman Brownlow seconded the motion, which carried by unanimous vote of those present.

6. Consider approval of transfer of \$22,500 from District 3 LTAF II 2000/2001 grant funding cycle, from the Yavapai County Transit Coordinator position to the Verde Valley Senior Center for operating, maintenance and repairs expenses. Transportation Planning Engineer Mike Willett told the Board that this money had previously been set aside for the Transit Coordinator position in District 3, but that there had been difficulty finding someone to fill that position and that there was an immediate need on the part of the Senior Center. Supervisor Davis said he was also taking money from the Coordinator position because of uncertainty about future LTAF funding. Upon a motion by Supervisor Street, seconded by Supervisor Davis, the Board voted unanimously to approve this request. No comments from the public.
7. Consider approval of \$27,000 to the Four County Conference on Developmental Disabilities for the purchase of a van, to be paid from LTAF II funds from the 2000/2001 program (Districts 1 & 2). Supervisor Street moved to approve this item, as well as items 8. and 9., below. Mr. Willett pointed out that the combined requests for all three items totaled more than what was available from last year's funding. Supervisor Street suggesting making up for the difference out of the current LTAF monies. Supervisor Davis seconded the motion, asking if the organizations were able to provide the required match. Mr. Willett said they were. Mr. Willett said he saw these requests as an attempt to solve needs for a long-term period, and that if the state pulled funding, the organizations would still have their vans. Supervisor Street agreed, saying that even if LTAF were cut to nothing the Board would at least be able to provide some money for operators and gas. Chairman Brownlow asked what would happen to the elderly who need to get to medical appointments, saying there was no one in the Prescott area who provided that service. Sue Marsh, representing the Four County Conference on Developmental Disabilities, told the Board her organization's van, was handicap-accessible and that they would be happy to provide rides to people in wheelchairs. Supervisor Davis asked Ms. Marsh how much additional money she would need in order to

purchase a new van. She said they were running about \$50,000. Supervisor Davis said if the Board looked at long-term solutions, a new van would probably serve longer and be a better use of the money than a used van. He asked Ms. Marsh if she had considered asking her Supervisor for money for a new van out of the 2001-2002 LTAF monies. Chairman Brownlow called for the vote, which carried unanimously.

8. Consider approval of a request from the Town of Chino Valley for \$5,000 from unexpended LTAF II funds from the 2000/2001 program for operation and maintenance costs for the Chino Valley Senior Center van. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. See item 7., above, for detail of discussion.
9. Consider approval of \$17,334 to New Horizons for operating expenses for its existing van, to be paid from LTAF II funds from the 2000/2001 program (Districts 1 & 2). Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. See item 7., above, for detail of discussion.
10. Consider approval of items appearing on the Consent Agenda for Public Works. Approved by unanimous vote of those present. Motion by Supervisor Davis, second by Chairman Brownlow.

#### CONSENT AGENDA FOR PUBLIC WORKS:

1. Award or reject bids received for Supply of Operated Equipment in Yavapai County, Contract #2112001. Bids opened November 6, 2001, with bids received from the following vendors: Arizona Earthmovers; Asphalt Paving & Supply, Inc.; Central Arizona Backhoe; Critco, Inc.; Dependable Dutchman Excavating, LLC; DeWitt Brothers, Inc.; Fann Contracting; Hossco Construction; McDonald Brothers Construction, Inc.; Monarch Development, Inc.; Tom Mulcaire Contracting; Vail's Grading and Paving, Inc.; Vastco; W & W Contracting of Arizona; Wickenburg Asphalt & Concrete. Recommending awarding to all bidders at various unit prices. Approved by unanimous vote of those present. Motion by Supervisor Davis, second by Chairman Brownlow. No comments from the public.

CONSENT AGENDA FOR BOARD OF SUPERVISORS: Unless otherwise noted, all items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Davis. No comments from the public.

1. Requests from Board of Supervisors:
  - a. Approve minutes of meeting of November 5, 2001.
  - b. Consider approval of a request from the Town of Jerome, pursuant to A.R.S. §16-558, for permission to hold a mail ballot election in the Town of Jerome for the Primary and General Elections of March 12 and May 21, 2002.
  - c. Approve appointment of the following precinct committeemen, as recommended by the Republican Committee of Yavapai County: Edna Bettencourt, Montana Precinct; John Popp, Deep Well, Precinct; Dixie Carlson, Red Rock East Precinct; John R. Meyer, Chino Valley 2 Precinct; Lavina Yargus and Wayne Yargus, Bagdad Precinct; Eric Frizzell, Cordes Precinct; John Baudek and Darlene Baudek, Hidden Valley Precinct; Joel Baker, Cougar Precinct; Barbara Riley and John Riley, White Spar Precinct; Robert Fearnside, Lynx Creek Precinct; John Watson, Big Chino 2 Precinct.
  - d. Approve appointment of the following precinct committeemen, as recommended by the Yavapai County Democrats: Edith (Elaine) Harley, Prescott Valley 1 Precinct; Loretta Barratt-Alden, Crown King Precinct; Lee T. Cunningham, Pine Lakes Precinct; Ron Everist, Cherry Creek Precinct; Esperanza (Hope) Fortner, Prescott Northwest Precinct; Nancy Post, Kirkland Precinct; Josh L. Simpson, Mile High Precinct; Pamela J. Wilson, Yavapai Hills Precinct; Robert Wilson, Pine Knoll Precinct. Also note the resignation of the following precinct committeemen: Joe Gose, Superstition Precinct; Larry Zimmerman, Pine Lakes Precinct; Wilbur Roach, Prescott Northwest Precinct.
  - e. Consider approval of utility easement for new hangar at Sedona Airport.
2. Requests from Finance Department:
  - a. Consider approval of transportation contracts with funeral homes.
  - b. Consider approval of transfer of budget for ongoing airport expenditures from the Capital Projects fund to the General Services Department within the General Fund.
3. Request from Development Services for reappointment of Gary Kelley to the Building Safety Advisory and Appeals

Board, with a term to expire October 6, 2005.

- 4. Request from Facilities for award of bid for playground equipment at High Desert Park to sole bidder Continental Leisure Sales in the amount of \$43,732.70, to be paid from District 2 park funds (LSRP Grant). Chairman Brownlow asked Supervisor Street whether this was a grant or whether it would come out of her parks fund. Supervisor Street responded that High Desert Park had obtained a \$75,000 Heritage Fund Grant and that the cost for the playground equipment would be reimbursed through the grant. Upon a motion by Supervisor Davis, seconded by Supervisor Street, the Board voted unanimously to approve the bid.
- 5. Request from Fleet Management for permission to purchase a steam cleaner for the Camp Verde Shop at a cost of \$4,000 to be paid for from existing budgeted funds.
- 6. Request from Superior Court for reappointment of the following individuals as Superior Court Judges Pro Tempore for the period January 1, 2002 through June 30, 2002: Howard D. Hinson, Jr.; Rhonda L. Repp; Marc E. Hammond; and James Hancock. Supervisor Davis asked that as budget time draws near, staff review how many hours Judges Pro Tem Hammond and Hancock are providing to see if it is in line with the information provided in the back-up for this item. He said he also believed it would be appropriate for the Board to send Judge Hancock a letter thanking him for his donation of services. Supervisor Davis said he would also like to have a review of the pay for Judges Pro Tem. He then moved to approve this request. Supervisor Street seconded the motion, which carried by unanimous vote.
- 7. Approve vouchers.

CONSENT AGENDA FOR DIRECTORS OF YAVAPAI COUNTY FLOOD CONTROL, FREE LIBRARY AND JAIL DISTRICTS, AND COUNTY IMPROVEMENT DISTRICTS: Reference: Special District minutes.

- 1. Resolve into the Boards of Directors of the Yavapai County Flood Control, Free Library and Jail Districts and other County improvement districts as follows, for the purpose of approving vouchers: Seligman Sanitary District.
- 2. Resolve into the Board of Directors of Prescott East Sanitary District:
  - a. Approve minutes of meetings of May 7, May 21, July 2, July 25, and August 6, 2001.
  - b. Revoke Ordinance 1997-1 and Ordinance 1999-1.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,355,726.82	Jail District	235,403.40
District 1 Park Fund	23,885.82	District 2 Park Fund	85,972.69
District 3 Park Fund	1,606.20	Family Planning	7,962.75
MCH Programs	1,759.80	Home Health Ser	17,831.90
Health Promotion	2,476.52	Nutrition	1,315.41
T.B. Control	913.83	WIC Program	13,096.73
Jail Enhance	4,677.32	Juvenile Delinq. Reduct	8,125.93
Juvenile IPS	14,162.36	Family Counseling	1,170.00
Juvenile Food Prog	1,214.22	Probation Serv	3,841.07
Adult IPS	25,874.16	Adult Probation Fees	18,651.60
Prob Enhance	32,276.76	Recorder's Surcharge	13,059.76
Indigent Def/Dg	1,163.57	Misc Small Grants	12.77
Crim Just/Atty	10,738.18	Bad Check Prog	2,790.57
Juv Prob Svs	4,605.83	Commodity Fd	340.80
Azeip Case Mgmt	2,398.97	Sexual Trans Disease	106.88
Hi Risk Chld HI	2,364.99	Clerk's Storage	537.52
WIC/TOB Intervention	1,266.45	HIV Counsel & Test	2,551.52
Atty Anti-Racket	4,134.85	PANT	3,823.51
Law Library	2,829.65	CASA	3,971.76
Case Process	4,351.38	Azeip Coordinator	1,982.00

Vict Witns Prog	5,804.62	Court Enhancement	1,984.22
Council Court	3,749.84	Drug Enf Fndg	2,324.66
Primary Care Svs	15,576.41	Victims Rights Impl	3,504.22
JAIBG Juv Acct 3	2,666.38	Yav Indian Agreement	1,898.84
Hassayampa/LTC	1,285.70	Dietetic Intern	693.12
Immuniz Service	1,578.15	Personal Care Svs	793.26
Idea-Preschool	955.50	Subs Abuse/DARE	293.27
Chem Abuse	250.57	Family Drug Court	854.19
Juvenile Drug Court	3,059.84	Juv Det/PACE	3,204.73
Prevent Child Abuse	1,176.82	Special Program	9,922.21
Sm Schools Ecia	698.99	Sm Schools Beha	1,558.07
Cops in School	3,968.79	Fill the Gap - Courts	13,328.64
Hurf Road Funds	615,015.97	Health Fund	60,331.41
Jail Commissary	4,630.86	Yav. Cemetary Assoc.	193.46
Landfill Administ.	10,216.80	Water Advisory Comm	2,949.76
Clinical NICP	832.41	Tire Recycle	5,661.16
Safe School Pro	5,976.39	Adhs-Svs Coord	593.67
Local Incentive Awards	563.71	Fill the Gap - Attorney	2,080.58
Family Law Commiss.	3,792.78	Comm Punish Pro	2,936.12
Juv. Detent Ed Pro	335.01	Regnl Road Project	192,803.34
Library Auto Consor	18,441.91	GOHS Traffic 2001	4,218.64
Sterilization Svs	1,504.94	Health Start	4,813.37
Interstate Compact Pro	2,258.31	Ryan White II	1,621.92
Primary Care Fees	523.85	Perinatal Block	3,098.91
Well Woman Health	736.53	Tobacco Educ	17,377.51
Hopwa Housing Op	1,565.44	Cops Fast	3,280.60
Ad Prob Education	380.23	Detention Education	95.08
School Res. Mayer	1,725.55	Direct Treat Ed Fund	8,333.32
Gang Suppression	1,400.03	Field Trainer	1,720.25
Comm. Access Pro	868.40	Attendant Care	18,111.28
HIV/CT	448.35	HIV Targeted	2,009.84
Child Justice	1,796.82	Child Sup & Vis	632.93
Domestic Relations	67.22	Self Service	326.85
VOCA	3,328.10	Yav. Drug Court	2,077.97
JTSF Treatment	4,622.10	Diversion Conseq.	1,647.42
Transferred Youth	1,468.60	Capital Projects	2,407.00
Juv Jail Improve P-1	150.58	ALTCS	1,389,226.80

In addition, payroll was issued on November 16 for the pay period ending November 10; warrant numbers 2412444 through 2412939, in the amount of \$361,575.72. Jury certificates were also issued, warrant numbers 6853066 through 6853216. Warrants issued for November 19 Board day, 4159640 through 4160048; 4160049 through 4160437.

There being no further business to discuss, the meeting was adjourned.

ATTEST:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Chairman