

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

November 17, 2003

The Board of Supervisors met in regular session on November 17, 2003, in Cottonwood, Arizona, at 9:30 a.m.

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

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

Clerk's note: A copy of these minutes with a supplemental transcript is available in the Office of the Clerk of the Board of Supervisors and is also available on the County website.

ITEM NO. 1. Board of Supervisors.

1. Hearing: Consider establishment of proposed probate fees on accountings filed with the Superior Court, to be effective January 1, 2004, and if approved, consider approval of \$6,000 in County funds to establish a part-time Probate Accountant position. Presiding Judge of Superior Court Raymond W. Weaver, Jr., Superior Court Administrator Debi Schaefer, and Clerk of Superior Court Jeanne Hicks participated in this item. Chairman Davis called for public comment. There was none, whereupon the Board voted unanimously to approve the fees and the \$6,000 in County funds for the Probate Accountant position. Motion by Supervisor Brownlow, second by Supervisor Street.

Judge Weaver told the Board that each year about 170 accountings are filed with the Clerk of Court and that the accountings then go to the probate judge. He said that a few years ago the Board had provided funding for an accountant position but that the court had been unable to fill it and as a result the Clerk of Court had offered to have one of her staff members review the accountings. Judge Weaver said it was important to review the accountings because sometimes people who acted as fiduciaries did not always act in the best interests of their clients. He said the court needed to have someone with accounting and auditing expertise review the accountings because the judges simply did not have the time to do it. Ms. Schaefer explained that the fee schedule was based on the value of an estate, which meant that there would be no fees imposed for anyone who was indigent. She said she anticipated the Probate Accountant position would be a half-time position and that she was working with Human Resources on what the salary would be but estimated that it would cost about \$23,000 per year including benefits. Ms. Schaefer told the Board that she believed implementation of the fees would bring in about \$29,000 per year. Supervisor Street noted that the back-up material provided to the Board indicated that each year approximately 107 notices of non-compliance with regard to accountings are sent out, and she asked whether there should be a penalty or fee for that. Judge Weaver said it would take more people to handle that. He said he supposed it would be possible to impose a fee for non-compliance, but that the court can already issue and order to show cause and if the person is found in contempt all kinds of things could be imposed. Supervisor Street said she would like someone to look into the issue of non-compliance. Ms. Hicks said it was the Clerk of Court's responsibility to send out the notices of non-compliance, and that her probate clerk was doing everything possible to keep up with the workload. She said that one of the reasons she would like to see a Probate Accountant position approved was that it would enable her office to do a better job of keeping up with its responsibilities. Supervisor Brownlow said he had no problem with the request, but asked where the person would be placed and how much it would cost for a computer, desk and other items. Ms. Schaefer said she had resources available. Chairman Davis asked if it would be possible for the court to pay the \$6,000 back to the General Fund at some point. Ms. Schaefer said she could certainly arrange for that to happen.

2. Hearing: Consider implementing fees for the processing of regular liquor license applications, extension of premises/patio permit applications, and wine event license applications. Courtesy hearing, no action requested. Chairman Davis called for comments from the public. There were none.

Ms. Staddon explained that the proposed fees were \$100 for a regular liquor license, \$35 for an extension of premises/patio permit, and \$90 for a wine event license. She said notice of this day's hearing and the hearing scheduled for December 1, 2003, had been published and that if the Board approved the fees at its December 1 meeting, the fees would be implemented effective January 1, 2004.

3. Presentation of Valley Academy for Career and Technology Education update by Academy Coordinator Leonard Miller.

Mr. Miller provided the Board with an update on the activities of VACTE, providing specific information about the career and technical programs that had been implemented at the high schools in the Verde Valley. He noted that there were successful partnerships between VACTE and the business community that allowed for the placement of student interns. Chairman Davis asked Mr. Miller if he had considered internships with government, saying that he would like to see that as a way to continue developing a well-trained County workforce. Mr. Miller said he had been working with the County on that very thing.

4. Resolve into the Board of Equalization and consider a petition for Notice of Claim, James and Dalva Peterson, represented by Property Tax Professionals, Inc., 114-06-003, Prescott area, for tax years 2001, 2002, and 2003. Reference: Board of Equalization minutes.
5. Resolve into the Board of Supervisors. Consider authorizing payment of approximately \$20,000 from District 2 Parks Funds in order to pay for studies associated with the proposed lease of 90 acres of BLM land in the Black Canyon City area. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

Supervisor Street said she had recently received information from the BLM indicating that the cost of the studies might be more in the range of \$10,000.

6. Consider approval of items appearing on the Consent Agenda for Board of Supervisors and on the Consent Agenda for Special Districts. Unless otherwise noted, all items were approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public. See Consent Agendas for detail.

ITEM NO. 2. Superior Courts Administrator Debi Schaefer and County Administrator Jim Holst. Presiding Judge of Superior Court Raymond W. Weaver, Jr., Acting Chief Adult Probation Officer Brian Gray, and Sheriff's Lt. Jay Parkison participated in discussion of these items.

1. Consideration of proposal to expand Pretrial Services Program to minimize future jail population. Supervisor Brownlow moved to approve Phase I, with the understanding that Ms. Schaefer and Mr. Gray would return to the Board when they felt they had adequate information to request action regarding Phases II and III. Supervisor Street seconded the motion.

Mr. Holst said there had been discussions about ways to make improvements to the system and that staff had been asked to look at ways to ease overcrowding in the jail. He apologized for not being able to provide back-up materials to the Board until now, saying that staff had been working on it through the end of last week and that if the Board wanted some time to review the material before making a decision that was fine. Mr. Gray said that the information before the Board was the result of a brainstorming process that had been going on for the last two to three weeks. He explained the Pretrial Services (PTS) program, saying that his department had a PTS officer in Prescott who reviewed bookings to see how might be eligible for pretrial release and then followed up with interviews to confirm that finding. He said that because of a lack of manpower his department did not currently have the same service available in the Verde but was attempting to move in that direction. In response to questions from Supervisor Brownlow, Mr. Gray said that a person who is arrested goes before a judge within 24 hours of his arrest, but that the person can sit in jail waiting for trial for as long as nine to 12 months. Supervisor Street asked if it was true that everyone had a chance to bond out of jail. Mr. Gray said that was true except in the case of violent crimes. Supervisor Street asked what the difference was between someone posting a bond and being let out of jail as part of the PTS program. Mr. Gray said that if a person was released under PTS his department

kept track of them and made sure they showed up for their hearings. Mr. Gray reviewed Phase I of the proposal to expand PTS, saying that this would involve funding for 300 overtime hours in order to increase the number of people being released to the PTS program. He said there were currently 53 people involved in the PTS program and that with the additional overtime he believed it would be possible to increase that number by another 50. Mr. Gray said the court had also asked staff to look into the possibility of having some transients released to half-way houses and that he believed there might be about 20 incarcerated individuals who fell into that category. He noted that the County would pay only for the first two weeks of boarding at a half-way house, after which each individual would be expected to pay his own costs. Chairman Davis asked if the County was housing people at the jail simply because they had nowhere else to go, saying that if that was the case, why were those people not just booked and released. He said if they failed to show up for hearing a warrant could be issued and then they would become residents of the jail. Mr. Gray said that staff had been looking at many different options. He said that, for example, if someone is arrested in Yavapai County but has a home and a job in a different county, perhaps that person could be released under the PTS program and required to phone in, but that this was not currently the case. He added that it was the Superior Court that made the decision as to whether that type of option would be allowable. Supervisor Street said that idea sounded fine to her. In response to a question from Supervisor Brownlow, Mr. Gray said that most people were receiving a paper screening to see if they were eligible for the PTS program, but that his department did not have enough manpower to follow up with personal interviews of those people believed to be eligible. Chairman Davis asked if the Board should look at having someone who could provide that service on a long-term basis. Mr. Gray said that in Phase II of the program staff was requesting a position to do nothing but PTS duties. Ms. Schaefer added that the position would also enable Adult Probation to provide the same level of services in Camp Verde as it is currently providing in Prescott. Mr. Gray said that part of the problem now was that people were sent to Camp Verde from Prescott before anyone from his department could see them. Supervisor Brownlow said he was in favor of this idea. He said there were people sitting in jail for petty offenses and that it was costing the taxpayers money and ruining the lives of the people in jail. He asked about the half-way houses. Mr. Gray said the County would pay for each person's rent only for the first two weeks they are in a half-way house and that each individual would then have to pay his own way. He said this would be a pilot project. Chairman Davis said that was what needed to happen, and that everyone needed to be looking at new and inventive ways of doing things. There was brief discussion about the duration of the project, during which Mr. Hunt said that initially it would be for two months and Mr. Holst said that would get things started and provide a base of information. Supervisor Street said there had been talk about solutions for a long time and that her position was going to be that there needed to be total cooperation from a lot of different agencies in order to solve a major problem. She said this was not something that the Board could just throw money at, and that she was pretty much ready to try anything provided that everyone would work together toward redefining the way the County does business. Supervisor Street said that just getting people out of jail had nothing to do with how many days people were spending in jail or how much paperwork had to be handled. She said she wanted to be part of the solution and that she commended everyone involved for trying to be creative. Mr. Gray said that Phase III of the program would involve having sufficient staffing to be able to screen people for PTS on the weekends. Ms. Schaefer added that Phase III would involve having coverage 24 hours a day and that it was probably more appropriate to hold consideration of that until budget time. In response to a question from Supervisor Street, Ms. Schaefer said that it was the judges who set the parameters for eligibility for the PTS program. Chairman Davis asked what the additional cost would be for the initial two-month period to provide for PTS screening on weekends, saying he saw this as an investment rather than a cost. Mr. Gray replied that he would need two people to each work eight hours a day on Saturday and Sunday in order to cover both jails. Chairman Davis said he was interested in doing this very quickly because the Board was looking at going to the voters to ask for an increase in the Jail District sales tax and that if there were other solutions the Board needed to know about them very soon. Ms. Schaefer said that all of the justices of the peace and magistrates had met with Judge Weaver and that he would be asking them to go over the list of inmates they had processed to see if any of them could be released because they were close to completing sentences or because there was an alternative to jail time. She said there were other things happening in addition to the information being presented on this day. Mr. Gray said the only way his

department could provide PTS screening seven days a week at this point would be through overtime. Chairman Davis asked Mr. Gray if he could look at past bookings and make a forecast about how many people could have been kept out of jail on a daily basis. Mr. Gray said the only thing anyone could really tell from the paperwork was whether a person was a transient or had a local address. Chairman Davis asked if there was any kind of cap on how many people could be placed into the PTS program. Ms. Schaefer and Mr. Gray said there was no cap. Supervisor Brownlow asked if a pro tem judge could be appointed to handle nothing but pretrial issues. Mr. Hunt said that someone would have to go into the jail and interview people before they could be released to the PTS program, but that in Pima County the people involved in the pretrial services program had more autonomy and could actually effect the release of people into the program. Mr. Gray said that what was being proposed on this day was a solution to the immediate problem. Chairman Davis said he thought that what the Board would like to see as this matter progressed was not only what staff had accomplished but also some other potential solutions. He said he did not want to trip over dollars in order to pick up dimes, and reiterated that this needed to be looked at as in investment and not as just a cost. Lt. Parkison said that the Sheriff's Office appreciated the PTS program approach and felt that if it was adequately staffed it could also help to streamline the jail operation.

2. Consider authorizing the expanded use of overtime for detention officers. Supervisor Street moved to approve, at the discretion of the jail staff. Supervisor Brownlow seconded the motion, which carried by unanimous vote. No comments from the public.

Mr. Holst explained that the Sheriff's Office was still in the process of hiring new detention officers and had about 40 positions yet to fill. There was brief discussion about whether this item should be acted upon by the Board of Supervisors or by the Board of Directors of the Jail District. Mr. Hunt suggested taking action and then having the Board of Directors ratify the action at the next meeting.

3. Consider authorizing payments to half-way houses as an alternative to incarceration. There was no action taken on this item as approval of payment was included in Phase I of the program.

ITEM NO. 3. Elections Director Sharon Keene-Wright and County Recorder Patsy Jenney-Colon. Review and possible action regarding precinct boundary changes; review and possible action regarding proposed changes to Board of Supervisors districts; and request authorization for the County Survey Crew to prepare the legal descriptions for the changed precinct boundaries. Supervisor Brownlow moved to approve housekeeping changes in precinct boundary lines for Seligman 1 and 2 Precincts and between the Holiday/Wells Fargo and Senator Precincts. Supervisor Street seconded the motion, which carried by unanimous vote. No comments from the public. The Board took no action on the other items, anticipating taking action on them at the December 1, 2003, meeting.

Ms. Keene-Wright told the Board that any changes in precinct boundaries or in supervisor district boundaries would have to be approved by December 1. She briefly reviewed the proposed precinct boundary changes, saying that changes in Seligman 1 and 2 Precincts were the result of changes made by the Independent Redistricting Commission and that changes between the Holiday/Wells Fargo and Senator Precincts were needed as the result of a precinct boundary bisecting a mobile home park. She recommended creating a new precinct in the Prescott Valley area to be comprised of areas from the existing Coyote Springs and Round-Up precincts, saying this was necessary because of population increases. Ms. Keene-Wright said that the proposed new precinct would be added to Supervisor District 1. She also recommended transferring a northerly portion of the Lake Valley Precinct, containing the Granville subdivision, into the Glassford Precinct, saying this would add only 76 more registered voters to the Glassford Precinct but would provide a more convenient polling place for the people in Granville. It was generally understood that Ms. Keene-Wright would return to the Board on December 1, 2003, for approval of the remainder of her request.

ITEM NO. 4. Resolve into Board of Supervisors. Public Works Director Richard Straub.

1. Consider approval of Change Order #2 to Authorization of Services No. 228887, with Earth Tech for post design services on the Mingus Avenue Extension Project, Cottonwood area, for an additional amount of \$50,000. Half-cent sales tax project. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

2. Consider approval to permit the closure of the Long Bow Ranch Road, Oak Creek area. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

Mr. Straub noted that this should be considered a closure on a temporary basis with a gate, and that the Board could reopen the road to public use in the future if needed.

3. Consider approval of Change Order No. 2 with Fann Contracting, Inc., for the Montezuma Castle Highway Reconstruction Project, Camp Verde, Project #2312021, for an additional amount of \$43,835. Half-cent sales tax project. Approved by unanimous vote. Motion by Chairman Davis, second by Supervisor Brownlow. No comments from the public.

Mr. Straub noted that the Town of Camp Verde's consulting engineer had made a mistake in estimating the amount of dirt that would have to be removed. He said that had the additional amount been included in the original bid it would likely have cost less, but that he had informed the consulting engineer that he would owe the County some money for this error. Chairman Davis asked if there was a "rideability" clause in the County's contracts. Mr. Straub said the County had no way to measure rideability and that it was pretty much a case of having to offer a bonus if one wanted a job done right.

4. Consider approval of items appearing on the Consent Agenda for Public Works. All items were approved by unanimous vote, with no comments from the public. Motion by Supervisor Street, second by Supervisor Brownlow.
5. Public Works Director Richard Straub with presentation regarding the Public Works Department.

Mr. Straub provided an interesting PowerPoint presentation regarding his department, saying that there were 150 full-time and part-time employees in his department. He highlighted various accomplishments, including the expenditure of \$78 million on regional road projects since 1995; improvement of subdivision access in various parts of the County; \$2 million bridge replacement over the last 10 years and \$6 million worth of participation in bridge replacements by the state and federal government. He told the Board that his department handled about 50 right-of-way projects each year and maintained 13,000 traffic control signs.

CONSENT AGENDA FOR PUBLIC WORKS: All items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

1. Consider approval of Final Change Order with FNF Construction, Inc. for the ACFC Overlay of Intersection of Willow Creek Road and Pioneer Parkway, Project #2313196, in an additional amount of \$616.35, to be paid from HURF funds.
2. Consider approval of Change Order No. 1 with Asphalt Paving & Supply for the Mud Springs Road Pavement Overlay, Black Canyon City, Project #2312850, for an additional amount of \$10,335.51, to be paid from HURF funds.
3. Consider approval of Change Order No 1 with Vastco, Inc., for the Mingus Avenue Extension Project, Cottonwood, Project #998144, for a decreased amount of \$44,060.69. Half-cent sales tax project.
4. Consider approval of ADOT Aeronautics grant E4F12 for the rehabilitation of runway, taxiway and apron at the Bagdad Airport, with a County match of \$15,407, to be paid from Outside Services, General Services Airport account.
5. Award or reject bids received for the West Cortez Drive Paving and Overlay in the Village of Oak Creek, Project #2312849. Bids opened On October 28, 2003, with one bid received from Northern Improvement Company dba Asphalt Paving & Supply, \$74,449.50. Recommend awarding to sole bidder. To be paid from HURF.
6. Award or reject bids received for the Purchase of One Screening Plant for Yavapai County, Contract #2312038. Bids opened October 14, 2003, with bids received from the following vendors: S&L Equipment, \$153,069.60; AZ Mobile Screens, \$169,246; Reuter Equipment Co., \$176,234.35; Kolberg-Pioneer; No bid; and Road Machinery, No bid. Recommend awarding to S&L Equipment for \$153,069.60. To be paid from HURF.
7. Award or reject bids received for the Supply of Operated Equipment in Yavapai County, Contract #2313784. Bids opened October 28, 2003, with bids received from the following vendors: Asphalt Paving & Supply, Inc., Central Arizona Backhoe, Fann Contracting, Inc., Henrickson Enterprises, LLC, Hossco Construction LLC, Kuhles Services, McDonald Bros. Construction, Inc., Mike Mulcaire Excavating, Inc., Monarch Development, Inc., and SPE Systems, Inc. Recommend awarding to all bidders at various unit prices. To be paid from

Construction in Progress account.

ITEM NO. 5. Development Services Director Ken Spedding and Assistant Director Enalo Lockard. Planning and zoning. Planning & Zoning Commission member Curtis Lindner was present to represent the Commission.

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1. Consider approval of item appearing on the Consent Agenda for Planning & Zoning. Approved by unanimous vote. See Consent Agenda for Planning & Zoning for detail. Motion by Chairman Davis, second by Supervisor Street.
2. Hearing: Use permit to allow for the continued operation of a mining camp tourist attraction, museum, petting zoo and gift shop sales which includes the sale of wood from a sawmill on the premises, The Gold King Mine, 401-03-017, Jerome area, Donald Robertson agent for Verde Exploration, #3118. Consideration of a Use Permit to allow for the continued operation of a mining camp tourist attraction, museum, petting zoo and gift shop sales which includes the sale of wood from a sawmill on the premises, on 6 acres in an RCU-2A (Residential; Rural; 2 Acre minimum lot size) zoning district. Located on the South side of the Jerome-Perkinsville Road approximately one mile Northwest of Jerome in the Jerome area. SEC 21 TWN 16N R 2E G&SRB&M The Planning and Zoning Commission unanimously recommended approval of H3118, Use Permit as proposed with the following Stipulations: 1). Use Permit to be granted on a permanent and non-transferable basis and shall be in general conformance to the Letter of Intent received 9-5-03 and Site Plan dated 2-22-90; 2). All new construction, repair, improvement and transport of any structure shall be properly permitted through the Yavapai County Development Services Department; 3). All off premise signs on County regulated property shall be removed or authorized by a Use Permit for each sign; 4). Group events shall not occur more than 6 times per calendar year. Portable sanitary facilities shall be provided during events; 5). Applicant to provide copy of written authorization/permission to use for parking the large adjacent parcel (APN 401-03-015K) currently owned by Phelps Dodge prior to the next public event; 6). A certificate from the State Mine Inspector indicating the safety of the mine tunnel exhibit shall be required within 60 days of the Board of Supervisors approval of the Use Permit; 7). Proof of Liability Insurance shall be provided prior to the Board of Supervisors approval of the Use Permit; 8). The applicant shall maintain signs in the restrooms warning guests that the water is unsuitable for drinking purposes; 9). The applicant shall maintain signs recommending that guests petting the animals should wash their hands; 10). Certificate of Compliance to be issued within 12 months of Board of Supervisors approval confirming that all stipulations have been satisfied and the use is operating in conformance with all approvals, and in conformance with all other applicable County, state and Federal regulations or the Use Permit will become null and void. The recommendation of the Planning & Zoning Commission was approved by unanimous vote, with the elimination of stipulation #3 regarding signs. Motion by Supervisor Street, second by Supervisor Brownlow.

Mr. Lockard said he was asking that stipulation #3 be eliminated because the signs had been in place prior to the implementation of the Sign Ordinance and were, therefore, non-conforming. Mr. Lindner said there had been some discussion with staff at the Commission meeting regarding fire safety issues. He said he had spoken with the former and current fire chiefs in Jerome and that the subject property was just outside Jerome's jurisdiction. He said that because of that, the Jerome fire department was not willing to look at fire conditions at the mine, even though they would most likely provide service if a fire were to occur. Mr. Lindner said the County no longer had its own fire marshal and that very little attention was paid by the state fire marshal. He said that at the Commission meeting, Deputy County Attorney Randy Schurr had indicated that if there was negligence, the County would still be on the hook. He acknowledged that the Commission had voted unanimously to approve the use of the property, but said there was still a concern about fire safety. He said he would like to see this issue addressed with regard to future applications but believed that in the case of the Gold King Mine use permit it was something the Board should consider. Chairman Davis said that if the Commission had issues related to fire safety it should address them. Mr. Lindner asked if there was anything the Board could do on this day that could be reviewed at a future date, saying again that he would like to see the issue addressed. Chairman Davis asked Mr. Robertson if the Town of Jerome had ever approached him about annexation. Mr. Robertson said it had not. Mr. Lindner said that the mine was on Phelps Dodge and UVX property and that he did not know how likely annexation would be. Mr. Spedding said that staff could follow up with the state fire marshal to see what that office looks at when it reviews applications. Supervisor Street said that, for today, the Board had a unanimous recommendation for approval from the Commission and that she thought the Board should move forward.

Supervisor Brownlow asked Mr. Lindner if he was saying that the applicant should obtain the approval of the state fire marshal regarding fire coverage. Mr. Lindner said he believed that the County should be proactive regarding this type of application. He said he would be satisfied if the issue could be addressed at the next joint session. He said the Commission's vote reflected the fact that it did not have a problem with the use of the subject property but that there was discussion about fire safety. Chairman Davis told Mr. Linder that he was on the Commission and had an opportunity to do something about it, but that he had not and now he was coming to the Board and asking that something be done. Mr. Lindner said he agreed with what Chairman Davis was saying and that he was sorry that he had not been able to garner more support for his concerns at the Commission meeting. Chairman Davis told Mr. Linder that he had not even voted against the use permit. Mr. Lindner said that was true. Chairman Davis said the Board had often discussed fire safety in the past, and that sometimes it had gotten the Board into trouble. Supervisor Street said the Board could not control everything and that some things were not within the Board's jurisdiction. She said that for this day's discussion, she was willing to note Mr. Lindner's concern and participation but that she was not willing to hold up this application or others. Mr. Spedding read a letter from the Town of Jerome stating that it was not obligated to provide services in areas outside the town limits. Mr. Robertson said his was a non-smoking facility, beginning at the parking lot, that he had more than 25 fire extinguishers on the property, and that a member of the Jerome Fire Department actually lived on the property. He said that both the Jerome Fire Department and the Jerome Police Department had keys to get onto the property after hours.

3. Hearing: Extension of time, Estates at Seven Canyons at Sedona Unit III (Cañon Del Oro), 408-20-014, Sedona area, Allison Macaulay/Mike Withey agents for Cavan Construction, #3148. Consideration of a one-year extension of time to record the Final Plat of Cañon Del Oro aka Estates at Seven Canyons of Sedona Unit III consisting of 15 residential lots and 5 tracts on approximately twenty-two (22) acres in a Planned Area Development zoning district which was a replat of an existing portion of a previously recorded subdivision known as Cañon Del Oro. Located directly north of the Seven Canyons PAD on Long Canyon Road approximately one and one-half (1½) miles north of My Creek Road/State Route 89A in the vicinity of the City of Sedona. Sec 27 T18N R5E G&SRB&M. On October 21, 2002, The Board of Supervisors unanimously approved the Final Subdivision Plat. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, and with no comments from the public, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

CONSENT AGENDA FOR PLANNING AND ZONING:

1. Use permit amendment for an equestrian facility to allow for the creation of a dining patio, kitchen and restrooms for up to 90 guests on 5 acres, M-Diamond Ranch, 404-16-001B, vicinity of State Route 179 and Interstate 17 interchange, Margaret Ingham agent for M-Diamond Ranch L.L.C., #3107. Consideration of a Use Permit amendment for an equestrian facility, to allow for the creation of a dining patio, kitchen and restrooms for up to 90 guests on 5 acres in an RCU-2A (Residential; Rural; 2 Acre minimum lot size) zoning district. Located on United States Forest Service Road F.S. 618, also known as Beaver Creek Ranger Station Road, approximately 6 miles Southeast of the State Route 179 and Interstate 17 interchange in the Montezuma's Well National Monument area. SEC 9 T2N 14N R 6E G&SRB&M. The Planning and Zoning Commission unanimously recommended approval of H3107, Use Permit as proposed with the following Stipulations: 1). The Use Permit shall be amended subject to all other stipulations previously set out under HA# H7140 and be in conformance with the Letter of Intent dated 9-5-03, and Site Plan dated 8-27-03; 2). Commercial structures shall require Building Permits and shall comply with applicable ADA regulations; 3). A Forest Road Use Permit shall be obtained within 3 months of the date of Board of Supervisor approval; 4). Certificate of Compliance to be issued within 18 months of Board of Supervisors approval confirming that all stipulations have been satisfied, the use is operating in conformance with all approvals, and in conformance with all other applicable County, state and Federal regulations or the Use Permit will become null and void. Approved by unanimous vote, with the stipulation that the permit would be extended for an additional five years as recommended by Mr. Lockard. Motion by Chairman Davis, second by Supervisor Street. No comments from the public.

ITEM NO. 6. MIS Director Stephen Welsh. Consider approval of a step adjustment for a pending GIS II candidate to Range 65, Step 25, to be paid from vacancy savings. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

Mr. Welsh told the Board that he had been trying to fill this positions since April, but that all of the candidates to whom it had been offered had turned it down. Supervisor Street asked Mr.

Welsh if he had spoken with Human Resources Director Julie Ayers regarding this matter. Mr. Welsh said he had. There was brief discussion regarding how often the Board had been asked to take this type of action in the past, and for what category of employee. Supervisor Street said she thought the Board had approved advanced step hires mostly for attorneys, but Chairman Davis said the Board had taken this type of action whenever it had to.

ITEM NO. 7. Fleet Management Director Dave Burnside. Approval of Accidents/Incidents Report. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

Mr. Burnside reviewed the report for the Board, saying that one of the ways to deal with accidents was to implement a County-wide monitoring program. He said it might also be a good idea to look at providing more training and perhaps a more equitable disciplinary effort. There was brief discussion regarding a monitoring program, during which Mr. Burnside said the technology was similar to On-Star but was more technically advanced. There was brief discussion about speeding, during which Mr. Burnside said that a monitoring program would document when people are driving too fast. He said that everyone speeds sometimes, but that what he was looking for were the people who were abusive. He said he could already tell from tire wear and other factors whether it was likely that a driver was abusing a vehicle, but that the monitoring program would confirm it. He said he believed that such a program might also help to reduce the cost per mile for County vehicles.

ITEM NO. 8. Resolve into the Board of Directors of the Yavapai County Jail District for discussion and possible action regarding ballot language and publicity pamphlet information and ballot style for the March 9, 2004, Jail District election. Due to a lack of time, this item was postponed and is expected to be on the December 1, 2003, agenda.

ITEM NO. 9. Study session on Facilities ongoing projects and park maintenance. Due to a lack of time, this item was postponed.

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

1. Requests by Board of Supervisors:

- a. Approve minutes of meeting of November 3, 2003.
- b. Approve regular and special meeting schedules for Board of Supervisors for 2004.
- c. Liquor licenses for which there are no protests: (1) Series 10 Beer and Wine Store, Humboldt Chevron, Mark Stephen McBrady, Humboldt area; (2) Series 10 Beer and Wine Store, Casey's Corner, June B. Jochum, Cornville area.
- d. Consider approval of request from Highland Pines Domestic Water Improvement District for permission to conduct its March 9, 2004, election and all future elections by mail ballot pursuant to A.R.S. §16-225 and §16-558.
- e. Acknowledge receipt of official canvass of November 4, 2003, election held in the Ash Fork Sanitary District.
- f. Approve appointment of precinct committeemen as recommended by the Yavapai County Republican Party as evidenced in Board Memorandum No. 2003-8.
- g. Consider approval of a resolution in support of the establishment of a Sedona-Red Rock National Scenic area, at no cost to the County. Sedona area residents Bill Kusner and Gregory Chandler participated in discussion of this item. Supervisor Brownlow moved to hold this item until the December 15, 2003, meeting. Supervisor Street seconded the motion, which carried by unanimous vote.

Mr. Kusner explained that in 1998, after much input from the community, the Forest Service had implemented Amendment 12, which was designed to protect the forest in the greater Sedona area from overuse and degradation. He said that as a result of the implementation of Amendment 12, the condition of the forest in that area had improved. Mr. Kusner said that having the area covered by Amendment 12 declared a national scenic area would ensure that the provisions of Amendment 12 would remain in place and not be eliminated as a result of the next Forest Service amendment, which he said was scheduled for 2005 or 2006. He said the most controversial portion of Amendment 12 had to do with land trades, but that it affected only Forest Service lands. Mr. Kusner said there had been a couple of informational meetings in the area about the proposal for a national scenic area but that the meetings had

not been well-attended. However, he said he and others in his group had spoken with numerous people in the community about the concept, and that no one had expressed opposition to it. Chairman Davis said Mr. Kusner and his group were asking for a resolution of support from the Board, and that they would be asking Congress to declare the area as a national scenic area. Supervisor Brownlow asked what would be prevented by having the area declared as a national scenic area. Mr. Kusner said that Amendment 12 limited land exchanges in the area provided supporting processes for preserving the health of the forest. Chairman Davis said that if the area was declared a scenic area, there would be a different set of management processes for the Forest Service. Supervisor Brownlow asked if any of the proposed Yavapai Ranch land exchange was in the area covered by Amendment 12. Mr. Kusner answered "no." Supervisor Brownlow said he needed more information before he could vote on this issue, and that he would like to see a copy of Amendment 12. Supervisor Street said she had the same kinds of questions that Supervisor Brownlow had voiced, and that agencies such as the Forest Service that prepare their own plans always allow for all kinds of public input. She told Mr. Kusner she understood what he was trying to do, but was having difficulty connecting that to something that required an action by the Board. She said she would like to hear from the Forest Service and felt that the Board should have a public hearing on this matter. Supervisor Street asked if Coconino County had taken an action similar to that being requested on this day. Mr. Kusner said the Coconino County Board of Supervisors would be considering the same action and that Supervisor Matt Ryan had indicated to him that he did not anticipate any problems with passing a resolution. He added that the Sedona City Council would be considering similar action very soon, and that no one was saying "don't do this." Chairman Davis said the Board had just approved spending money for studies on 90 acres of BLM land, and that instead of voting in favor of it he could have said that he wanted to know if there were any private enterprises that wanted to purchase that land. He said that Amendment 12 took at least two years to develop and involved extensive public outreach. Chairman Davis said there were no private interests involved, that there were no current or pending land exchanges, and that there was no controversy. He said he believed that people in the community just wanted to put some teeth into Amendment 12 by having the area covered by the Amendment declared a national scenic area. He added that Congress would ultimately have to approve the request and that that process would involve a great deal of public participation. Supervisor Brownlow said he just wanted to see Amendment 12 before he endorsed the area as a national scenic area, saying that if preservation was involved it would cut down on the use of the land. Mr. Kusner said it would just preserve it as national forest. Supervisor Brownlow said he wanted more information. Supervisor Street said she also wanted more information and that she also wanted a hearing on the matter. Mr. Chandler said that the sole purpose of the request was to maintain an effective plan that has been in place for at least five years, and that the community was concerned that a change in policy might allow the forest to become degraded down the line.

- h. Sitting as the Yavapai County Board of Equalization, approve policy for conducting Board reviews for Notices of Claim and Notices of Correction.
- 2. Request from Clerk of Superior Court for permission to expend \$12,200 from the Document Storage and Retrieval Fund towards the purchase of equipment and supplies necessary to implement a bar coding software program designed by the Supreme Court.
- 3. Requests from Finance:
 - a. Approve grant agreement with the Department of Public Safety for Special Training Programs that will be used by the County Attorney's Victim Witness Division. Grant amount is \$840 with no cost to the County. Held in abeyance for additional information. Motion by Supervisor Brownlow, second by Supervisor Street.

Supervisor Brownlow noted that the agenda stated "no cost to the County" but that the grant agreement called for matching funds in the amount of \$210.

- b. Certification of fiscal year 2002-03 total court collections, pursuant to A.R.S. §41-2421.
- 3. Request from Superior Court for the reappointment of Superior Court Judges Pro Tempore, January 1, through December 31, 2004, contingent upon funding. Presiding Judge of Superior Court Raymond W. Weaver, Jr., participated in discussion. Supervisor Street moved to approve the reappointment from January 1 through June 30, 2004. Supervisor Brownlow seconded the motion, which carried by unanimous vote.

Supervisor Brownlow said he thought the statutes allowed for appointments of only six

months. Judge Weaver said the law had changed and now allows for appointments of one year. Supervisor Street said she had pulled this item for discussion because she would like to decide about appointments related to the next fiscal year in that fiscal year's budget. Chairman Davis pointed out that the agenda item said "contingent upon funding" and that for that reason, he had not been concerned about it.

- 4. Request from Development Services to consider amendment of Resolution No. 1319 for the adoption of Congress Official Street Name Map. Resolution No. 1422.
- 5. Request from MIS for permission to trade an obsolete computer for a tape drive, at a cost of \$2,175 including shipping and tax, to be paid from Office Supplies.
- 6. 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 for the purpose of approving vouchers.
- 2. Resolve into the Board of Directors of the Yavapai County Flood Control and consider approval of Change Order No. 1 to the professional services contract with Claycomb, Rockwell, Woodson and Associates, Inc. for the Lake Montezuma ADMS Update and the Central Lake Montezuma Area Drainage Master Study, in an additional amount of \$6,000, to be paid from Construction in Progress, Central Lake Montezuma account.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,474,071.24	Jail District	419,312.21
District 1 Park Fund	1,746.59	District 2 Park Fund	49,044.24
District 3 Park Fund	498.80	DOJ 2001	10,702.87
DOJ 2002	2,300.00	WMD Planner	1,297.26
HS 2003 Primary	2,647.15	Education Svs Agen.	5,364.86
Az Coop Purchasing	743.00	Resep Radiation Exp.	411.96
SFS Federal Funding	228.00	Child Health Grant	4,506.63
AMPPHI	1,161.20	Family Planning	5,516.68
MCH Programs	2,428.40	Home Health Ser	80.73
Health Promotion	2,478.51	Teenage PG Prevent	1,082.61
Nutrition	1,422.58	T.B. Control	517.05
WIC Program	16,200.27	Stop Violence Women	647.74
Jail Enhancement	3,595.22	Juvenile Delinq. Reduct	10,333.73
Juvenile IPS	16,281.26	Juvenile Food Prog	1,579.50
Probation Serv	3,349.16	Adult IPS	30,350.25
Adult Probation Fees	18,728.52	Prob Enhance	40,995.28
Recorder's Surcharge	2,080.74	Indigent Def/Dg	1,328.11
Crim Just/Atty	4,688.63	Bad Check Prog	4,375.41
CDBG Grants	57,320.70	Juv Prob Svs	3,871.23
Commodity Fd	765.25	Azeip Case Mgmt	2,974.00
Sexual Trans Disease	129.26	Hi Risk Chld HI	3,055.32
Clerk's Storage	1,297.58	WIC/TOB Intervention	2,541.48
HIV Counsel & Test	1,727.72	Atty Anti-Racket	2,158.75
PANT	3,050.53	CASA	3,364.62
Case Process	4,377.15	Prim. Care – V.V.	4,540.68
Azeip Coordinator	3.31	Vict Witns Prog	7,452.53
Court Enhancement	7,163.65	Council Court	4,169.37
Drug Enforcement Fund	1,124.42	Primary Care Svs	11,285.17
Local ADR	375.00	Victims Rights Impl	2,891.26
JAIBG Juv Acct P-II	3,084.30	Yavapai Indian Agree	1,220.98
Dietetic Intern	571.40	Immuniz Service	2,197.07
Personal Care Svs	4,038.64	Idea-Preschool	1,114.78
Subs Abuse/DARE	428.70	Chem Abuse	480.39
Family Drug Court	424.09	Juvenile Drug Court	4,396.85

Juv Det/PACE	5,908.57	Collab. Comp Rev Gr	337.36
Special Program	17,721.00	Sm Schools Ecia	879.74
Sm Schools Beha	19,841.26	Fill the Gap - Courts	9,147.36
School Facilities	2,568.30	Hurf Road Funds	518,203.81
Assessor Surcharge	1,608.53	Assessor App Dev	7,702.00
Health Fund	70,039.23	Jail Commissary	6,251.82
Landfill Administ.	22,526.12	Water Advisory Comm	3,190.89
Clinical NCP	1,304.37	Tire Recycle	2,498.91
Safe School Pro	7,658.42	Adhs-Svs Coord	665.61
Fill the Gap – Attorney	5,090.75	Family Law Commiss.	6,807.70
Comm Punish Pro	1,079.03	Juven. Detent Ed Pro	1,084.51
Regnl Road Project	1,697,592.48	Select. Traffic Enforce	567.30
Health Start	3,519.59	DUI Comm. Gov Off	1,812.70
Interstate Compact Pro	1,954.20	Ryan White II	3,509.04
Prepared. Bioterror	9,329.66	DUI Abatement 2003	50.44
Primary Care Fees	3,329.68	Perinatal Block	2,548.98
Well Woman Health	6,066.58	Tobacco Educ	13,856.62
Cops More 2001	31.35	AD Prob Ed. H2002	52.91
St Imple. Grant	67.47	School Reso. – Mayer	1,538.48
Az Reg. Supp. Center	168.68	Direct Treatment Fund	6,131.69
Mental HealthRWJF	2,731.40	Mental Health Part.	4,475.38
Field Trainer	2,119.73	Comm. Access Pro	5,607.33
Attendant Care	27,065.10	HIV/CT	416.62
HIV Targeted	2,126.69	Childrens Justice	1,092.79
Child Sup & Vis	648.71	Domestic Relations Ed	522.82
Self Service	189.61	VOCA	7,910.57
LTAF Vlt Local Trans	4,000.00	Yav. Drug Court	2,060.85
JTSF Treatment	4,628.61	Diversion Conseq.	1,248.98
Tobacco Donation	9.43	Capital Projects	220,152.02
Jail Construction	368,433.89	Juv Jail Improv Ph II	90,323.00
Seligman Runway Airp.	320.43	ALTCS	1,745,901.50
Help Debt Svs Loans	193,218.75		

In addition, payroll was issued on November 14 for the pay period ending November 8; warrant numbers 2437245 through 2437674, in the amount of \$350,951.34. Jury certificates issued during this time; 6863000 through 6863073; 6863074 through 6863193. Warrants issued for November 17 Board day, 4206107 through 4206509; 4206510 through 4206939.

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

ATTEST:

_____ Clerk _____ Chairman