

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

July 6, 2004

The Board of Supervisors met in regular session on July 6, 2004, 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. Recognition of Superior Court Administrator Deborah Schaefer for becoming a Fellow of the Institute for Court Management.
2. Give tentative approval to the County Primary and Secondary Budgets for the 2004-2005 fiscal year. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. There were no comments from the public.

NOTICE TO TAXPAYERS

The Yavapai County Board of Supervisors will, at its regular meeting on August 2, 2004, at 9:30 a.m., in the Board of Supervisors' Hearing Room, First Floor, Yavapai County Administrative Services Building, 1015 Fair Street, Prescott, Arizona, hold a final budget hearing at which any taxpayers may appear and be heard in favor of or against the proposed tax levies for the 2004-2005 fiscal year. The tentative budget for Yavapai County is as follows, with detailed department and special district budgets available at the Office of the Clerk of the Board of Supervisors, Room 310, 1015 Fair Street, Prescott, Arizona, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

(Schedules A-E are attached to these minutes)

Following the conclusion of the final budget hearing on August 2, 2004, the Board will meet at 9:30 a.m. on August 16, 2004, or on or before the third Monday in August to fix, levy and assess the amount to be raised by direct taxation on each \$100 of Primary and Secondary taxable property for County purposes, and to add thereto the amount levied for state purposes.

/s/ Bev Staddon
Clerk of the Board of Supervisors

Mr. Holst explained that by giving tentative approval to the budget, the Board would be setting the ceiling on expenditures for the 2004-2005 fiscal year, that the hearing on final budget adoption would take place on August 2, 2004, and that the Board would set tax rates at its meeting on August 16, 2004. He told the Board he would be meeting with representatives of the Arizona Tax Research Association and some major taxpayers on July 8 to review the County's budget, and that the statutory Truth in Taxation hearing would be held on August 2 with a courtesy hearing to be held at the Board's July 19 meeting in the Verde Valley. Mr. Holst said that increases in the County's general operations were due primarily to expenses related to the new Early Disposition Court program approved by the Board earlier this year, and he added that the County would also be making major repayments on HELP loans for the construction of Fain Road and the realignment of Highway 89A. Mr. Holst said that, overall, the 2004-2005 fiscal year budget represented an increase of about three percent over the 2003-2004 budget. Chairman Davis said that the Truth in Taxation hearing (TNT) was the public hearing at which the Board would discuss what actually happened with the budget in terms of increases in property valuation and the like. Mr. Holst said that was correct, and that

almost every county in the state had to hold a TNT hearing because of increases in valuation that cause a county to collect more in revenue even if the tax rate stays the same. Chairman Davis asked Mr. Holst what types of things had happened that had allowed the Board to minimize the overall increase in the budget. Mr. Holst said that approximately \$1.5 million within departmental budgets had not been spent, with a good amount of that number being money set aside in Contingency that was not spent. He said some things that had caused increases were the implementation of the Early Disposition Court program, range adjustments for employees to become more competitive in the market, reclassifications, and re-activating the merit program for employees. Supervisor Street pointed out that of the total \$181 million budget, property tax accounted for only \$28 million in revenue. She said that much of the County's revenue came from other sources, like permit fees and the like. She noted that the Board's action on this day would only limit the total amount that could be spent, but said she still had some heartburn about some individual parts of the budget.

3. Resolve into the Boards of Directors of the following special and improvement districts for the purpose of giving tentative approval to their 2004-2005 fiscal year budgets: Reference: Special district minutes.
 - a. Yavapai County Flood Control District.
 - b. Yavapai County Free Library District.
 - c. Yavapai County Jail District.
 - d. Ash Fork Street Lighting Improvement District.
 - e. Seligman Street Lighting Improvement District.
 - f. Yarnell Street Lighting Improvement District.
 - g. Granite Gardens Sanitary District.
 - h. Seligman Sanitary District.
 - i. Coyote Springs Road Improvement District II.
 - j. Pine Valley Street Improvement District.
 - k. Prescott East Sanitary District.
4. Resolve into the Board of Supervisors. 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 2.a., 2.b., 2.c., 6., 7., 8., and 9., on the Consent Agenda for Board of Supervisors, all items were approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public. See Consent Agenda for Board of Supervisors for details.

ITEM NO. 2. County Administrator Jim Holst.

1. Study session regarding Legal Defender's Office. Public Defender Dan DeRienzo and Superior Court Administrator Debi Schaefer participated in discussion of this item.

Mr. Holst said that even though an item was included on this day's agenda for action regarding the establishment of a Legal Defender's Office, the Board might not be ready to take such action. He said that the subject of a Legal Defender's Office was an area that many of the larger counties had addressed and that this was a subject that Mr. Hunt had worked on in conjunction with Mr. DeRienzo. Mr. Holst said the County had a Public Defender's Office (PDO) with in-house attorneys who could do a certain amount of work and that additional cases and cases for which the PDO had conflicts had to be sent outside. He said that the establishment of a Legal Defender's Office (LDO) would be another step toward handling conflicts and possibly additional caseloads. He said it was his understanding that an in-house attorney could handle more cases than a contract attorney and that some of the reason for that might be related to the Early Disposition Court (EDC) program. Mr. Holst said that an LDO would be able to help in situations where there were multiple defendants in a case. He pointed out that the County was paying individual attorneys for cases that did not fit with the contracts of the contract attorneys and that \$500,000 was budgeted for that in the current year's budget. He said that establishment of an LDO would enable the County to reduce that expenditure, adding that the additional office space needed was already available in the building the County was leasing on White Spar Road. Mr. Hunt told the Board that his charge in this matter was to take an objective approach to the subject and to look at costs. He explained that by using 4,990 cases as a base he had determine that the per-case cost in 2004-2005 for cases handled by the PDO would be \$679, \$818 for cases handled by contract attorneys and \$803 for cases handled by outside attorneys. Mr. Hunt told the Board that eliminating the PDO and going to a system of all private attorneys would cost the County approximately \$480,000 more per year

while the implementation of an LDO would likely save the County about \$200,000 per year. In response to questions from Chairman Davis regarding who had been involved in identifying the three options of continuing with the current system, going to a system of all private attorneys or maximizing the in-house staff, Mr. Hunt said he had identified those three options based on discussions in Board meetings and on budget discussions. Chairman Davis noted that the per-case cost for contract attorneys was higher than that for outside attorneys. Mr. Hunt responded that a number of the contract attorneys had been doing contract work for the County for quite some time and that there was an escalator clause for contract attorney fees. Chairman Davis asked if it would be possible to adjust the escalator clause in order to allow for annual negotiation. Mr. Hunt said he thought that was possible. Mr. Holst said that Mr. DeRienzo had explained to him that contract attorneys are required to take certain cases while outside attorneys had the ability to refuse a case. Mr. Hunt said he believed that if a system could be set up whereby as many cases as possible could be handled by a separate County office, the County would be able to save money. He said he believed that in order to achieve that it would likely take a staff of about 15 people and that, given the EDC program, now would be a good time to consider such an in-house option. He said it might be possible to use the LDO to handle EDC cases. Supervisor Brownlow asked if the County was paying contract attorneys \$818 per case. Mr. DeRienzo said the contract actually allows for about \$600 per case, but that contract attorneys are allowed to bill for travel, postage, phones, and so on. Supervisor Brownlow asked if a contract attorney would still collect the \$600 if he took a case and was able to resolve it in a matter of minutes. Mr. DeRienzo said no, that the case had to get past the point of arraignment and that an attorney had to spend at least three hours on a case before he could collect the full amount. Supervisor Brownlow asked who would decide if a contract attorney wanted an expert witness. Mr. DeRienzo said that he tries to screen such requests but that when he denies a request for an expert witness a contract attorney will often ask the court to order it and he then must pay for whatever the court orders. In response to a question from Supervisor Brownlow regarding the assignment of cases, Mr. Holst said that an LDO would be a completely separate department with a Legal Defender appointed by and responsible to the Board. Supervisor Brownlow asked if an LDO would do its own investigation. Mr. DeRienzo said it would. He said he saw the establishment of an LDO as a decrease in government because a Public Defender could handle between 200 and 250 cases per year while a contract attorney could handle 130 cases, and that having more in-house attorneys would mean fewer cases going to contract attorneys. He said that with regard to investigators, there was more control with in-house attorneys and that while he tried to provide investigation services to contract attorneys, sometimes it was not possible to do so and those attorneys ended up hiring their own investigators and sending him the bill. Supervisor Brownlow asked Ms. Schaefer if she knew how prosecutors counted their cases. Ms. Schaefer said she did not, and that everyone counted cases in their own way but that the cases handled by the PDO were not just felony cases but also included dependency cases and other types of cases. Mr. Hunt said that the County Attorney might assign more than one attorney to a case but that in cases where there were multiple defendants involved it was still just one case for the County Attorney, but that the PDO could not handle things that way. Chairman Davis said he had concerns because in the budget categories of Indigent Defense and Additional Attorney Services the Public Defender had gone over budget. He said he had concerns with the PDO and the way services were being provided, and that it was unacceptable to him. Mr. DeRienzo said that over the last two years there had been an 18% increase in felonies and that was where the additional cost was coming from. He said he was not paying more per case but that it was just the result of an increase in demand. He said that for 2004-2005 he had anticipated costs based on the increases in felonies in the last two years. Chairman Davis asked why that same number was not reflected in the County Attorney's budget or in the Sheriff's budget. He said he did not see where Mr. DeRienzo had called in someone from the outside to help brainstorm what to do and that perhaps if some of the contract attorneys could get some of the easier cases the costs would go down. Mr. DeRienzo said it was true that when possible he would pull the easier cases for the in-house attorneys because they could do more cases for the same fixed salary and that if the contract attorneys had the easy cases they would still collect on a per-case basis. He said he was trying to save the most money he could for the County, given the resources he had, and that he believed his attorneys were less expensive on both easy cases and difficult cases. Supervisor Street asked what the cooperative relationship would be between the PDO and the LDO and who would decide who gets which cases. Mr. DeRienzo said the assignment of cases

varied from jurisdiction to jurisdiction, and that in some cases it was the court that decided while in other cases the Public Defender might assign a case to the Legal Defender or vice-versa. Chairman Davis asked what the LDO would do if there were no conflicts. Mr. DeRienzo said the PDO could handle about 65% to 70% of all cases, and that the LDO might do 30% to 35% of cases, but that between the two offices it should be possible to have 85% to 90% of all cases handled in-house. He said that, with regard to dependency cases, Yavapai Count was one of the only counties that handled those types of cases through the PDO and that his office could only process about 20% to 30% of those cases. Supervisor Street asked if the LDO could take on some of the dependency cases. Mr. DeRienzo said that was his hope. He said he wanted to thank Mr. Hunt and the Finance Department for their work on this issue, adding that he had learned a great deal and that he would be incorporating their suggestions into his operations. Chairman Davis referred to certain portions of Mr. Hunt's report, saying he looked for continuity in information and that there were some things that did not seem to be consistent. Mr. Hunt responded, saying that with regard to cases it was not always possible to identify which case would be easy and which would be difficult. He said that if there were inconsistencies in the report, it was his fault and not Mr. DeRienzo's fault. Mr. DeRienzo said that with regard to escalator clause, the contract attorneys had not received a 5% increase each year but instead had received a 2.5% increase. Chairman Davis asked if escalation had been applied to the in-house costs for the five-year projection. Mr. Hunt said there was an increase included but that it did not reflect actual Board action. Chairman Davis asked if the LDO could handle the Early Disposition Court and whether it would be possible to implement the LDO and freeze the PDO. Mr. Hunt said the thrust of the program would be to assign the bulk of the cases to the LDO as opposed to contract attorneys. Mr. DeRienzo said his office was handling about 50% of the cases but that if the Board wanted to implement the LDO and freeze his office it was okay with him. Supervisor Street said she did not believe in growing government except that in this case the criminals were growing it for the County. She said that the statutes and the requirements for legal defense mandated that the County provide services, and that if she had to provide services she wanted it to be as cost effective as possible. Supervisor Street said she was in favor of an LDO and that it appeared that 15 people would be needed to staff it, but that those were details that might need to be worked out. She said she was not in favor of freezing a department or hamstringing anyone. Supervisor Brownlow said he had spoken to a number of the contract attorneys and that he thought establishing the LDO was the way to go.

- 2. Possible action regarding establishment of a Legal Defender's Office. Public Defender Dan DeRienzo participated in discussion of this item. Supervisor Street moved to establish a Legal Defender's Office, saying she would like to see staff provide more details about the structure of the office and asking if the Board was also required to approve staff on this day. Supervisor Brownlow seconded the motion, which carried by unanimous vote. There were no comments from the public.

Chairman Davis asked if the Board wanted to include the staffing recommendations in the motion or whether it wanted to deal with that issue in another study session. Mr. Holst said the recommendation for staffing was an estimate to maximize the number of cases that could be handled through the office. Mr. Hunt said it was not really a staffing proposal and that he could come back with some additional options. Supervisor Street said she was okay with 15 staff members. Supervisor Brownlow said he was not okay with that number, and that he would like to approve the office and then later on sit down and talk about the next step. There was general agreement that staff should prepare staffing options and procedures for coordination about which office will be assigned which cases. Supervisor Street said she wanted to note that even with a PDO and the LDO, the County would still have to have some contract attorneys or outside attorneys. Mr. DeRienzo agreed, saying that with the LDO only about 15% of the cases would have to go outside.

ITEM NO. 3. Community Health Services Department Director Marcia Jacobson. Request to reorganize the Environmental Health Program and to move it into its own special revenue account. Supervisor Brownlow moved to approve this item contingent upon approval by the Board of Health. Supervisor Street seconded the motion, which carried by unanimous vote. No comments from the public.

Ms. Jacobson said there would be no additional costs related to the request for reorganization. She said that Environmental Health Manager Chris Sexton would be retiring,

and that she would not be replacing him but would instead integrate the responsibilities of his position into another existing position. She said that in August she would be asking the Board for an increase in Environmental Health fees and that by moving the Environmental Health Program into its own revenue account she hoped to be able to treat it more like a business. Ms. Jacobson said that any revenues generated in excess of direct costs would come back to the County to pay for indirect costs. Supervisor Street asked if many of the Environmental Health services were mandated. Ms. Jacobson said that many of the services were delegated to the County by the state. Supervisor Brownlow asked if the Board of Health had approved this request. Ms. Jacobson said that body would meet tomorrow and had not yet considered the request.

ITEM NO. 4. Resolve into the Board of Directors of the Yavapai County Free Library District. Consider request from Library District Director Barbara Kile for permission to enter into a contract with Art Budilowski, dba AZAMIN, as an independent contractor for advanced technology projects at a cost of \$37,000 to be paid from Library District budget, Outside Services account. Reference: Special District minutes.

ITEM NO. 5. Resolve into Board of Supervisors. Public Works Director Richard Straub.

1. Request for permission to enter into a purchase agreement with Sandra Lomax for acquisition of Lot 87, Wickiup Mesa, for the Chipmunk Hollow road widening project, in an amount not to exceed \$5,500 to be paid from HURF. Approved by unanimous vote. Motion by Chairman Davis, second by Supervisor Brownlow. No comments from the public.
2. Consider accepting easements donated for Double A Ranch Road, Ash Fork area, and consider approval of a right-of-way project to perfect right-of-way on the remainder of the road. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
3. Consider approval of a right-of-way project on OX Ranch Road, Congress area. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
4. Award or reject bids received for the Kirkland-Hillside Highway Rubberized Chip Seal in Yavapai County, Project #2314001. Bids opened June 22, 2004, with bids received from the following vendors: Cactus Transport, Inc., \$343,668; Cholla Pavement Maintenance, Inc., \$428,195.30; and International Surfacing Systems, \$461,932.36. Recommend awarding to Cactus Transport, Inc., in the amount of \$343,668. Half-cent sales tax project. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
5. Consider accepting petition to establish various roads in the Black Canyon City, Government Canyon, Groom Creek, Hassayampa Mountain Club, Highland Pines, Holiday Hills, Ponderosa Park and Williamson Valley areas as County highways and set hearing for July 19, 2004, at 10:30 a.m. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
6. Consider approval of Change Order #3 with Vastco, Inc. in the additional amount of \$222,674.87 for the Mingus Avenue Extension Project, Camp Verde, Yavapai County, Arizona, Project #998144. Half-cent sales tax project. Approved by unanimous vote. Motion by Chairman Davis, second by Supervisor Street. No comments from the public.
7. Permission to apply for Round 12 Transportation Enhancement Funds and matching funds should a project be selected, for Willow Creek Road (multi-use path, landscaping and concrete sidewalk ramps) and Cornville Road (multi-use path). Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
8. Consider approval of items appearing on the Consent Agenda for Public Works. All items were approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

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

1. Permission to purchase five traffic counters from 2003-2004 budgeted HURF funds.
2. Award or reject bid received from Arizona Highway Safety Specialists, Inc., sole bidder, for Annual Contract for Guardrail Repair and Installation in Yavapai County, Arizona, Contract #24113812, for unit price. Bid opened June 15, 2004. To be paid from HURF.
3. Award or reject bids received for Annual Contract for Rental Equipment in Yavapai County, Contract #2413811. Bids opened June 15, 2004, with bids received from the following vendors: ECCO Equipment Corp.; Empire Southwest Machinery; Ingersoll-Rand; Rental Service Corp.; and United Rentals. Recommend awarding to bidders listed at various unit prices, and reject bid received from Red Mountain Machinery Company because it contained counter proposal language contrary to County specifications.

ITEM NO. 6. Development Services Director Ken Spedding and Assistant Development Services Director Enalo Lockard. Planning and zoning; Development Services business. Planning & Zoning Commission member Tom Thurman was present to represent the Commission.

1. Consider approval of items appearing on the Consent Agenda for Planning & Zoning. Both items were approved by unanimous vote, upon a motion by Supervisor Brownlow, seconded by Supervisor Street. No comments from the public. See Consent Agenda for Planning and Zoning for details.
2. Hearing: Use permit for the installation of a new 80-foot wireless communication facility monopole with associated equipment in an RCU-2A zoning district, Paulden Nextel, 304-06-251A, Paulden area, Marck Sawyer agent for Nextel/Tetra Tech, Inc., #H3173. Consideration of a Use Permit in order to allow the installation of a new eighty-foot (80') wireless communication facility monopole with associated equipment within a thirty by forty-foot (30'x40') lease area on a .64-acre (29,524 square feet) parcel in an RCU-2A (Residential; Single-Family; Rural; 2-acre minimum) zoning district. Located at the Paulden Volunteer Fire Department, approximately four hundred feet (400') west of the Big Chino Road/S.R.-89 intersection in the community of Paulden. Located in SEC 34 TWN 18N R 02W G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit, with the following Stipulations: 1). Use Permit shall be granted on a ten (10) year, transferable basis, to run concurrently with the lease agreement, with staff review after five (5) years and staff notification prior to transfer; 2). Development shall be in conformance with the Letter of Intent and Site Plan dated February 13, 2004; 3). The maximum height of the tower, including base, platform and antennae, not to exceed eighty-four feet (84') above grade level; 4). The applicant shall allow for the co-location of other antennae to be placed on the proposed tower and to allow emergency response agencies in addition to other cellular providers; 5). Tower shall be installed in keeping with current ordinance criteria for a wireless telecommunication facility installation regarding fall zone or collapse safety; 6). Any lighting used in conjunction with the maintenance or operation of this facility shall be in compliance with the Yavapai County Planning and Zoning Ordinance. No dusk to dawn lighting. No lighting other than for maintenance (Section 603, Outdoor Light Control); 7). Applicant shall obtain building permits/zoning clearance, within one (1) year of Board of Supervisors approval, and diligently pursue completion. Failure of such shall void the permit unless a longer time has been granted or an extension of time has been applied for with the Board of Supervisors prior to the expiration of the one (1) year period; 8). Within thirty (30) days of Board of Supervisors approval, financial assurances shall be posted by the applicant for the occurrence or possible need for removal of the tower and returning the natural state of the site, prior to submittal and approval of building permits/zoning clearances (Section 605.J.1); 9). The communication tower shall be removed from the property, at the owner's expense, within one hundred eighty (180) days if it becomes unused or obsolete (Section 605.J.2). Applicant's representative Craig Green participated in discussion. Paulden resident Dale Famas registered opposition to this application, and Paulden residents Tony Rasgorshek and Russ Veltri spoke in support of the application. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

Mr. Lockard reminded the Board that this item had been carried over from the June meeting in order to advertise it as a hearing. He said the location of the proposed monopole was adjacent to the Paulden fire station, which he said would lease the land to the communications company. There was brief discussion regarding the use of a consultant to look at wireless plans, during which Mr. Lockard said that the companies applying for use permits would be paying the costs associated with the consultant's review. Chairman Davis called for comments in opposition to the application. Mr. Famas said he thought it was good that the County would be using a consultant and he asked that this application be held until such time as the consultant could review it. He said he was not opposed to an antenna, but that he did think there was a better location for it. Mr. Famas said it was his understanding that another wireless company was going to be applying for a tower and that that company did not believe that co-location on the subject monopole would be suitable. Mr. Rasgorshek said he was a member of the Paulden Volunteer Fire Department and that he hoped the Board would make a decision on this day. He reminded the Board that the Commission's vote on this issue was unanimous and said that the money the fire department would receive for lease of the land would go back into the community in the form of education and the like. He asked the Board to approve the application. Mr. Veltri asked the Board to approve the application, saying that it would provide for better communications all around. In making his motion to approve, Supervisor Brownlow said he believed this was something the community needed, and that the volunteer fire department was struggling to keep things going.

3. Hearing: Zoning map change from R1-70 to C2 and RS to allow for installation of a 300-unit self storage facility, manager's quarters and offices, Elm Self Storage, 402-02-046 and 046A, Dewey area, Cheri Lewis agent for Smith Family Revocable Living Trust, #H4036. Consideration of a Zoning map change request from R1-70 (Residential, 70,000 sq. ft. minimum lot size) to the C2 (Commercial, General Sales and Services) and RS (Residential Services) zoning districts, to allow for the installation of a 300 unit self storage facility, a manager's quarters and 2,400 sq. ft of offices on an approximately 2.85 acre parcel. Located on the east side of SR 69, approximately 300 ft. north of the Kachina/SR 69 intersection in the Dewey area. SEC 3 TWN 13N R 1E G&SRB&M. The Planning and Zoning Commission recommended approval of the zoning map change, with the following Stipulations: 1). Approval of a zoning map change to conditional C2 zoning for tax parcel 402-02-046 to allow for the construction of a self-storage facility. Site to be developed for the uses stated in the applicant's letter of intent and in keeping with the site plan submitted with the zoning map change application; 2). Approval of a zoning map change to Conditional RS zoning for tax parcel 402-02-046A to allow for offices and a manager's residence. Site to be developed for the uses stated in the applicant's letter of intent and in keeping with the site plan submitted with the zoning map change application. Applicant Eric Hemingway participated in discussion. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission.

Mr. Lockard told the Board the Commission had recommended approval of this item by a split vote, primarily because of concerns related to traffic. He said the applicant had tried to address those concerns by allowing for a frontage road. Supervisor Brownlow said he had been in the area of the subject property early on this day, looking at traffic, and that he was in favor of a frontage road. He asked if the applicant would have to obtain permission from adjacent property owners in order to put in the frontage road. Mr. Lockard said that ADOT had advised staff that it was not interested in doing a frontage road. He said the frontage road would have to go along the front of the applicant's property rather than in the ADOT right-of-way. Supervisor Brownlow asked if the property owner to the south of the subject property was agreeable to a frontage road. Mr. Hemingway said he had approached the property owner to the south, and that the County had said that when he finished his piece of the frontage road the other property owner would be required to finish the road over to the traffic signal. He added that ADOT had already issued a permit for a deceleration lane. Supervisor Brownlow asked how people coming from the other direction to gain access onto the property. Mr. Hemingway said that ADOT would allow for left turns in but only right turns out.

4. Hearing: Use permit amendment to increase previously approved microwave dish from 4-foot diameter to 6-foot diameter in an RCU-2A zoning district, Henderson Valley Use Permit Amendment, 402-15-020, Dewey area, Dennis Farrington agent for Midvale Telephone Exchange, #H4067. Consideration of a Use Permit Amendment to allow the applicant to increase the previously approved microwave dish from a four-foot (4') diameter to a six-foot (6') diameter in a RCU-2A (Residential; Single-Family; Rural; 2-acre minimum) zoning district. Located on Rabbit Ridge Road, approximately 4.4 miles (23,250 feet) northeast of the S.R.-69/S.R.-169 intersection in the vicinity of Dewey. SEC 29 T 14N R 02E G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit, with the following Stipulations: 1). Development to be in conformance with the updated Letter of Intent submitted on April 19, 2004; 2). Security fence to be installed around the facility; 3). All previous stipulations apply; 4). Application to comply with all other applicable codes and ordinances. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission. No comments from the public.
5. Hearing: Use permit amendment to increase previously approved microwave dish from 4-foot diameter to 6-foot diameter in an RCU-2A zoning district, Mt. Pine Acres Use Permit Amendment, 205-14-143, Prescott area, Dennis Farrington agent for Midvale Telephone Exchange, #H4064. Consideration of a Use Permit Amendment to allow the applicant to increase the previously approved microwave dish from a four-foot (4') diameter to a six-foot (6') diameter in a RCU-2A (Residential; Single-Family; Rural; 2-acre minimum) zoning district. Located on Lot 19 of the Mt. Pine Acres subdivision, approximately 2.8 miles (15,080 feet) southeast of the Senator Highway/Mt. Tritle Road intersection in the vicinity of Prescott. SEC36 T12.5N R02W, SEC01N T12N R02W G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit amendment, with the following Stipulations: 1). Development to be in conformance with the updated Letter of Intent submitted on April 19, 2004; 2). All previous stipulations apply. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission. No comments from the public.

CONSENT AGENDA FOR PLANNING AND ZONING:

1. Preliminary plat, Wickenburg Ranch Unit 1, Phases I through V, 201-02-149C and 022B, Congress area, CDC Wickenburg Ranch LLC, #H4063. Consideration of a preliminary plat for an approximately 629 acre parcel, depicting 216 single family residential lots, ranging in size from approximately 2 to 5.6 acres, on property zoned RIL-2A (Residential 2 acre minimum lot size, limited to site built homes only). Located on the East side of SR 89, approximately 1.5 miles north of the SR 89/93 intersection in the Congress area. SEC 7, 8,17 &18 TWN 8N R 5W. The Planning and Zoning Commission recommended approval of the preliminary plat, with the following Stipulations: 1). The final plat for the Wickenburg Ranch Unit 1 Phases I thru V, shall be in general conformance with the approved preliminary plat and shall be in conformance with: all applicable conditions of the Wickenburg Ranch zoning, as well as all other applicable codes, standards and regulations, unless waived by the Board of Supervisors; 2). Trail along Martinez Wash to be dedicated to Yavapai County in conjunction with consideration of the final plat for Unit 1. Planner Mike Kelly participated in discussion of this item. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission. No comments from the public.

Supervisor Brownlow said that previously the Board was told it would be notified regarding the issue of maintenance on the trail associated with this subdivision, and he asked how that could happen when the item was placed on the Consent Agenda. He asked if it would be better if the stipulations listed the trail as an access easement for a trail. Mr. Kelly said that the trail was actually a big wash and that the Board really did not need to do anything. He said that when the developer dedicates the trail language could be included stating that Yavapai County has no maintenance responsibility. Supervisor Brownlow said he wanted it to be very clear that the County would not maintain the trail, and he asked again if it should be called a trail or if it should be called an easement. Mr. Kelly said that information regarding maintenance could be included on the final plat. Supervisor Brownlow asked if the County would be expected to improve the roads in the subdivision, saying that it appeared to him from the back-up materials that were the case. Mr. Kelly said the developer would build the road to County standard and would dedicate them to the County. Chairman Davis said the Board was used to seeing that kind of information included specifically in the stipulations. Mr. Kelly said that the stipulations for zoning issues used to be very lengthy in order to list every specific and that some time ago he was directed to discontinue that practice. Mr. Spedding agreed, saying that the reference in the stipulations to "applicable codes, standards and regulations" covered many items that used to be listed individually. Supervisor Street said she believed there was some confusion about the word "dedicated", and that she did not think it meant "dedicated to Yavapai County" so much as it was an acknowledgement by the County that the trail was there.

2. Use permit to allow extension of 16 feet for an existing wireless tower from 68 feet to a total of 84 feet and mount four panel antennas in an RCU-2A zoning district, 301-11-002, Seligman area, Cross Mountain Co-Location, Danielle Waechter agent for Nextel/Tetra Tech, Inc., #H4062. Consideration of a Use Permit to allow an extension of sixteen feet (16') for an existing wireless tower, from sixty-eight feet (68') to a total of eighty-four feet (84') in height, and mount four (4) panel antennas consisting of three (3) sectors, contained in an eighteen-foot by twenty-nine-foot (18'x29') lease area in a RCU-2A (Residential; Single-Family; Rural; 2-acre minimum) zoning district. Located on Radio Tower Road, approximately five (5) miles south of the Interstate 40/Anvil Rock Road intersection in the vicinity of Seligman. SEC10 TN21N R08W G&SRB&M. The Planning and Zoning Commission recommended approval of the use permit, with the following Stipulations: 1). Use Permit shall be granted on a ten (10) year, transferable basis, to run concurrently with the lease agreement, with staff notification prior to transfer; 2). Development shall be in conformance with the site plan dated December 09, 2003; 3). The maximum height of the tower, including base, platform and antennae, not to exceed eighty-four feet (84') above grade level; 4). Tower shall be installed in keeping with current ordinance criteria for a wireless telecommunication facility installation regarding fall zone or collapse safety; 5). No signs shall be allowed at the facility with the exception of a single one (1) square foot sign for Nextel to provide emergency contact numbers (Section 605.D.3.f); 6). Waiver of solid screening to allow construction of a chain-link fence around all ground-mounted equipment; 7). Any lighting used in conjunction with the maintenance or operation of this facility shall be in compliance with the Yavapai County Planning and Zoning Ordinance Section 603, Light Pollution Control. No dusk to dawn lighting. No lighting other than for maintenance; 8). Within thirty (30) days of Board of Supervisors approval financial assurances shall be posted by the applicant for the occurrence or possible need for removal of the tower/equipment and returning the natural state of the site, prior to submittal and approval of building permits/zoning clearances (Section 605.J.1); 9). Applicant shall

obtain building permits/zoning clearance within one (1) year from the permit date and diligently pursue completion. Failure of such shall void the permit unless a longer time has been granted or an extension of time has been applied for with the Board of Supervisors prior to the expiration of the one (1) year period; 10). The communication tower shall be removed from the property, at the owner's expense, within one hundred eighty (180) days if it becomes unused or obsolete (Section 605.J.2). Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve the recommendation of the Planning & Zoning Commission. No comments from the public.

Supervisor Brownlow said he wanted to compliment whomever had prepared the back-up materials for this item, saying it was a very good job and explained everything.

DEVELOPMENT SERVICES BUSINESS:

1. Hearing: Consider approval of a resolution to rename Redwood Lane to Heritage Memorial Lane, Dewey area. 911/Addressing Coordinator Toni Hudson presented this item. After receiving assurance from Ms. Hudson that there was no opposition to this request, and in the absence of any comments from the public, the Board voted unanimously to approve Resolution No. 1445 renaming the street. Motion by Supervisor Brownlow, second by Supervisor Street.

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 from Board of Supervisors:
 - a. Approve minutes of meeting of June 21, 2004, and of special meeting of June 16, 2004.
 - b. Consider adoption of resolution approving the issuance of \$9,450,000 Health Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project) Series 2004, of the Colorado Health Facilities Authority and certain matters related thereto, as requested by the Industrial Development Authority of the County of Yavapai. Resolution No. 1444.
 - c. Consider reappointing the following persons to the Boards of Adjustment & Appeals, each with a term to expire July 14, 2008: Terry Nolan, Walter Matthew and Russ Veltri, all for the District 1 Board; Smith Horton, Victoria Carter and Bill Martin, all for the District 2 Board; and John Emerson and Carroll Gabrielson, both for the District 3 Board.
 - d. Request from the Local Workforce Investment Board for reappointment of Carl E. Brown to the Youth Council, with term to expire July 2006.
 - e. Request from the Local Workforce Investment Board for appointment of the following individuals to the LWIB as Private Sector representatives, each with terms to expire July 2006: KayAnne Riley, to replace Landi Branham; Carl Tenney, to replace Robert Olive; Philip Tovrea, to replace Tom Griffith.
 - f. Appoint Jerome Mayor Jane Moore to the Water Advisory Committee to replace Doree Christensen and appoint Clarkdale Mayor Doug Von Gausig to the Water Advisory Committee to replace Michael Bluff.
2. Requests from Sheriff:
 - a. Consider accepting a 1999 Dodge half-ton pickup as an increase in the fleet and authorize Fleet Management to provide maintenance as necessary. Fleet Management Director David Gartner and Sheriff's Deputy Gene McFarland participated in discussion. Approved by unanimous vote upon a motion by Supervisor Brownlow, seconded by Supervisor Street. No comments from the public.
 - b. Consider accepting a 2002 Ford one-ton pickup as an increase in the fleet and authorize Fleet Management to provide maintenance as needed. Fleet Management Director David Gartner and Sheriff's Deputy Gene McFarland participated in discussion. Approved by unanimous vote upon a motion by Supervisor Brownlow, seconded by Supervisor Street. No comments from the public.

Items 2.a. and 2.b. were considered together. Supervisor Brownlow asked Mr. Gartner if the Sheriff's Office had discussed these requests with him, saying that the effect of the requests was to approve new vehicles for the future. Mr. Gartner said that the Dodge vehicle was replacing a vehicle already in the fleet but that the Ford would be an addition to the fleet. Supervisor Street asked if it was true that once the Board accepted an addition to the Fleet it would be used until it had a certain number of miles and then it would be disposed of. Mr. Gartner said that was correct. There was brief discussion about the mileage issue and whether it would be possible to earmark certain vehicles to come back to the Board for approval for replacement. Mr. Gartner said it would be possible to flag vehicles in the computer system so they would come up as vehicles not to be replaced without new Board approval.

- c. Permission to purchase 38 X-26 Advanced Tasers at \$804.95 each, 100 15' Training Cartridges at

- \$16.50 each, and 120 21' Air Cartridges at \$18.50 each, plus tax, for a total of \$37,335 to be paid from Jail Enhancement Funds. Upon a motion by Chairman Davis, seconded by Supervisor Brownlow, the Board voted unanimously to approve the request after Sheriff's Account Clerk III Jennifer Gray explained that the equipment would be used by the Sheriff's court services team. No comments from the public.
- d. Approve proposal from ASSI Security of Arizona to furnish surveillance equipment for the Prescott Jail at a cost of \$195,585.55, with half to be paid from the Jail Commissary Fund (other half to be paid from Jail District funds).
- 3. Requests from Education Service Agency (Yavapai County School Superintendent):
 - a. Permission to sell an old desk to the Southern Yavapai Fire Department (Wilhoit Fire Department) for \$1.00.
 - b. Permission to trade in existing Minolta copier for a new Xerox copier, at a net cost of approximately \$13,281.20 to be paid from Renzi grant.
 - 4. Request from Assessor to change parcels from Legal Class 4 to Legal Class 3 as of their date of conversion, pursuant to A.R.S. §42-12054. Board Memorandum No. 2004-12.
 - 5. Request from Elections Department to cancel the election for precinct committeemen in accordance with A.R.S. §16-822(B) for the Democratic Party and appoint those candidates who filed their petitions in their respective precincts and are thereby declared elected. Board Memorandum No. 2004-13.
 - 6. Request from Finance for approval of agreement with Philip E. Keen, M.D., P.A. for medical examiner services for 2004-2005 with five-year renewal option, in the amount of \$105,840 to be paid from General Services. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
 - 7. Request from Fleet Management for one new Adult Probation vehicle to not have any County identifying markings and emblems. Vehicle will have government plates. Fleet Management Director David Gartner participated in discussion. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
 - 8. Request from Community Health Services Department for public hearings on August 2 and August 16, 2004, to consider changes to the Yavapai County Health Code and the Environmental Health fee schedule. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
 - 9. Request from Public Defender for permission to hire John Thornton as an Attorney Journey, to fill the position being vacated by Robert Johnson. This item was initially held and then later approved by unanimous vote upon a motion by Supervisor Street, seconded by Supervisor Brownlow. Public Defender Dan DeRienzo participated in discussion. No comments from the public.
 - 10. Request from Recorder for permission for Lorri Carlson to attend National Association of Government Administrators Records and Archives meeting, July 14-17, 2004, in Phoenix, at a cost of \$900 to be paid from the Recorder's Storage & Retrieval Travel and Education Fund.
 - 11. Approve vouchers.

CONSENT AGENDA FOR SPECIAL DISTRICTS: Reference: Special District minutes.

- 1. Resolve into the Board of Directors of the Yavapai County Jail District and approve proposal from ASSI Security of Arizona to furnish surveillance equipment for the Prescott Jail at a cost of \$195,585.55, with half to be paid from the Jail District (other half to be paid from the Jail Commissary Fund).
- 2. Resolve into the Board of Directors of the Yavapai County Flood Control District and consider approval of Storm Water Phase II Assistance Grant with the Arizona Department of Environmental Quality in the amount of \$25,000 and authorize the Development Services Director/Floodplain Administrator to sign the necessary paperwork.

- CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,793,924.31	Jail District	299,802.33
District 1 Park Fund	3,197.66	District 2 Park Fund	764.63
District 3 Park Fund	8,717.57	CERT	180.00
WMD Planner	382.49	HS 2003 Supplement	965.58
Education Svs Agency	3,223.65	AZ Coop Purchas. Net	13,881.69
Susan Komen Breast H.	553.89	Medical Reserve Corps	2,328.16
Resep Radiation Exp.	411.96	Child Health Grant	5,092.77
Comm. Health Center	22,025.65	AMPPHI	1,934.59

Family Planning	4,321.22	MCH Programs	8,619.07
Health Promotion	2,478.51	Cost Allocation	5,480.80
Nutrition	1,190.24	T.B. Control	4,222.51
WIC Program	18,658.64	Title X Family Plann.	11,464.67
Jail Enhancement	22,917.28	Juvenile Delinq. Reduct	10,006.84
Juvenile IPS	16,844.03	Juvenile Food Prog	1,781.40
Comm. Advisory Bd	702.64	Probation Serv	3,302.92
Adult IPS	30,433.60	Adult Probation Fees	16,148.28
Prob Enhance	35,365.54	Recorder's Surcharge	31,692.17
Indigent Def/Dg	1,334.64	Crim Just/Atty	1,828.05
Bad Check Prog	2,415.85	Juv Prob Svs	1,944.10
Commodity Fd	818.23	Azeip Case Mgmt	291.61
Hi Risk Chld HI	6,107.50	Clerk's Storage	1,473.03
HIV Counsel & Test	2,161.83	Atty Anti-Racket	4,685.18
PANT	6,021.02	Law Library	2,125.11
CASA	4,685.18	Case Processing	5,592.84
Prim. Care – V.V.	4,533.95	Vict Witns Prog	6,350.73
Court Enhancement	2,017.54	Council Court	3,233.12
Preserve Attor. Photo	1,127.32	Drug Enforcement Fund	4,182.36
Probate Fund	772.43	Primary Care Svs	14,563.23
PC Fees VV	1,767.55	Local ADR	125.00
Victims Rights Impl	3,715.25	JAIBG Juv Acct P-II	3,039.43
Yav. Indian Agree.	1,404.10	Dietetic Intern	555.68
Immuniz Service	4,283.94	Personal Care Svs	3,956.03
Idea-Preschool	2,439.77	Subs Abuse/DARE	60.44
Chem Abuse	78.10	Family Drug Court	776.06
Juvenile Drug Court	3,565.31	Juv Det/PACE	2,973.57
Collab. Comp Rev Gr	5,912.77	Special Program	11,199.35
Sm Schools Ecia	108.68	Sm Schools Beha	16,937.99
Mobile Command Cen	162.03	Fill the Gap – Courts	5,682.82
School Facilities	2,593.42	Hurf Road Funds	759,239.36
Assessor Surcharge	1,674.80	Assessor App Dev	7,702.00
Health Fund	75,396.58	Jail Commissary	5,339.38
Landfill Administ.	35,099.77	Water Advisory Comm	3,190.89
Clinical NICP	194.37	Tire Recycle	14,516.12
Safe School Pro	7,635.84	Adhs-Svs Coord	2,830.64
ELL Consortium 2003	3,892.23	Fill the Gap – Attorney	10,607.40
Family Law Commiss.	5,986.03	Comm Punish Pro	2,464.53
Juven. Detent Ed Pro	3,232.63	Regnl Road Project	246,505.04
Library Auto Consor	115.00	Health Start	3,726.42
Interstate Compact Pro	1,954.20	Ryan White II	2,838.44
Prepared. Bioterror	9,853.68	DUI Abatement 2003	45.95
Primary Care Fees	3,845.44	Perinatal Block	2,167.17
Well Woman Health	5,835.53	Tobacco Educ	11,133.55
St Imple. Grant	337.36	School Reso. – Mayer	1,482.32
St Grant in Aid	5,340.89	Az Region Support	6,705.18
Direct Treatment Fund	8,400.13	Mental HealthRWJF	4,309.64
Mental Health Part.	5,791.74	Field Trainer	2,119.73
Comm. Access Pro	3,308.33	Attendant Care	23,582.86
HIV/CT	187.62	HIV Prev. & Control	27.13
Childrens Justice	565.08	Child Sup & Vis	570.40
Domestic Relations Ed	522.82	VOCA	9,068.54
Self Service	382.15	Yav. Drug Court	3,182.25
JTSF Treatment	12,777.87	Diversion Conseq.	5,067.54
Tobacco Don. Fund	86.40	Capital Projects	13,524.67
Jail Construction	8,333.25	ALTCS	729,488.07
Help Debt Svs Loans	582,618.75	Prescott East Loan	34,329.20

In addition, payroll was issued on June 25 for the pay period ending June 19; warrant numbers 2444172

through 2444567, in the amount of \$329,596.92. Jury certificates issued during this time; 6866075 through 6866248. Warrants issued for July 6 Board day, 4220925 through 4221386; 4221387 through 4221842.

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

ATTEST:

_____ Clerk _____ Chairman