

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

September 7, 2004

The Board of Supervisors met in regular session on September 7, 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.

Before beginning the meeting, Chairman Davis said he wanted to pay tribute to Edward Reeder, a Marine and a graduate of Camp Verde High School, who was killed in a rollover accident in Iraq. He asked for a moment of silence in Mr. Reeder's memory.

ITEM NO. 1. Board of Supervisors.

1. Consider approving Laura Baxter, Yavapai County Superior Court Law Librarian, as Employee of the Year for 2003-2004. Merit Award Board Chairman Joe Huot presented this item. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
2. Recognize the GIS division of the MIS Department for Special Achievement Award. MIS Director Stephen Welsh and MIS employee Brian Bond participated in this item.

Chairman Davis said that over 100,000 GIS sites were considered for this award and that Yavapai County had come in fourth. Mr. Welsh introduced Mr. Bond, who he said had been working on the site. He said that two years ago the County had received the same award, and that the employees in his department had done an exceptional job in producing GIS information. Chairman Davis said he and his office had heard many positive comments from the public about the County's website in general, and that people often said it was the best government website they had ever seen. He asked Mr. Welsh to pass the Board's appreciation on to all of his employees.

3. Consider approval of revisions to the Yavapai County Merit Award Board By-Laws. Merit Award Board Chairman Joe Huot presented this item. Supervisor Street moved to approve the by-laws as amended. Supervisor Brownlow seconded the motion, which carried by unanimous vote. No comments from the public.

Mr. Huot said the Merit Award Board had recently decided to review its by-laws and that most of the changes being presented on this day were housekeeping type changes dealing with issues such as how often the board would meet, how many recommendations it would bring to the Board, and so on. He said the revised by-laws would also allow for implementation of a new tier of employee recognition to be called a "Certificate of Special Recognition" that would be used to recognize those employees who don't quite meet the qualifications for Employee of the Month. He said that once an employee was approved for the Certificate of Special Recognition, members of the Merit Award Board would appear at the employee's place of work unannounced and present the certificate. He said the idea was to make something of a big deal out of the presentation, and that the Merit Award Board felt this would help generate more interest in the program. Supervisor Brownlow said it sounded fine to him. He suggested changing the word "chairman" to "chairperson" in the by-laws, and said he thought at some point the Board should consider increasing the \$100 Employee of the Month award. Supervisor Street said she did not see any need to change the amount of the award. Chairman Davis asked Mr. Huot how many people he anticipated would receive the Certificate of Special Recognition. Mr. Huot said probably 8 to 12 people per year. Chairman Davis said he believed the Board had the opportunity to award its employees on a daily basis and also each year through the merit system. He said he was not sure he would want a bunch of people coming into his office and making a big scene. Mr. Huot said the Merit Award Board would take its lead from the department head, and would not embarrass an employee who was shy by presenting a Certificate of Special Recognition in a party-like manner.

4. Discussion and possible action regarding the percentage of 2003-2004 Forest Fee receipts to be reserved for P.L. 106-393, Forest Projects and Allocation of Reserved Amounts for Proposed Projects. Supervisor Street moved to approve a 20%

allocation. Supervisor Brownlow seconded the motion, which carried by unanimous vote. There were no comments from the public.

Mr. Hunt reminded the Board that it was the time of year when the Board must elect the percentage of forest fees to be used for forest projects, adding that the Board's decision would have to be forwarded to the Governor's Office by September 30. He said that the last distribution of forest fees was \$880,833 and that if that amount was used for calculation purposes, the Board could be looking at an allocation of \$132,125 at 15% or \$176,166 for an allocation of 20%. Chairman Davis asked if unexpended funds could roll over from one year to the next. Mr. Hunt said they could. Supervisor Street asked if this program would be coming to an end. Mr. Hunt said he believed it was scheduled to end in 2006, but that there were efforts to extend the program.

- 5. Consider authorization to propose lease of County property located at 22585 Oak in Seligman, Arizona, to North Yavapai Community Health Services, Inc. After a brief explanation of the background of this item, the Board voted unanimously to approve the request. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
- 6. Consider approval of items appearing on the Consent Agenda for Board of Supervisors and on the Consent Agenda for Special Districts. With the exception of items 1.d., 1.e, and 6.b. 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 detail.

ITEM NO. 2. Pat Atchison, Yavapai Cemetery Association. Presentation regarding the 140th anniversary of Citizens Cemetery. At the end of her presentation, Chairman Davis presented Ms. Atchison with a Certificate of Appreciation for the Yavapai Cemetery Association.

Ms. Atchison gave a brief presentation regarding the history of Citizens Cemetery, saying that the first burial there was a Colorado legislator who had been shot while on a hunting trip in Yavapai County. She said that when people speak of the "jewel of Yavapai County" they are most often speaking of the Courthouse and Courthouse Plaza, but that Citizens Cemetery was also a jewel. She said there were 2,700 known burials at the cemetery and many more burials that were not known. She said the property on which the cemetery sits was sold to the County in 1884 and that in 1904 people realized there was no map of the cemetery to show who was buried there. She said that burials continued until 1933, when, at the request of Lester Ruffner, the Board of Supervisors prohibited burials of anyone except those for whom a plot had been purchased and that in the 1990s the Board of Supervisors prohibited any more burials at all at Citizens Cemetery. Ms. Atchison said that Citizens Cemetery was on the National Register of Historic Places, primarily because of its rock wall. She said the Cemetery Association was currently involved in putting military headstones in place and that the Association made sure that any new headstones placed at the cemetery fit in with the old ones. Ms. Atchison said that in 1995 the Board of Supervisors had accepted the Yavapai Cemetery Association, and that since that time the Association had been working closely with the County Facilities Department to maintain Citizens Cemetery. She said she appreciated the help the Association had received from Facilities Director Pat Kirshman and his staff, and she added that a list of the persons known to be buried at Citizens Cemetery would be available on the website of Sharlot Hall Museum. Supervisor Brownlow thanked Ms. Atchison and her husband, John, and the Yavapai Cemetery Association for their dedication to Citizens Cemetery.

ITEM NO. 3. Human Resources Director Julie Ayers.

- 1. Consider approval of reorganization of the Fleet Management Department as follows: Delete vacant Vehicle & Equipment Supervisor, Range 62; upgrade two Mechanic Journey positions at Range 60 to new position of Mechanic Senior, Range 61; upgrade Secretary Journey, Range 58 to Administrative Assistant I, Range 60; add a Mechanic Worker, Range 58; add a new position of Support Services Technician, Range 52; and change title only of the Vehicle Shop Coordinator to Senior Mechanic. All at a cost of \$16,297.46 including benefit costs, to be paid from the Department's salary account. Fleet Management Director Dave Gartner participated in discussion of this item. Supervisor Street moved to approve the request as presented, but to hold any upgrade for the Secretary Journey. Supervisor Brownlow seconded the motion, which carried by unanimous vote. No comments from the public.

Ms. Ayers told the Board that with the resignation of the department's Vehicle and Equipment Supervisor, Mr. Gartner had looked at the department's structure and was requesting some changes. She asked that the upgrade of the Secretary Journey be withdrawn at this time. Chairman Davis asked Mr. Gartner what advantages there would be as a result of these changes and whether any money would be saved. Mr. Gartner said he would be able to add billable floor hours and that there would be a cost savings to the

County. He said it would make the department more competitive.

2. Consider approval of a telecommuting arrangement for an Attorney Senior in the Public Defender's Office. Public Defender Dan DeRienzo participated in discussion of this item. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to deny this request. No comment from the public.

Ms. Ayers told the Board that Mr. DeRienzo had approached her with this request, and that the policy required approval from the Human Resources Department. She said that in the time she had been with the County she had approved only temporary telecommuting arrangements. She said Mr. DeRienzo had stated that he had only nine offices and ten attorneys. Ms. Ayers added that the County does not currently have a telecommuting policy in place. Supervisor Street said she felt it was time for such a policy, and that it was time for the Board to review its policies regarding flextime, job sharing, and the like. She said she did not want to approve this request until the Board had a chance to look into it. Supervisor Brownlow said he was totally opposed to it. He referred to a situation that had occurred some years ago in the Sheriff's Office where an employee who was ill was allowed to work at home, and he said it was a big problem. Chairman Davis asked Mr. DeRienzo whether he had gone to look at his new office space when the Board first talked about moving him into the space. Mr. DeRienzo said he had. He said that the attorney in question, Mr. Jensen, did appeals and post conviction relief appeals and had been doing them for about five years as a contract attorney but that this was something he had always wanted to bring in-house. In response to a question from Chairman Davis, Mr. DeRienzo said the County had about 30 appeals per year but many more PCRs. He said he had been paying about \$100,000 per year for 90 PCRs and 30 appeals and that by bringing the attorney in-house it would cost about \$75,000. He said that if the telecommuting idea would not work, then he could go back to paying Mr. Jensen as a contract attorney but that it would cost more. Chairman Davis said it appeared that each case cost about \$500. Mr. DeRienzo said that was correct. Supervisor Brownlow said he was not looking at this particular case or at Mr. DeRienzo's problem, but that he saw other people in the room on this day who would probably like to work from home and that he did not like the spin-off of this request. Chairman Davis said that using Mr. DeRienzo's figures of 30 appeals and 90 PCRs it should only be costing the County about \$72,000 per year to contract for the service. Mr. DeRienzo said the attorney also received other expenses, and that the appeals cost about \$650 each. Supervisor Street asked what kinds of cases received an automatic appeal. Mr. DeRienzo said that any case that went to court was appealed, and that trial transcripts were reviewed to see if there were any errors. Chairman Davis said there was another request put on the agenda to hire another attorney for the Public Defender. He asked Mr. DeRienzo why he did not just assign the attorney who wanted to work at home to the vacant position. Mr. DeRienzo said he had two positions open, one of which was in the Verde Valley, and that he really needed another felony attorney in the Verde. Chairman Davis said the County was still going to have contract attorneys and that he had recently received some information indicating that contracts may be a better way to go than in-house attorneys.

3. Request for permission to purchase a new employee ID badge system at a cost of \$4,500 to be paid from Contingency. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

During brief discussion regarding this item, Chairman Davis said he would like to see badges made available to members of County boards and commissions. Supervisor Street said she would like to look into requiring all employees to wear a badge.

ITEM NO. 4. Public Works Director Richard Straub.

1. Consider accepting petition to establish Lynx Creek Road in the Lynx Creek area as a County highway and set hearing for September 20, 2004, at 10:30 a.m. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.
2. Request for permission to enter into a purchase agreement for acquisition of Lot 88, Wickiup Mesa, for the Chipmunk Hollow road widening project, Lake Montezuma area, in an amount not to exceed \$8,000 to be paid from HURF. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
3. Award or reject bids received for the Bagdad Airport Pavement Overlay Project, Yavapai County, Arizona, Project #2212298. Bids opened August 17, 2004, with bids received from the following vendors: Asphalt Paving & Supply, \$620,249.70; Fann Contracting, \$597,871; and Granite Construction, \$564,130.50. Recommend awarding to Granite Construction in the amount of \$564,130.50, to be funded as follows: FAA, \$516,268.53; ADOT, \$23,930.98; and Yavapai County \$23,930.99, to be paid by budgeted funds, Outside Services, General Services/Airport Account. Approved by unanimous vote. Motion by Supervisor Street, second by Chairman Davis. No comments from the public.
4. Consider approval of Authorization of Services No. 2415184 with Kirkham Michael Consulting Engineers in the amount of

\$67,037.40 for construction management services for the Bagdad Airport Pavement Overlay Project. To be funded as follows: FAA, \$63,685.53; ADOT, \$1,675.93; and Yavapai County, \$1,675.94, to be paid from budgeted funds, Outside Services, General Services/Airport Account. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public.

5. Discussion and possible action regarding approval of Local Transportation Assistance Funds (LTAF II) for the following recipients in District 1: Four County Conference on Developmental Disabilities, \$5,000; and The Center Adult Day Care Services, Inc., \$7,500. Yvonne Napolitano, representing The Center Adult Day Care Services, Inc., and Sue Marsh from the Four County Conference on Development Disabilities participated in discussion, each thanking the Board for its contribution. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street.
6. Discussion and possible action to accept water tender and use recommendations. Central Yavapai Fire District Fire Marshal Charlie Cook participated in discussion. Supervisor Street moved to accept the water tender and use recommendations as presented, with the understanding that if someone wants to appeal the charge for the water tender it could be dealt with after an emergency is over with. Supervisor Brownlow seconded the motion with the understanding there would be further discussion on this matter, which carried by unanimous vote.

Mr. Straub said the County now owned a 6,500 gallon water tender with a water cannon. He said his recommendations for use were, in priority order: (1) County emergency events; (2) local/regional fire or other emergency or disaster events; (3) routine County duty; (4) other local events such as parades, fairs and promotional events for both the County and outside agencies. He said was recommending a charge of \$55 per hour as reimbursement for the use of the water tender. Supervisor Brownlow asked who would make the decision to lend out the water tender in an emergency. Mr. Straub responded that it would go through the chain of command with the decision to be made by either him or Assistant Public Works Director Phil Bourdon, and that it would also include Emergency Management Coordinator Nick Angiolillo. Mr. Cook said the water tender was a great asset for the County and its communities. He said that when CYFD loaned out equipment for emergencies it did not charge anything for the first 12 hours and he suggested that the Board consider the same for use of the water tender, saying it was all taxpayers' money. Mr. Straub said that if the Board wanted to make the water tender available at no charge he would have to pay for its use out of the General Fund, not the HURF fund. Chairman Davis asked Mr. Straub if he could provide a rate just for the tractor and the operator, and not wear and tear on the water tender itself. Mr. Straub said he could, but added that another reason for the charge was so that the State Land Department would have it on its list. Chairman Davis suggested approving the request as presented, saying that if someone wanted to appeal the charge for the water tender they could do so and it could be addressed after any emergency has been taken care of.

7. Consider approval of items appearing on the 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.

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 extension for completion of services to Authorization of Services No. 2313424 with Project Engineering Consultants for engineering consulting services for the Black Canyon City Drainage Improvement (Phase II) and Overlay Project, at no additional cost to the County.
2. Consider approval of Change Order #1 (final) with Asphalt Paving & Supply for the Kachina Place Reconstruction Project in Yavapai County, Arizona, Project #986489, in the decreased amount of \$12,399.16.
3. Consider approval of ADOT Aeronautics grant E5S31 for runway pavement overlay at the Seligman Airport, in the total amount of \$194,512 (state grant is \$185,250 with County match of \$9,726 to be paid from budgeted funds, Outside Services, General Services/Airport Account.)
4. Consider approval of indemnity agreement with David Albins for use of his property for a community clean-up in Mayer on September 25, 2004.
5. Permission to purchase an additional Cisco phone for Regional Roads Inspector Journey at a cost of \$500 and a computer for a HURF Administrative Assistant at a cost of \$1,500, both to be paid from Contingency.
6. Emergency Management and HURF salaries to reduce Emergency Management Administrative Assistant II position from 50% to 10% and to increase HURF Administrative Assistant II position from 50% to 90%.

ITEM NO. 5. Development Services Director Ken Spedding and Development Services Assistant Director Enalo Lockard. Planning and zoning.

Although no specific agenda items were pulled for discussion, there was a brief discussion generally pertaining to the preliminary plat for American Ranch which centered on a requirement to maintain defensible space around dwelling units. Participating in the discussion were Planning Manager Elise Link, Deputy County Attorney Randy Schurr, and Central Yavapai Fire District Fire

Marshal Charlie Cook.

Supervisor Brownlow said he did not know the Planning & Zoning Commission had recommended that there be defensible space around all new structures. Ms. Link said she believed this question related to the American Ranch preliminary plat, and to a waiver of cul-de-sac requirements. She said she believed the defensible space requirement would be enforced by Central Yavapai Fire District. Supervisor Brownlow said he had no trouble with the requirement in this case, and he asked if it was going to be required of all new subdivisions. Mr. Cook said he needed to discuss that possibility with Mr. Schurr. He said the requirement had been put on American Ranch and Talking Rock because they had extra long cul-de-sacs, and that in those cases the requirements included wider road widths, sprinklered homes and that defensible space around structures be maintained. Mr. Cook said it was possible to require defensible space to be maintained around homes in the urban interface area, but that the question was who would enforce it. Mr. Schurr told the Board if it wanted to require defensible space on a regular basis it would need to include that requirement in the County's subdivision regulations. Chairman Davis asked if it would be easier to just adopt the fire code. Mr. Schurr said the County did not have the resources to enforce the fire code, and that it was the fire district that enforced the code. He said that in the past the Board had looked at the possibility of adopting the fire code and had elected not to do so. He said that if the County did decide to adopt the fire code, it would be in effect only in areas that were not included within a fire district or municipal fire department. Supervisor Street said that fire districts, cities and towns were all taxing authorities and that people were already paying for fire services and that there was a lot of controversy over the whole thing. Mr. Spedding asked the Board if he should add discussion of this item to the agenda for the Board's next joint session with the Planning & Zoning Commission. Chairman Davis asked him to do so.

1. Consider approval of items appearing on the Consent Agenda for Planning & Zoning. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve the recommendations of the Planning & Zoning Commission with regard to each item on the Consent Agenda.

CONSENT AGENDA FOR PLANNING & ZONING: Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve the recommendations of the Planning & Zoning Commission with regard to each item on the Consent Agenda.

1. Preliminary plat and waiver, American Ranch Phase 4A, Preliminary Plat, portions of 100-20-001Z and 100-18-081V and 002N, Williamson Valley area, Jeffrey Davis, #H4108 and #H4119. Consideration of a Preliminary Plat for 15 single family residential lots on 60 acres in a PAD (Planned Area Development) zoning district and waiver request to exceed cul-de-sac length. Located on the west side of Williamson Valley Road, approximately 1 mile south of the Williamson Valley Road/Outer Loop Road intersection, in the Williamson Valley area at SEC 23 T15 3W G&SRB&M. The Planning and Zoning Commission recommended to approve the Preliminary Plat and the Waiver, with the following Stipulations: 1). The final plat for American Ranch Phases 4A shall be in general conformance with the approved preliminary plat and shall be in conformance with: all applicable conditions of the American Ranch PAD zoning and development agreement, along with all other applicable codes, standards and regulations, unless waived by the Board of Supervisors; 2). Approval of excessive cul-de-sac length as proposed by the applicant; 3). Development shall occur in accordance with recommendations that have been provided by CYFD in letter dated 7-7-04; 4). Language shall appear on the final plat to notify lot purchasers of the requirements for fire suppression sprinkler systems to be installed in all residences and for the requirement to create and maintain defensible space around each residence, for purposes of fire safety.
2. Conditional zoning map change and minor plan amendment, Southwest Forest Products Saw Mill, 302-21-178 and 180, Ash Fork area, Steve Van Der Toorn, Sr., agent for Southwest Forest Products, Inc., #H4105 and #H4106. Consideration of a Conditional Zoning Map Change to M1 (Industrial; General Limited) and Minor Plan Amendment to allow the establishment of a sawmill on two parcels totaling approximately 94 acres in size in an RCU-10A (Residential; rural; ten (10) acre minimum lot size) zoning district. Located on Old Highway 66, approximately 2 ¼ miles North West of the Old Highway 66/Interstate 40 intersection west of the community of Ash Fork. SEC 32 T2N 22 N R 3 W G&SRB&M. The Planning and Zoning Commission recommended to approve H4105, Conditional Zoning Map Change, and H4105, Minor Plan Amendment, with the following Stipulations: 1). Zoning Map Change to M1-10A for the proposed use only in conformance with the letter of intent dated June 18, 2004 and site plan dated June 17, 2004; 2). Minor Plan Amendment to be approved for the proposed use only; 3). Initial waiver of solid screening requirement. Staff review every 5 years for necessity of screening. If screening is required, then the screening requirements shall be reviewed by the Planning & Zoning Commission and Board of Supervisors; 4). Waiver of maximum driveway width of 32 feet to allow a 40-foot wide driveway; 5). On site storage of logs, finished product or mulch shall not exceed 10 feet in height; 6). Applicant to obtain an access permit to be reviewed and approved by the Public Works Department; 7). Signage shall conform to the C1 zoning district requirements. Applicant shall submit a signage plan to be reviewed and approved by staff prior to issuance of a sign permit; 8). Development shall be in conformance with all other

- applicable codes and ordinances that may apply; 9). Applicant to obtain a Certificate of Compliance within 1 year of Board of Supervisors approval.
3. Use permit to allow a commercial business for outside storage and to sell landscape gravel, granite boulders, flagstone, and rock landscape lights in an RCU-2A zoning district, Rock Headquarters, 201-10-024G, Wickenburg area, Bill Roberts agent for Rick Thomas, #H4103. Consideration of a Use Permit to allow a commercial business for outside storage and to sell landscape gravel, granite boulders, flagstone, rock landscape lights in a RCU-2A (Residential; Single-Family; Rural; 2-acre minimum) zoning district. Located on a 4.16-acre parcel, approximately 1.04 miles southeast of the S.R.-89/93 and Scenic Loop Road intersection in the vicinity of Wickenburg. SEC28, T8N, R5W G&SRB&M. The Planning and Zoning Commission recommended to approve the Use Permit, with the following Stipulations: 1). Use permit for the operation of a landscaping retail business with out-door storage of landscaping material only to be approved on a ten (10) year, non-transferable basis. Site to be developed and business to be operated in accordance with the applicant's site plan and letter of intent dated June 21, 2004; 2). Vegetative screening as detailed in the letter of intent to be applied and maintained in a live state on the property; 3). All terms of ADOT permit application along with plans from a registered engineer to be met prior to commencement of use; 4). All signage to conform to C3 standards; 5). A Certificate of Compliance shall be issued prior to the commencement of use on the subject property; 5). No fabrication on site. Any fabrication will be grounds for revocation of use permit.
 4. Use permit to allow continued operation and expansion of warehouse space for the St. Vincent De Paul Thrift Store in an R1-12 zoning district, 500-16-025A, Mayer area, Frank Kubinski agent for Society of St. Vincent De Paul, #H4102. Consideration of a Use Permit to allow the continued operation and expansion of warehouse space for the St. Vincent De Paul Thrift Store, in a R1-12 (Residential; Single-Family; Site-Built, Multi-Sectional and Manufactured; 12,000 square-foot minimum) zoning district. Located on a .33-acre (14,448 square feet) parcel, on the Frontage Road, adjacent to S.R.-69, approximately .46 miles southeast of the S.R.-69/Central Avenue intersection, in the community of Mayer. SEC26, T12N, R1E G&SRB&M. The Planning and Zoning Commission recommended to approve H4102, Use Permit, with the following Stipulations: 1). Use Permit to be approved on a permanent, non-transferable basis in conformance with the letter of intent dated May 24, 2004, and site plan dated October 03, 2002; 2). All previous approved stipulations to apply; 3). Development to be in conformance with all applicable codes and ordinances.
 5. Amended final plat, Talking Rock Ranch Phase 5A, 306-57-214, Williamson Valley area, Talking Rock Land LLC, #H4142. Consideration of an Amended Final Plat to change the minimum building separation from 20 ft. to 10 ft., to be in keeping with the Amended Development Agreement # 5 for Phase 5A of the Talking Rock Ranch subdivision, consisting of 30 single family residential cottage lots on 19 acres in a PAD (Planned Area Development) zoning district. Located on the east side of Williamson Valley Road, approximately 4,000 ft. north of the Williamson Valley Road/Nancy Drive intersection in Williamson Valley. SEC 22 TWN 16N R 3W G&SRB&M.

ITEM NO. 6. Resolve into the Board of Directors of the Yavapai County Flood Control District and consider approval of a Cost Sharing Agreement for Planning Assistance with the U.S. Army Corps of Engineers for a flood control study on Williamson Valley Wash (west of Paulden), at a total cost of \$106,000 with the Districts portion being 50% of the cost (\$37,100 cash and \$15,900 in-kind services), to be paid from Outside Hydrologic Services. Reference: Flood Control District minutes.

ITEM NO. 7. Resolve into Board of Supervisors. Presiding Judge of Superior Court Robert M. Brutinel. Update on Early Disposition Court and improvements in felony case processing. Participating in discussion of this item were Jail Commander Capt. Scott Mascher and County Attorney Sheila Polk.

Judge Brutinel provided the Board with a brief background sketch of the EDC program, saying that the planning process that had led to the implementation of the program on May 1, 2004, had begun following the lawsuit filed by the Public Defender last year. He said that when the EDC program began, there were 950 pending felony cases and that 43% of those cases were resolved within 90 days. Judge Brutinel said that because of the planning process for the EDC program, attorneys were talking to each other more and that even though the County Attorney had filed 7.2% more cases in 2004 than in 2003, more cases were being resolved in fewer days. He said there were now 690 pending cases and that nearly a month had been dropped off the time required to resolve a case. He said the program had still not reached its goal of resolving 60% of cases, but that it was getting there. Judge Brutinel said the jail population was the lowest in two years, and that many people had worked very hard to bring things to this point, particularly Judge Kiger. He said the culture and the way people did business was changing, and that what he had in mind was to have the process cast in stone and the kind of process that a pro tem judge could run. Judge Brutinel said he also wanted to commend both the County Attorney and the Public Defender for their efforts. He said he believed that attitudes had changed and that people were working together better in order to make the program successful. He said he was no longer hearing "we can't do it" and that instead people were saying "tell us what you need and we'll do it." Judge Brutinel said that up until two weeks ago cases were being assigned to EDC based on gender and where the crime occurred because it helped cut down on transports, but that it was putting the County Attorney in a crunch. He said that cases were now being assigned to EDC based on when the initial appearance takes place and that this was giving both the

County Attorney and the Public Defender more time to prepare, and that it also allowed the court to have a hard calendar 48 hours prior to the EDC. Judge Brutinel told the Board there were still some issues of concern, one being that the County Attorney was not receiving police reports from all police agencies in a timely manner. He said there needed to be more timely disclosure and that the County Attorney also needed to make more plea offers. He said he also did not think the Public Defender was staffing the EDC at appropriate levels, but that he understood the Public Defender would be making some changes. Judge Brutinel noted that the Board was about to hire a Legal Defender, and that from his point of view one way to look at that was to ask "how do you manage a law office?" He said there were some attorneys who realized that even though they must provide the best defense for their clients they are still part of the community, while other attorneys did not see it that way and would actually slow the system down in an effort to provide the best defense. He said he believed that kind of attitude needed to be discouraged. Judge Brutinel said that, in his opinion, the Board should seek to hire a Legal Defender who is committed to the EDC program. Supervisor Street asked how the private attorneys were handling things with regard to continuances. Judge Brutinel said he was taking a pretty hard line on continuances and that while things were not perfect, the number of continuances had been cut. He said he did not believe that the private attorneys were as negative as they had been at first. Supervisor Street asked about the recidivism or flight rate of people being released from jail. Captain Mascher said he had not noticed any problem. Judge Brutinel said he wanted to manage the program in such a way as to provide swift justice and keep the community safe. He said he had not seen a case where someone had been let out of jail and then committed another crime. He said it was not possible to keep everyone in jail, but that no one could predict the future. Ms. Polk said she thought Supervisor Street's question was an important one, and that at the present time there were no statistics about recidivism. She said she was concerned that in the rush to get things done within one or two weeks people needed to keep in mind what was in the best interest of justice. She said she did not want to create a revolving door where people were let out of jail and then commit another crime. Ms. Polk said that if people were not careful, the County could end up with an increased crime rate and that everyone needed to be doing a very good job up front and not rushing things. Judge Brutinel said that 93% to 96% of the cases would plea, and that it was a question of how fast one could get to that point. Mr. Holst said he did not know if the question about recidivism was a general question or whether it was based on having the EDC program. He said that 85% of the inmates in the jail are presentence and that if they were getting to the street more quickly then they were also getting to prison more quickly. He said the idea was not to just get people out of the jail, but to adjudicate them more quickly. Judge Brutinel said he agreed. He thanked the Board for its support of the EDC program, saying he believed it was a good investment. Chairman Davis thanked Judge Brutinel, saying the information he had provided on this day was better than he had anticipated. He said he believed that one of the problems in the past was the tendency of people to isolate themselves and not see how the whole thing works. Captain Mascher said the length of stay for inmates in the jail had gone from 19 days to 12 days under the new program. Ms. Polk said that in her opinion the EDC program was a huge success. She said her ability to resolve the cases that do go on to court had been greatly enhanced because the caseloads of her trial attorneys had dropped to a manageable level and the attorneys could pay more attention to their cases. Supervisor Street said she appreciated the work of everyone involved with this effort.

ITEM NO. 8. Discussion and possible direction to staff regarding the Legal Defender. Human Resources Director Julie Ayers, Presiding Judge of Superior Court Robert Brutinel, and County Attorney Sheila Polk participated in discussion of this item.

Ms. Ayers said she had begun advertising for this position on July 21 and had received a total of seven applications. She said she believed that five of the seven were qualified to move forward in the application process, and that what she needed now was direction from the Board. Supervisor Street said she had reviewed all of the applications and agreed with Ms. Ayers' opinion to follow up on five of them. Ms. Ayers said the Board could set up a committee to conduct interviews or the Board could conduct the interviews. Supervisor Street said if the Board conducted the interviews it would have to do so in open session. Supervisor Brownlow asked if any of the applicants were from out of state. Ms. Ayers said she believed they were all from Arizona, but not necessarily local and that it should not be a problem for the applicants to come to Prescott for interviews. Supervisor Brownlow said this was a big investment and that he would like to talk to the five candidates. Chairman Davis asked if the Board wanted a committee to conduct the interviews. Supervisor Brownlow said the Legal Defender would be working for the Board. Supervisor Street said she thought that conducting interviews in open session would be uncomfortable and would put a great deal of pressure on the candidates. Mr. Hunt said he did not know of any bar to conducting the interviews in executive session. There was general agreement that the Board would conduct the interviews and do so in executive session. Chairman Davis asked if anyone in the audience had any comments to offer. Judge Brutinel offered Judge Kiger's service in providing information or helping with interviews. Ms. Polk said she

had recently attended a prosecutors' meeting and that several other County Attorneys had asked for information about Yavapai County's system with the Public Defender's office. She said it was the opinion of some other County Attorneys that indigent defense costs increase when there is also a Legal Defender's office. She said she did not know whether other counties had been contacted in the process of determining whether to create a Legal Defender's office. Chairman Davis asked Mr. Hunt to check with other counties regarding indigent defense costs before the Board began conducting interviews. Supervisor Street asked about reference checks. Ms. Ayers said that she usually waited until the field was narrowed to one or two candidates to do a detailed reference check.

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. Liquor license for which there are no protests, Series 12 Restaurant, "Mulligans", 690 Bell Rock Road, Sedona, Arizona, Kathy Ann Chambers.
- b. Approve minutes of meeting of August 16, 2004, and of special meeting of August 25, 2004.
- c. Reappoint Rosalinde Wood to the Planning & Zoning Commission as a representative of District 1, with term to expire September 1, 2008.
- d. Appoint Jon Barnert to the Planning & Zoning Commission as a representative of District 2, to replace Thomas Thurman who resigned effective August 31, 2004, with term to expire September 1, 2006. Approved by unanimous vote. Motion by Chairman Davis, second by Supervisor Brownlow. No comments from the public.

Chairman Davis asked Supervisor Street for some information about Mr. Barnert. Supervisor Street said Mr. Barnert had recently moved to Prescott, that he was in commercial real estate and that he was recommended to her by former long-time Commission member Jacquie Weedon. Supervisor Brownlow asked if Mr. Barnert lived in the city. Supervisor Street said he did, but noted that as Karl Rockwell was planning to resign from the Commission her next appointment would have to be someone who lived in the unincorporated area of her district.

- e. Appoint Phil Bourdon as Pro Tempore Hearing Officer for zoning violations, at no additional compensation. Mr. Bourdon participated in discussion. Approved by unanimous vote. Motion by Chairman Davis, second by Supervisor Brownlow. No comments from the public.

Chairman Davis asked Mr. Bourdon if he knew what he was getting into, and whether he would be available to do hearings on a regular basis if needed. Mr. Bourdon said he was aware of what was involved and that he would be happy to act as Hearing Officer more often.

- f. Consider approval of a resolution amending Resolution No. 1339 delegating authority for approval of special event liquor licenses, wine festival/wine fair licenses, temporary premises extension/patio permits, fireworks permits, and establishing administrative procedures and adding administrative procedures for special event permits for various types of races. Resolution No. 1551.
 - g. Consider approval of Recreation and Public Purposes Agreement with the Bureau of Land Management for approximately 90 acres in Black Canyon City for recreational uses, a fire station and other potential public uses, contingent upon review and approval of the agreement by Board counsel.
 - h. Consider establishment of Quail Canyon Domestic Water Improvement District and appoint Aleck Gradijan, Jr., Sally Ann Gradijan and F. Keith Withycombe as the initial board of directors.
 - i. Consider approval of a resolution ordering a special bond election to be held in and for Central Yavapai Fire District on November 2, 2004, and approve order of election. Resolution No. 1552.
2. Request from Assessor to change parcels from Legal Class 4 to Legal Class 3 as of their conversion date, and as evidenced in Board Memorandum No. 2004-15.
 3. Request from Treasurer for approval of Certificate of Removal and Abatement for parcel 401-07-187, pursuant to A.R.S. §42-18351 through §42-18353.
 4. Request from Recorder for permission to extend the maintenance contract for the Recorder's Maps Internet application software at a cost of \$20,300 to be paid from Storage & Retrieval Funds.
 5. Request from Management Information Systems Department for permission to donate computer equipment to non-profits.
 6. Requests from Finance:
 - a. Certify that Court revenue for fiscal year 2003-2004 of \$5,183,116 is greater than base year collections of \$3,407,339 in fiscal year 1997-98.
 - b. Consider approval of appropriation transfers to cover fiscal year 2003-2004 department deficits. Finance Director Mike Danowski and County Attorney Sheila Polk participated in discussion of this item. Approved by unanimous vote, upon a motion by Supervisor Brownlow, seconded by Supervisor Street. No comments from the public.

Supervisor Brownlow said he thought this item was too important to have on the Consent Agenda and that it was something the Board should discuss as there were quite a few overruns. He said it appeared that the overruns all had to do with the Early Disposition Court program, and he asked whether reductions in the jail population had really resulted in reduced costs for the jail. Mr. Holst said he had a summary related to jail costs that he planned to provide to the Board as part of Judge Brutinel's update on the EDC program later in the day. He said he had anticipated there would be some overruns as a result of the Board's approval of the EDC program earlier in the year, and that appropriations had not been moved early on because of uncertainty about how long it would take to hire additional personnel and so on. He added that the \$1.4 cost of the EDC program had been included in the 2004-2005 fiscal year budget. Supervisor Brownlow said he would like to hold consideration of this item until later in the day. Later in the day, Supervisor Brownlow said he was concerned about the budget overruns. He said he understood that most of them were related to the new court programs, but that when someone invested money they wanted to see some returns. Mr. Holst said the Public Defender's overruns were a little different because it had something to do with increased filings. He said that what the Board had faced in last year's budget was opening new pods in the jail and that there was no revenue to do that. He said that because of the new direction the Board had chosen to take with the EDC program, the investment of \$1.4 million, annualized and compared to what it would cost had the Board not taken the new direction, the savings would be approximately \$40 million over five years. Supervisor Brownlow said it appeared the pressure was on the court system to keep things working well. In response to a question from Supervisor Street, Mr. Holst said he had not made appropriations transfers at the time the Board approved new positions for the courts because there could have been some vacancy savings and the like. Supervisor Street said it appeared to her that going over budget by \$79,000 or \$70,000 was not so bad, then. Mr. Danowski and Mr. Holst agreed. Chairman Davis asked why the County Attorney was not over budget by as much as the Public Defender, saying both departments had the same responsibilities. Mr. Holst said he believed a lot of the overage in the Public Defender's budget was related to the number of assignments being made. Ms. Polk said she was not over budget at all prior to the Board's approval of 10 new positions, and that all of her overage was related to that. The Board transferred budget capacity as follows: Public Defender, \$353,918; Superior Courts, \$79,210; County Attorney, \$70,422; Juvenile Probation, \$15,461; Records Management, \$13,454; Voter Registration, \$12,435; and Clerk of Superior Court, \$2,120.

- 7. Request from Human Resources for an exception to Personnel Policy 4.01, Compensation Program, and approval to rehire Michael Witt as a Senior Plans Examiner in the Development Services Department at Range 64, Step 12.
- 8. Request from Development Services Department for permission to purchase four new desktop computers for staff in the Building Safety Unit, at a cost of \$6,000 to be paid from Development Services Computer Equipment account.
- 9. Request from Community Health Services Department for approval of contract #HD2004 04 with the Town of Chino Valley for the lease of an office trailer and pad for a period of five years at no cost and permission for Facilities to remodel the trailer to Department needs, ADA and ADHS licensing requirements, at an estimated cost of \$12,700 to be paid from the Health Fund.
- 10. Request from Clerk of Superior Court for permission to spend \$78,850 toward the purchase of hardware, software, installation, training, travel and maintenance of an electronic document scanning system, to be paid from Document Storage & Retrieval Fund. Matching grant funds have been requested from the Supreme Court from State JCEF Funds.
- 11. Approve vouchers.

CONSENT AGENDA FOR DIRECTORS OF YAVAPAI COUNTY FLOOD CONTROL, FREE LIBRARY AND JAIL DISTRICTS, AND COUNTY IMPROVEMENT DISTRICTS:

- 1. Resolve into the Board of Directors of the Yavapai County Flood Control District.
 - a. Request approval and signature on Community Rating System (CRS) Recertification Form AW-214 for year 2004 credit for the unincorporated areas of Yavapai County.
 - b. Consider approval of intergovernmental agreement with the City of Sedona in the amount of \$85,000 for drainage related studies and construction improvements to be paid from Outside Services.
 - c. Consider approval of an intergovernmental agreement with the Town of Camp Verde in the amount of \$114,823 for drainage related improvements in the areas of 7th and Cliffs Parkway and Finnie Flat Road, to be paid from Outside Services.
 - d. Consider approval of an intergovernmental agreement with the Town of Chino Valley in the amount of \$175,000 for flood mitigation work on Road 2 North at Santa Cruz Wash, to be paid from Outside Services.
 - e. Consider approval of an intergovernmental agreement with the Town of Clarkdale in the amount of \$67,785 to fund drainage studies, install culverts, improve drainage ways and other flood mitigation work related to the Black Hills Estates area project, to be paid from Outside Services.
 - f. Consider approval of an intergovernmental agreement with the City of Cottonwood in the amount of \$100,000 to fund

- Railroad Wash Drainage Improvements (Mingus/Willard Channel).
- 2. Resolve into the Board of Directors of the Yavapai County Free Library District.
 - a. Permission to enter into contract with A. Elizabeth Moser, Conservator, for Yavapai Heritage Roundup Phase IV, at a cost of \$15,000 to be paid from the Yavapai Heritage Roundup Phase IV Fund.
 - b. Consider approval of intergovernmental agreements/service agreements for the 2004-2005 fiscal year with the following affiliate libraries: Ash Fork, Bagdad, Black Canyon City, Camp Verde, Chino Valley, Clarkdale, Congress, Cordes Lakes, Cottonwood, Crown King, Jerome, Mayer, Prescott, Prescott Valley, Sedona, Seligman, Yarnell and Wilhoit. Total amount of agreements is \$1,000,623 to be paid from Contributions.
 - 3. Resolve into the Board of Directors of the Yavapai County Jail District and consider approval of an intergovernmental agreement with the Yavapai-Apache Nation for Detention Services.

CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	3,404,595.64	Forest Projects	20,265.83
Jail District	852,512.27	District 1 Park Fund	19,608.78
District 2 Park Fund	1,499.90	District 3 Park Fund	1,791.52
Cert	2,583.43	DOJ 2002	2,549.37
WMD Planner	819.64	HS 2003 Supplement	141,471.38
DOJ HS Exercise	2,736.98	AZ Coop Purchase. Net	17,004.53
Adult Prob Fees – 40	1,081.72	Public Health Reserve	14,264.27
Environmental Health	13,894.09	Susan Komen Breast H.	1,153.68
Medical Reserve Corps	1,673.24	Resep Radiation Exp.	869.40
Comm. Health Center	37,342.51	AMPPHI	2,796.03
Family Planning	8,186.60	MCH Programs	784.80
Health Promotion	5,222.82	Cost Allocation	2,717.89
Nutrition	3,295.93	T.B. Control	1,711.49
WIC Program	29,857.24	Title X Family Plann.	6,694.21
Jail Enhancement	75,275.52	Juvenile Delinq. Reduct	20,613.48
Juvenile IPS	32,682.26	Juvenile Food Prog	4,016.30
Probation Serv	8,804.83	Adult IPS	66,555.46
Adult Probation Fees	25,418.18	Prob Enhance	76,410.14
Recorder's Surcharge	17,724.11	Indigent Def/Dg	7,996.92
Crim Just/Atty	2,139.90	Bad Check Prog	5,056.47
Juv Prob Svs	3,540.94	Commodity Fd	2,772.64
Azeip Case Mgmt	614.67	Hi Risk Chld HI	13,759.30
Clerk's Storage	2,741.97	HIV Counsel & Test	2,498.28
Atty Anti-Racket	75,601.06	PANT	15,707.12
Law Library	2,191.54	CASA	9,626.15
Case Processing	10,353.40	Prim. Care – V.V.	6,659.47
Vict Witns Prog	19,206.50	Court Enhancement	3,703.84
Council Court	8,676.06	Drug Enforcement Fund	14,671.38
Probate Fund	1,784.38	Primary Care Svs	20,188.21
PC Fees VV	3,041.93	Local ADR	1,563.38
Victims Rights Impl	6,626.98	JAIBG Juv Acct P-II	3,343.59
Yav. Indian Agree.	2,965.65	Dietetic Intern	1,174.08
Immuniz Service	5,916.07	Personal Care Svs	6,811.34
Idea-Preschool	2,036.84	Subs Abuse/DARE	634.30
Chem Abuse	1,049.05	Family Drug Court	1,478.34
Juv Det/PACE	12,137.05	Collab. Comp Rev Gr	1,006.60
Special Program	47,575.74	Sm Schools Ecia	1,279.49
Sm Schools Beha	31,791.61	Profess. Develop.	-180.00
Fill the Gap – Courts	10,483.87	School Facilities	23.97
Hurf Road Funds	1,664,050.16	Assessor Surcharge	3,534.30
Assessor App Dev	16,239.46	Health Fund	123,557.27
Jail Commissary	11,524.60	Yav. Cemetery Assoc	221.15
Landfill Administ.	57,393.64	Judge Pro Tem Div B	20,591.08
Water Advisory Comm	6,713.24	Clinical NICP	409.76
Tire Recycle	12,285.33	Safe School Pro	16,034.82

Adhs-Svs Coord	4,871.34	ELL Consort 2003	2,929.00
Fill the Gap – Attorney	12,466.64	Family Law Commiss.	12,889.14
Comm Punish Pro	5,699.78	Juven. Detent Ed Pro	2,569.55
Regnl Road Project	193,973.67	Library Auto Consor	345.00
Sterilization Svs	1,000.00	Health Start	6,416.28
Victim Compens. ACJC	46.47	Victim Compens VOCA	5,720.41
DUI Comm Gov Office	814.98	Interstate Compact Pro	4,511.50
Ryan White II	6,081.57	Prepared. Bioterror	18,345.64
Primary Care Fees	14,554.62	Perinatal Block	6,081.73
Well Woman Health	12,026.59	Tobacco Educ	20,068.73
St Imple. Grant	177.41	School Reso. – Mayer	1,758.04
St Grant in Aid	170.68	Az Region Support	2,273.74
Direct Treatment Fund	6,717.78	Mental HealthRWJF	6,684.60
Mental Health Part.	6,684.63	Field Trainer	4,468.16
Comm. Access Pro	6,981.64	Attendant Care	48,213.95
HIV/CT	357.84	Childrens Justice	441.60
Child Sup & Vis	1,560.57	Domestic Relations Ed	660.52
Step 2003 Overtime	1,511.48	DUE Abatement	139.61
Self Service	642.29	VOCA	18,535.78
Public Aware 2005	11.37	JTSF Treatment	11,162.62
Diversion Conseq.	3,379.33	Capital Projects	19,506.25
Jail Construction	27,559.45	Seligman Runway Airp	4,218.00
Bagdad Airport	10,060.17	Sedona Airport	31,998.00
ALTCS	1,037,814.36	Help Debt Svs Loans	385,593.76
Help Debt Svs Loans	385,593.76		

In addition, payroll was issued on August 20 for the pay period ending August 14; warrant numbers 2445739 through 2446119, in the amount of \$325,980.48. Jury certificates issued during this time; 6866691 through 6866987. Warrants issued for September 7 Board day, 4224599 through 4224999; 4225000 through 4225449; 4225450 through 4225904.

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

ATTEST:

_____ Clerk _____ Chairman