

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

January 26, 2005

The Board of Supervisors met in regular session on January 26, 2005, at 1:00 p.m., in Cottonwood, Arizona.

Present: Carol Springer, Chairman; Thomas Thurman, Vice Chairman; Chip Davis, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney/Assistant County Administrator (via video from Prescott); and Randy Schurr, Deputy County Attorney.

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.

CONSENT AGENDA - All items were approved by unanimous vote, upon a motion by Supervisor Davis, seconded by Supervisor Thurman. No comments from the public.

C – BOARD OF SUPERVISORS

- C1. Approve minutes of meeting of January 3, 2005, and of special meeting of January 11, 2005.
- C2. Liquor license for which there are no protests, Series 10 Original Beer and Wine Store License, Giant #6070, Sedona area, Carlos A. Guerra.
- C3. Approve Board member assignments for representation on various organizations or entities for 2005.
- C4. Approve quit-claiming Arizona State Land Patent No. 7265, as recorded in Book 1949, Page 512 of the official records of the Yavapai County Recorder, to Seligman Sanitary District.
- C4A. Approve vouchers; also approve vouchers for meeting of January 3, 2005, retroactive to that date.

C – DEVELOPMENT SERVICES

- C5. Appoint Michael B. Lamb to the Yavapai County Trails Committee as a representative of District 2, to replace Cliff Hersted, with term to expire January 26, 2008.

C – HUMAN RESOURCES

- C6. Consider approving the attendance of Human Resources payroll specialist Crystal Lampert at the 17th annual HTE Users Group Conference in Las Vegas, Nevada, from June 6-10, 2005, at a cost of \$1,400 to be paid from Contingency.

C – LIBRARY DISTRICT

- C7. Consider approval of Resolution No. 2005-1 clarifying the authority of the Library District Director with regard to Community Librarians. Reference: Library District minutes.

C – PUBLIC DEFENDER

- C8. Request for permission to hire John Bene to fill an Attorney Entry position.

C – PUBLIC WORKS

- C9. Accept application from Oak Creek Public Service to renew an existing water franchise and set hearing for February 22, 2005, at 9:00 a.m.
- C10. Consider approval of extension for completion of services of Authorization of Services No. 2312765 with Millennium Equities to December 31, 2005, for State Route 89A Widening & Realignment Project – Real Estate Services, at no additional cost to the County.

C – SELIGMAN SANITARY DISTRICT

- C11. Accept deed from Yavapai County Board of Supervisors quit-claiming Arizona State Land Patent No. 7265, as recorded in Book 1949, Page 512 of the official records of the Yavapai County Recorder. Reference: Seligman Sanitary District minutes.

ACTION ITEMS

A – ASSESSOR

- A1. Request for permission to hire Kathie Glenn as Chief Deputy at Step 10 in Salary Range 65. Victor Hambrick, County Assessor. Human Resources Director Julie Ayers participated in discussion of this item via video from Prescott. Approved

by a 2-to-1 vote, upon a motion by Supervisor Davis, seconded by Supervisor Thurman, with Supervisor Davis and Supervisor Thurman voting "Yes" and Chairman Springer voting "No." No comments from the public.

Mr. Hambrick told the Board that if Ms. Glenn was being hired from the outside it would have been possible for Human Resources to approve bringing her in at Step 10, but that because she was already an employee and was being promoted it was necessary for him to request Board approval for this advanced-step hire. He said he needed someone in the Chief Deputy's position with Ms. Glenn's experience and that she was more qualified than any other Chief Deputy Assessor in the last eight years, including himself. He added that in taking the position, Ms. Glenn would be leaving a protected position to become an at-will employee. Ms. Ayers said that current County policy provides that employees being promoted can receive no more than a 10% increase. Chairman Springer said her feeling was that the Board should go with standard policy and not make too many exceptions. Supervisor Thurman asked what the previous Chief Deputy had been paid. Mr. Hambrick said it was about the same as he was requesting for Ms. Glenn. Mr. Hambrick said he believed that having Ms. Glenn as Chief Deputy would be a great move and would benefit the County. Supervisor Davis said he agreed that there was great value to having Ms. Glenn as Chief Deputy Assessor.

A – ATTORNEY

- A2. Consider approval of settlement agreement in Cottonwood Affordable Housing vs. Yavapai County. Randy Schurr, Deputy County Attorney. To be paid from Contingency. This item was withdrawn from the agenda upon the request of Mr. Schurr.

A – BOARD OF SUPERVISORS

- A3. Consider approval of a resolution Acknowledging Rights and Conveying Title of Streets, Alleys, Avenues, Sidewalks, Highways, Easements and Parks to the Town of Dewey-Humboldt. Dewey-Humboldt Councilman Earl Goodwin was present to represent the Town of Dewey-Humboldt. Resolution No. 1571 was approved by unanimous vote upon a motion by Supervisor Thurman, seconded by Supervisor Davis. There were no comments from the public.

Mr. Schurr explained that under state law when a new town is incorporated rights-of-way and the like are automatically conveyed to the new town, but that past practice of the Board of Supervisors was to pass a resolution acknowledging rights and conveying rights-of-way and so on. Mr. Goodwin said this was an important step for the new town as it works toward July 1, 2005. He thanked the Board for the cooperation that the new town was receiving from all County departments. Chairman Springer presented Mr. Goodwin with a framed copy of Resolution No. 1571. In response to questions from Supervisor Davis, Mr. Schurr said the Public Works Department was putting together a list of the roads that would become the responsibility of the new town on July 1 and that it was also making preparations to ensure that those roads would be in good shape when they are turned over to the town.

A – FLOOD CONTROL DISTRICT

- A4. Consider approval of a grant from the Arizona Department of Environmental Quality in the amount of \$8,369.95 for updating the Yavapai County Drainage Criteria Manual, to include Stormwater Management Criterion, and authorize the Director to sign the necessary paperwork. The District's match would be \$5,579.97 to be paid from the Outside Services account in the District's budget. Ken Spedding, Development Services Director. Reference: Flood Control District minutes.

A – HUMAN RESOURCES

- A5. Consider replacing the position of Major, Range 69 (\$72,395 - \$98,553) with a new position of Commander, Range 68 (\$65,813 - \$89,594) in the Sheriff's Office. The position of Commander will be at-will and exempt, and serve as a substitute for a Chief Deputy position. Julie Ayers, Human Resources Director. Ms. Ayers and Sheriff Waugh participated via video from Prescott. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman. No comments from the public.

Ms. Ayers told the Board that this was the first step in Sheriff Waugh's plan to reorganize his department. She said that this position would be for a Detention Services Commander, that the position would be at-will and exempt and would serve as a Chief Deputy to the Sheriff. Sheriff Waugh reiterated Ms. Ayers' comments that this was a first step, saying that the next step he would like to take would depend upon next year's budget. He said he believed his reorganization plan would move the Sheriff's Office to where it needs to be for the future growth of the County. Supervisor Davis asked if other Chief Deputies were hired at Range 65. Ms. Ayers said that was true, but that in the case of Chief Deputies for the Sheriff and the County Attorney, they had historically been paid more. Sheriff Waugh noted that Jail Enhancement funds would be used to pay for a portion of the Detention Services Commander position, saying again that the second position he hoped for would be dependent upon the 2005-2006 fiscal year budget. He told the Board he had already made a number of changes administratively that would have no monetary impact to the County. Supervisor

Davis quipped that he was really concerned about this request because it represented a "Major" change.

A – PUBLIC WORKS - Public Works Director Richard Straub and Assistant Public Works Director Phil Bourdon participated via video from Prescott. There were no comments from the public regarding items A6 through A9.

- A6. Consider approval of settlement in the amount of \$147,300 for condemnation action against Granite Dells Ranch for right-of-way necessary for State Route 89A widening and realignment. Half-cent sales tax project. Approved by unanimous vote after Mr. Bourdon clarified that the County's share of the total settlement would be 25.8%, or about \$35,000. Motion by Supervisor Davis, second by Supervisor Thurman.
- A7. Consider approval of Authorization of Services No. 2515186 with Z & H Engineering, Inc. for Construction Administration Services for the Sedona Airport Runway Widening and Overlay Project in an amount not to exceed \$169,495. No cost to the County. Approved by unanimous vote. Motion by Supervisor Thurman, second by Supervisor Davis.
- A8. Permission to accept a state contract bid and purchase the following vehicles from the proposed vehicle replacement list: ½ ton 4X4 extended cab pick-up, \$20,965.98 each (2); ¾ ton 4X2 flatbed, \$17,521.43; ½ ton 4X2 LWB pick-up, \$13,097.24 each (2); ¾ ton 4X4 LWB pick-up, \$17,999.38 each (3); ¼ ton 4X2 extended cab pick-up, \$14,124.27; and F550 4X4 17,500 GVW, \$31,712.63 each (2). To be paid from HURF Motor Vehicles account. Fleet Management Director David Gartner participated in discussion of this item. Approved by unanimous vote. Motion by Supervisor Davis, second by Supervisor Thurman.
- A9. Discussion and possible action regarding approval of a resolution of support for the Arizona Department of Transportation regarding transportation project priorities in Yavapai County. Resolution No. 1572 was approved by unanimous vote after Mr. Straub clarified that a similar resolution had been approved by the former Board and that ADOT had requested the same from the new Board. Motion by Supervisor Davis, second by Supervisor Thurman.

STUDY SESSIONS

- S1. Discussion with Yavapai-Apache Nation regarding sewer treatment services. Special Projects Coordinator Angelo Manera participated in discussion via video from Prescott. The following representatives of the Yavapai-Apache Nation were present: Rene Toman; John Escobel; Dimas Bejarano; Zoey Gardner; and Terry Sullivan.

Ms. Toman said that one of the primary reasons the Nation wanted to meet with the Board on this day was that it had a letter from Office of the Attorney General of the Yavapai-Apache Nation confirming the Nation's commitment to move forward with an intergovernmental agreement for a wastewater project that would benefit both the Nation and the County. Ms. Toman noted that the wastewater system would serve the County's jail facilities in Camp Verde and said that as a first step the Nation was requesting that the County Attorney's Office draft the IGA. Supervisor Davis said the County had budgeted about \$1.5 million for wastewater issues associated with the jail, and that the County and the Nation had been working on a potential partnership for a wastewater facility for about four years. He said he did not think that wastewater treatment was something the County really wanted to be involved in but that the County needed to do something with regard to the jail. Supervisor Davis said the Nation had come to the County with a proposal to build a wastewater plant, and that he believed what the Nation was seeking on this day was some kind of commitment from the Board. Ms. Toman said the Nation would like to see the wastewater plant up and running as soon as possible, that it had hoped that might be possible by August of this year, and that it believed it would be possible to meet that time frame if the County and the Nation worked together. Mr. Manera said he had talked with the County's engineers about what the County's responsibilities would be with regard to a plant located on reservation land and that he was told the County did not need to secure an Aquifer Protection Permit. He said it did not believe it would take very long to do this type of project. Ms. Toman added that the Nation was being told that the length of time involved would depend greatly on what the Nation plans to do with the effluent from the plant. Supervisor Davis asked Mr. Hunt what assurances the County would need to have in place in order to ensure that if things do not work out the County would be safeguarded. Mr. Hunt said he would be looking at some proto-types of other agreements between governmental entities and tribes. He said the County could not be in a situation where there was a chance that, based on future circumstances, wastewater services would be interrupted. Ms. Toman said the Nation was approaching this issue in a very forward-thinking manner because it would looking at incorporating the wastewater facility as a business, at which time the relationship between the County and the Nation's wastewater business would be much the same as the relationship between the County and any company it does business with. In response to a question from Supervisor Thurman regarding whether the County would be involved in giving approval to construct the facility, Supervisor

Davis said the County would have no part of that aspect of the project and that the Nation would be building the facility on tribal lands. He said the County was going to put into expanding its existing wastewater facility for the jail and that instead of doing that it could invest that money in the Nation's wastewater system, with an intergovernmental agreement to safeguard the County's investment. He said that, in a sense, the County would be a partner with the Nation and that it could be a partner forever but that it did not have to be. In response to a request from Chairman Springer for clarification of the entity that would be created for this project, Mr. Bejarano showed the Board a map of the proposed sewer line and treatment facility, pointing out that the treatment plant would be on trust lands while part of the sewer line would be located on lands that are currently under application for trust status. Ms. Toman said the Nation had talked about creating a corporation for this project in order to give the County a little more security that it would not be dealing just with the Nation but also with a for-profit business. She said there were many ideas about how to do this, but that no one had yet sat down to talk about it. Chairman Springer said the idea was the County would contribute to the project in return for a future benefit. Mr. Holst said there had been some discussions about how to handle things when other customers buy into the system. Ms. Toman said it would be like the County providing venture capital and then having its investment returned at some point. Chairman Springer said she understood about the County making a contribution but that now there was something about operating expenses and that it kind of muddled things. She said it seemed that it would be cleaner if the Nation charged the County a fee and the Nation provided all operation. She said she was not comfortable with the County sharing maintenance expenses. There was brief discussion regarding the amount of sewage generated by the jail on a daily basis, during which Mr. Manera said that in looking at this proposed project he had tried to look at having enough capacity to handle not only the jail but also other facilities that the Board might wish to build at the Camp Verde Justice Facility location in the future. Chairman Springer said she did not want the County to have any kind of ownership interest in the wastewater facility. She said she supported the project and felt it was just a matter of how to work out the details and whether, somewhere down the line, the County could be reimbursed for its investment. Supervisor Davis asked Mr. Manera for the typical cost of a wastewater plant. Mr. Manera that he would be guessing if he gave a number. Supervisor Davis said that, hopefully, by working with the Nation on this project the County would incur lower costs per gallon for sewage treatment. Chairman Springer said to assume that the Nation sets a rate for service and that if the County is the only user the question would become whether the rate would be sufficient to cover operating expenses. Mr. Holst said that would be analyzed, and that if the County built its own plant it would still have to pay for 100% of the operating costs. Chairman Springer asked if the County's costs for actually using the system would be applied back to the \$1.5 million that the County would invest in the project or whether the County would pay fees on top of that and hope to recover the \$1.5 million investment. Mr. Hunt said perhaps the County could have a security agreement to protect its interest in the project, and that a second question would be how the County could ensure its access to the wastewater facility over time. He said the County would need to have absolute assurance that there would be no interruption in service. Supervisor Thurman said he was also in favor of the project. Supervisor Davis asked Ms. Toman if what she had heard on this day provided her with what she needed to move forward. Ms. Toman responded affirmatively. There was general agreement that Mr. Hunt would contact Carole Penfield in the Nation's Office of the Attorney General. Chairman Springer said that other tribes had formed outside corporations and allowed disputes to be settled in the Superior Court, and that this was a successful method. She said she thought everyone recognized that this was a needed project. There was brief discussion regarding beds at the jail that could be rented to the state if adequate sewage treatment facilities were available, during which Mr. Manera said that for an investment of around \$50,000 it would be possible to upgrade the existing plant to allow opening another 120 beds until the Nation's facility could be built and would be on line. He also recommended keeping the County's wastewater facility available for the first year or two after connection to the Nation's system just in case there are any problems with the Nation's new facility. He said that after that time, the Board may wish to decommission the plant and leach field and use the land for something else.

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CLAIMS AGAINST YAVAPAI COUNTY

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<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,982,769.36	Jail District	567,716.84
District 1 Park Fund	32,364.63	District 2 Park Fund	5,393.53
District 3 Park Fund	22,522.74	WMD Planner	414.72
HS 2003 Primary	74.40	Improve of Education	132.81
AZ Coop Purchas. Net	7,369.66	Adult Prob Fees – 40	545.63

Environmental Health	13,608.39	Susan Komen Breast H.	603.08
Medical Reserve Corps	945.38	Resep Radiation Exp.	601.16
Comm. Health Center	18,078.41	AMPPHI	2,463.26
Family Planning	4,450.20	MCH Programs	4,983.33
Health Promotion	2,837.89	Cost Allocation	2,599.54
Nutrition	1,397.60	T.B. Control	2,397.62
WIC Program	17,192.77	Title X Family Plann.	2,228.01
Jail Enhancement	14,855.58	Juvenile Delinq. Reduct	9,654.00
Juvenile IPS	18,003.66	Juvenile Food Prog	2,144.59
Community Advisory Bd	15.17	Probation Serv	4,496.35
Adult IPS	32,667.32	Adult Probation Fees	10,933.55
Prob Enhance	39,693.69	Recorder's Surcharge	2,326.11
Indigent Def/Dg	4,071.54	Crim Just/Atty	3,253.30
Bad Check Prog	2,801.59	Juv Prob Svs	1,339.07
Commodity Fd	907.34	Hi Risk Chld HI	6,658.03
HIV Counsel & Test	1,430.34	Atty Anti-Racket	2,331.47
PANT	8,567.23	Law Library	1,154.50
CASA	4,295.78	Case Processing	5,782.01
Prim. Care – V.V.	5,125.91	Victim Witness Prog	9,394.01
Court Enhancement	2,806.74	Council Court	3,055.26
Drug Enforce. Fund	3,781.85	Probate Fund	1,222.15
Primary Care Services	11,815.75	PC Fees VV	1,540.27
Local ADR	1,015.76	Victims Rights Impl	3,465.01
JAIBG Juv Acct P-II	1,682.73	Yav. Indian Agree.	1,507.34
Dietetic Intern	621.99	Immuniz Service	3,251.01
Personal Care Svs	4,216.37	Idea-Preschool	1,203.24
Subs Abuse/DARE	386.41	Chem Abuse	605.96
Family Drug Court	770.18	Juv Det/PACE	5,196.09
Collab. Comp Rev Gr	3,077.62	Special Program	26,599.56
Sm Schools Ecia	628.99	Sm Schools Beha	19,682.73
Walmart Shop w/ Cop	350.00	Fill the Gap – Courts	9,974.91
School Facilities	23.79	Hurf Road Funds	556,921.02
Assessor Surcharge	1,797.40	Assessor App Dev	8,286.89
Health Fund	64,170.43	Jail Commissary	7,553.26
Landfill Administ.	23,970.25	Judge Pro Tem Div B	11,837.65
Water Advisory Comm	3,356.92	Tire Recycle	17,311.02
Safe School Pro	8,204.88	Adhs-Svs Coord	2,478.68
Local Incentive Awards	1,672.88	EII Consortium 2003	74.60
Fill the Gap – Attorney	4,035.09	Family Law Commiss.	7,763.11
Comm Punish Pro	7,280.18	Juven. Detent Ed Pro	1,672.82
Regnl Road Project	490,748.21	Library Auto Consor	120.06
Health Start	2,430.63	Interstate Compact Pro	2,263.23
Ryan White II	4,036.14	Prepared. Bioterror	11,570.72
St Grant in Aid	424.51	Primary Care Fees	21,362.18
Perinatal Block	3,093.15	Well Woman Health	4,299.33
Tobacco Educ	10,226.29	St Imple. Grant	95.87
School Reso. – Mayer	907.85	Az Region Support	2,064.93
Direct Treatment Fund	4,017.40	Mental HealthRWJF	2,751.52
Mental Health Part.	2,751.48	Field Trainer	2,293.82
Attendant Care	24,341.60	HIV/CT	41.26
Ash Fork Bldg Rehab	17,415.78	Childrens Justice	105.00
Child Sup & Vis	908.93	Domestic Relations Ed	339.45
VOCA	8,487.19	JTSF Treatment	4,924.61
Diversion Conseq.	916.83	ALTCS	1,989,692.38
Help Debt Svs Loans	5,715.41	Prescott East Loan	6,539,276.72

In addition, payroll was issued on January 7 for the pay period ending January 1; warrant numbers 2449440 through 2449783, in the amount of \$296,864.02. Jury certificates issued during this time; 6868662 through 6868924. Warrants issued for January 26 Board day, 4234135 through 4234619; 4234620 through 4235114.

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

ATTEST:

_____ Clerk _____ Chairman