

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

August 24, 2005

The Board of Supervisors met in special session on August 24, 2005, at 9:00 a.m.

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.

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

C – BOARD OF SUPERVISORS All items were approved by unanimous vote, upon a motion by Supervisor Davis, seconded by Supervisor Thurman. No comment from the public.

- C1. Re-elect Mary E. Baker and William E. Jackson to the Industrial Development Authority of the County of Yavapai, to represent District 1 and District 3 respectively, for terms to be effective April 1, 2005 to April 1, 2011.
- C2. Set tax rates for certain special districts, with such action to be deemed effective as of August 15, 2005.
- C3. Resolution providing for the collection of taxes for all jurisdictions by the Yavapai County Treasurer for fiscal year 2005-2006.

ACTION ITEMS

A – BOARD OF SUPERVISORS

- A1. Change Order #5 with Straightline for the Verde Valley Senior Center in the additional amount of \$97,757 and determine funding source. Angelo Manera, Special Projects Coordinator. Supervisor Davis moved to approve the change order and to authorize up to \$150,000 to be applied to the project from the Contingency account as needed. Supervisor Thurman seconded the motion, which carried by unanimous vote. No comments from the public.

Mr. Manera told the Board that there was a deficit with regard to paying for this change order, but that it would ultimately be paid for by the surety company. Mr. Hunt noted that claims for the items in the change order had already been filed with the surety company but that reimbursement would not occur until after substantial completion of the project. Chairman Springer asked if the latent defects that were the reason for the change order were new. Mr. Manera said that prior to taking on the project the contractor had visited the site a few times to identify obvious defects and then filed those with the surety company, but that the latent defects were defects that were not obvious during the inspection process and could only be found during construction. Chairman Springer asked if the County would be reimbursed for the entire amount of the change order. Mr. Manera said his and Mr. Hunt's interpretation was that reimbursement would be for the full amount. Chairman Springer asked if there was a cap on the amount. Mr. Hunt said there was not. Chairman Springer said it was her understanding that there might still be more defects to be found. Mr. Manera said it was possible, but that he did not think they would be significant. He said he believed the County was legally entitled to the full dollar amount of the change order but that he also thought there would be an argument about it. There was brief discussion regarding specific problems related to the HVAC and replacement of fascia. Supervisor Davis asked if the County could charge interest for the period between when it incurs the expense for the change order and when the bonding company reimburses the cost. Mr. Hunt said that was not possible under the terms of the agreement.

STUDY SESSIONS

S – BOARD OF SUPERVISORS

- S1. County parcel on Union Street for possible parking project. Herb Stutz, First Baptist Church. First Baptist Church members Bob Ancha and Bruce Logan participated in discussion.

Mr. Holst said there had been discussions for several years about the County and First Baptist Church partnering on a parking project that would be half on church property and half on County property. He said

the most recent thoughts he had heard from Board members were to put the proposed project on hold while the Board looks at consolidating County services at Pioneer Park. Mr. Stutz said he wanted to be clear that he, Mr. Ancha and Mr. Logan were a committee from the church and that they did not have much authority in terms of signing any agreements. He said they were present on this day to present their views and perhaps negotiate and reach some agreement, but that any agreement would have to be approved by the church board and the church membership. Mr. Stutz said that in February it was suggested that there be a formal agreement for the proposed parking project, but that since that time the committee had learned that the County might be looking at moving its operations to Pioneer Park, and that this had caused the committee to take another look at the parking project. He told the Board that the City of Prescott had told the church it could not add additional seats to its auditorium without having additional parking spaces. Mr. Stutz said a survey of the church membership was being done to see how many people wanted the church to remain downtown and how many were in favor of moving to a new location with more land, and that 56% of the returns received so far were in favor of staying downtown. He added that the church had been at its present location since 1905. He said the greatest challenge for the church's members was parking on Sunday morning and that the County had been good enough to let the church use its property for parking. He said the church had also been using the City of Prescott's library parking lot but that because of remodeling at the library that parking lot would no longer be available after September 1. Mr. Stutz said the committee also understood that the City of Prescott was talking about establishing a parking district downtown. He said the church board wanted to know if the County would be interested in selling its parking lot to the church. Supervisor Thurman asked if the new parking garage downtown had helped with regard to availability of parking spaces. Mr. Stutz said he had recently attended a performance at the theater downtown and that when it was over he asked people who were leaving and heading toward the Plaza whether they had parked in the new parking garage. He said that each person he asked replied that they had not used the parking garage. He said he had also surveyed businesses along Cortez Street to see if the new parking garage had made a difference for them, and that they said the garage was not helping them. Mr. Stutz said the church had considered shuttling members from the Depot shopping center but that it did not seem to be a popular idea. He added that the church used the County's parking lot on Wednesday nights and also on Sunday mornings. Supervisor Thurman asked if the City of Prescott had said the church could not use its access to the County's parking lot to add seats to its auditorium. Mr. Stutz said yes. Supervisor Thurman said there were numerous utilities in the alley by the parking lot and that it would be very expensive to move them. He said he had hoped to have a parking project that would allow for three levels of parking, but that there were so many things in the alley that the cost to move them would be astronomical. He said that if the Board moved forward with a County complex at Pioneer Park it would probably sell many of its current properties, and that the problem he saw with the church's proposal to buy the parking lot was that if a private party purchased the Gurley Street building it might need the parking lot. Supervisor Thurman said he thought it was very difficult at this time to know what to do, and that the parking lot the church was currently using might have to be sold as part of the Gurley Street building. He said that on the other hand, he would be inclined to go back to the City of Prescott to see if some agreement could be worked out with regard to parking spaces. Mr. Stutz said that the City would require one parking space for every four seats in the auditorium that the church was hoping to replace. He said he thought that if the alley could be closed off it would make a great difference in terms of safety. He added that with a County-driven parking project adhering to historic design would not be necessary. Supervisor Thurman said that if the County did engage in a parking garage it would want to stay with an historic motif, but that again, the alley was a real problem because of the utilities that would have to be removed. Supervisor Davis asked whether it would make a difference for the church's parking issues if there were no events on the Plaza. Mr. Stutz said it would make an immense difference. He said that when the church purchased the St. Luke's church building it had made a difference in parking. He added that a few weeks ago a vendor for a Plaza event had parked his truck and trailer in the County parking lot that the church uses on Sunday mornings and that the result was it took up five parking spaces, or 15 spaces when one considered the three church services held that day. Supervisor Davis said he thought the County could work something out with the church to allow it use the parking lot at the Gurley Street building. He asked Mr. Stutz if church members ever used that parking lot. Mr. Stutz said he did not think so. Supervisor Davis said he did not see a problem with it as long as the church used it only on Sundays or during evenings. Chairman Springer said she would have to agree with Supervisor Thurman that it was not in the County taxpayers' best interest for the Board to make any decision to sell the parking lot at this time simply because the Board would be considering selling the Gurley Street building and that the parking lot on Union Street might be a consideration in the sale of that building. She said she did not know how else to solve the problem, and that she had hoped to be able to work out some lease situation so that the church could show the City of Prescott that it had the right to use the parking lot. Chairman Springer said it sounded like the City of Prescott would not cut the church any slack. Supervisor Thurman said the City would take the

same position with regard to whoever purchases the Gurley Street building. Mr. Logan noted that the City had said it would make no decision about a parking district until after the parking garage was finished. Chairman Springer said she did not think that at this point the Board was in any position to make a determination. She said there were too many other things going on right now with the County's new capital improvements project to be able to say whether the Board would want to sell the parking lot or build a garage on it. Supervisor Thurman said he also thought it was too soon for the Board to make a decision because it did not know what was going to happen with regards to its own plans for improvements. Mr. Stutz said that building the parking garage as it was designed would be a huge project for the church. He asked what the County's reaction might be in terms of making the parking lot available to the church if the church decided to build the garage. He asked if the Board would be open to making the lot available to the church if the church gave the County an option to continue parking there. Chairman Springer said she thought the question was what the City of Prescott's reaction would be if the church was the owner of a parking garage on leased land. She said she assumed there would need to be a lease back to the County to use the space. Mr. Stutz said he did not know if it would be asking too much for the County to give the parking lot to the church or sell it to the church if the church was willing to build the parking garage. Mr. Hunt said that by statute the County would have to receive at least 90% of the appraised price for the property and that in many cases the County was required to auction off property instead of just selling it outright to an interested buyer. He said he was not sure if the County could set up conditions that would make the church the only potential bidder for the property. Supervisor Thurman asked if the church could gain more parking spaces by getting rid of the alley. Chairman Springer suggested talking to the City of Prescott about abandoning the entire alley. Mr. Ancha said it would not help because the alley was only 25 feet wide. Supervisor Thurman asked if the church members might prefer to just move as opposed to incurring the cost of a parking garage. Mr. Stutz said the committee thought its survey would be a slam dunk because with what the church could get from a developer for its downtown property it could pay for a new facility. He said that once the committee presented what it had learned from this day's meeting, feelings about whether to stay downtown or move might change. Mr. Stutz said that one of the changes that happened when St. Luke's moved was that a resource for homeless people in the downtown area moved, and that First Baptist had filled that niche. Mr. Ancha said the church also had two other facilities downtown that would remain so that the church could continue certain ministries. Mr. Stutz said that once the County is ready to sell the Gurley Street building, the church may be interested in buying it. Chairman Springer said that would be a possibility. Mr. Stutz thanked the Board for its time and input. Chairman Springer thanked Mr. Stutz, Mr. Logan and Mr. Ancha for meeting with the Board.

S2. Vehicle utilization. Fleet Management Director David Gartner presented this item. Sheriff Steve Waugh and Commander Scott Mascher participated in discussion, as did Daily Courier reporter Paula Rhoden.

Chairman Springer said she was very impressed with Mr. Gartner's draft policy. She said she had also talked with the Sheriff's Office regarding their proposal and that it looked to her like both proposals were pretty much along the same lines and that whatever differences there were appeared to be minor and that they were things that could be worked out. Mr. Gartner reviewed the policy with the Board section by section, noting that the first section simply defined categories of vehicles and also defined general use vehicles and individually assigned vehicles. He noted that the section on authorization of vehicle and equipment positions had always been policy but that he had added some information about what type of special equipment a vehicle might need. Mr. Gartner said that the section on vehicle equipment acquisitions had to do mostly with replacement vehicles and making sure that a replacement is adequate for the job it must do. He said this was an approach he had already taken, but that now it would be spelled out in policy. Discussion turned to the section on vehicle and equipment utilization. Mr. Gartner said there were many County vehicles that did not reach a certain number of miles each year but that they were used every day for short distances. Commander Mascher said the Sheriff's Office had some vehicles, like SWAT vehicles, that did not reach the mileage listed in the policy. Mr. Gartner said such vehicles would be classified as special use vehicles, and that he had not included a section for that. Chairman Springer suggested adding something to address limited special uses. Supervisor Thurman said it should be termed essential limited use vehicles. Commander Mascher said that would work. Turning to the section on the use of County owned vehicles and equipment, Mr. Gartner noted that much of the language was already existing policy. Chairman Springer said the County did not rent vehicles very much and she asked Mr. Gartner why he had included language related to rentals. Mr. Gartner said the language pertained mostly to off road equipment of the type that the Public Works Department uses. He said some of that equipment was not used often enough to justify owning it and that instead such equipment was rented when it was needed. Chairman Springer said that made sense. Mr. Gartner said there were also times when it was more economical to rent a vehicle, such as when the travel involved more than 500 miles. Discussion turned to the use of official

decals on County vehicles. Chairman Springer said she imagined that the Sheriff's Office had take home vehicles that were unmarked. Sheriff Waugh said that with the exception of about 28 vehicles, all of the Sheriff's vehicles were marked. He said the requirement to have official decals on County vehicles was not an issue for the Sheriff's Office. Mr. Gartner said there were also a couple of other departments that used unmarked vehicles, such as the County Attorney's investigators and the Adult Probation department. Sheriff Waugh said he had added decals to some Sheriff's vehicles and that he would probably be marking more vehicles in the future. He said that of the unmarked vehicles in his department some had government plates and some had undercover plates. Supervisor Davis said he would like to look at the issue of unmarked vehicles. He said the Sheriff wanted a presence in the community and if vehicles were not marked that presence would be limited. He said he would like to see as many vehicles as possible marked. Sheriff Waugh said he was increasing the number of marked vehicles but that all field operations people now had marked vehicles. Chairman Springer asked Sheriff Waugh if he could compile a new list of take home vehicles that are marked and unmarked. Supervisor Thurman said that other than being used for undercover purposes, he did not see a reason for not having marked vehicles. Sheriff Waugh said the only problem was that if one was traveling to a meeting or conference in a marked vehicle there was an expectation on the part of the public for law enforcement. Discussion turned to incidental personal use of County vehicles and equipment. Sheriff Waugh said his proposal was tighter in this area than what Mr. Gartner had proposed. Chairman Springer said she thought there were people in the Sheriff's Office who had personally assigned vehicles who were not certified Deputy Sheriffs. Sheriff Waugh said his policy focused on separating certified and non-certified, and that there were only three or four non-certified employees who took vehicles home. Mr. Gartner said he could make this section in his policy match what was in the Sheriff's policy. There was brief discussion regarding the term "non-paid time" in the existing policy with regard to certified Deputies, and there was general agreement to delete that section after Sheriff Waugh said that no one his department was to drive a County vehicle if they were on non-paid status. The Board next discussed the issue of take home vehicles. Mr. Gartner explained that current policy allows for take home vehicles for employees who need to respond to situations at any time, and that it also provided for temporary take home situations such as when an employee must arrive at a destination very early in the morning or arrive home late at night. Chairman Springer said she would like to see clarification on who makes the decision on whether a vehicle can be taken home, and that it seemed to her that it should be the department manager who makes that decision. Mr. Gartner said the existing policy language sometimes used "department head" and sometimes used "appointing authority" with regard to this issue. Chairman Springer said the language should be consistent, and she asked Mr. Gartner to coordinate with the Sheriff's policy with regard to the take home section. Mr. Holst said that if the Board was comfortable with department heads, such as the Public Works Director, deciding who takes vehicles home on a permanent basis it could leave the existing language in place, but that the Board might want those decisions to be Board decisions. Chairman Springer said that perhaps department heads could make the decision with regard to temporary take home vehicles. Supervisor Davis said department heads could submit to the Board a list of all take home vehicles that are taken home for periods of more than 30 days. Mr. Gartner said he would write a separate section on permanent take home vehicles and also one on temporary take home vehicles. Discussion turned to the section on driver responsibilities, with Mr. Gartner explaining that most of the new language was pretty standard in a vehicle policy. There was brief discussion regarding a provision that would prohibit pets or animals from riding in vehicles unless it is required by specific job requirements of the vehicle position, during which Ms. Rhoden asked about service animals. The Board next discussed the accident and insurance requirements section of the policy, which included brief discussion regarding whether there should be a minimum amount of insurance required for employees who use their own personal vehicle for County business and whether the County would face liability risks when employees use their own vehicles. Moving on to the section on vehicle expense control, Chairman Springer asked Mr. Gartner to add a paragraph to state that Fleet Management will provide reports to department managers. Supervisor Davis said there should also be an annual cost of ownership in addition to cost based on mileage. He said that some vehicles, such as SWAT vehicles, do not log much mileage but that there is still a cost to maintain the vehicle. Chairman Springer said that if there was going to be another kind of calculation on cost it should be added to the policy, and that something also needed to be included regarding damage to County vehicles. She said perhaps the Board could look at a "three strikes and you're out" of the vehicle and possibly out of a job. Discussion turned to the vehicle replacement section of the policy. Mr. Gartner said that because the County purchases vehicles at a lower cost it can actually recover a good percentage of that cost when it sells the vehicle, but that after seven years most of a vehicle's value was gone. He said that one of the questions related to replacement was how many vehicles the Board wanted to replace each year. Mr. Holst said that on the front end, if the Board wanted to phase out a lot of vehicles that have high mileage, it would not get much revenue from them. Chairman Springer said that if the Board was going to commit to Mr. Gartner's concept of replacing vehicles

more often, he would need to make strong recommendations to the Board that would be consistent with that philosophy. Supervisor Thurman said that might not work with regard to Sheriff's vehicles because of what it costs to set them up. Mr. Gartner said that was true. There was brief discussion regarding staying with the same vehicle model with regard to Sheriff's vehicles in an effort to be able to reuse special equipment. Mr. Gartner said he would like to replace Sheriff's vehicles every 100,000 miles and that he also wanted to work with departments regarding how they use their vehicles in order to make projections about when vehicles would need to be replaced. Supervisor Thurman asked if it would pay to have an extended warranty on vehicles. Mr. Gartner said that in most cases it would not pay to purchase extended warranties and he added that such warranties have deductibles. Chairman Springer added that extended warranties generally do not cover very much, either. Mr. Holst said he and Mr. Gartner were looking regular vehicles that are not being driven very much and that they would be developing a list of those vehicles to discuss with department heads and to bring back to the Board to see if it would be appropriate to reduce the fleet. Wrapping up the discussion, Chairman Springer said that Mr. Gartner would work with the Sheriff to coordinate policy and that he would prepare a second draft of the vehicle policy and provide it to department heads for their review and comment. She asked Mr. Gartner if it would be possible for him to accomplish that quickly enough to be able to return to the Board with a final draft in one month. Mr. Gartner said he believed that would be possible, and that the changes to the policy as discussed on this day were minor. Chairman Springer said she just wanted to be sure that all of the departments understand the policy. Supervisor Davis said he wanted to thank Sheriff Waugh for working on a vehicle policy, and that he wanted to know the Sheriff had also reduced the number of take home vehicles in his department by five. Supervisor Davis said it appeared from the information provided by Mr. Gartner that employees' use of their own personal vehicles was more cost effective for the County, but that if the Board wanted to encourage that practice it would need to have an escalation clause for reimbursement of fuel. Mr. Holst said he and Mr. Gartner had discussed that possibility and that they would like to address it with the Board in a future study session. Mr. Gartner noted that car rental companies charge about 40 cents a mile. Chairman Springer said she was a little reluctant to reimburse more than general government rates but that if it was possible to look at temporary changes based on gas prices that would be okay. She added that mileage reimbursement rate should be an agenda item for the Board every year.

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

ATTEST:

Clerk _____ Chairman