

**MINUTES
OF THE
LA PAZ COUNTY BOARD OF SUPERVISORS
Monday, November 5, 2018, 10:00 a.m.
Regular Meeting**

Chairman Minor called the November 5, 2018, regular meeting of the La Paz County Board of Supervisors to order at 10:00 a.m. Elected Officials and Department Heads present were: Chairman Minor, Supervisor Irwin, Supervisor Wilson, County Administrator Drake, Deputy County Attorney Dooley, Assessor Camacho, Recorder Baker, Health Director Shontz, Human Resource Director Frantz, Community Development Administrator Yackley, Elections Director Scholl, Golf Professional Benton, Parks Director Prefling, Finance Director Krukemyer, School Superintendent Price, and Clerk of the Board Green.

Chairman Minor led the Pledge of Allegiance followed by the Invocation given by Pastor Julian Barbara of the Calvary Christian Fellowship.

Presentation: “Sandy Dodge Excellence Award”

Dorothy Fenech, Safety Committee Chairman, recognized Linda Smith, Elections Assistant, with the August 2018, Sandy Dodge Employee Excellence Award, along with a \$25 gift certificate to Walmart.

Presentation: U.S. Decennial Census Information by Emily Verdugo, Partnership Specialist, U.S. Census Bureau

Emily Verdugo, Partnership Specialist with the U. S. Census Bureau, gave a presentation on the upcoming U. S. 2020 Census as she noted was required by the Constitution.

She stated that the Census would start in March of 2020 in which the populous would be able to register online, and thereafter, representatives would be knocking on doors, contacting those that had not filled out their census forms.

She explained the process addressing the census tracks that are difficult to count, such as the elderly and renters, which make up approximately 20% of the population, and how the County can partner with the Census Bureau to obtain assistance in completing the census.

Ms. Verdugo explained the importance of the census numbers for the County, noting that Arizona receives a substantial amount of funding from the government based on census data.

She stated that the next step would be for the adoption of a resolution, possibly partnering with others locally for a “complete Count Committee” to learn how to educate the public about the census using the available tools provided.

A brief discussion ensued, noting that the Colorado River Indian Tribes (CRIT) was a different entity and handled separately; however, noted there is typically a tribal representative on the committees because many tribal members do not live on the reservation.

She emphasized that she wanted to be sure that the “hard to count” members of the public were counted and the County receives the funding it needs.

Call to the Public: This is the time for the public to comment for a limit of three (3) minutes per person. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date

George Nault, from Bouse, stated that he still had not received the information he had requested months ago along with a recent request for information.

Chairman Minor stated that no one is “hiding” anything from public requests; however, he expressed that records have to be present to be provided, and the request has to be “specific and articulate” to the records being requested, not a general request of information over time.

County Administrator and/or County Supervisor’s Current Event Summary: The County Administrator or Board Member may present a brief summary of current events summarizing recent occurrences without any discussion or feedback from the remainder of the board. The Board will not propose, discuss, deliberate or take legal action on any matter mentioned in the summary unless the specific matter is already properly noticed for legal action, and then only at such time as that matter comes before the board itself pursuant to its meeting agenda. A.R.S. § 38-431.02(K)

There was no information presented.

CONSENT AGENDA *(Discussion and possible action on the following items):*

7(a) Approval of Minutes

Approve the minutes of the Monday, October 15, 2018, regular meeting.

7(b) Approval of Payroll

Approve September 30, 2018, through October 27, 2018, gross payroll, as presented, in the amount of \$769,240.71, plus employer benefit contributions of \$211,396.34, for a total of \$980,637.05, including handwritten warrants.

CONSENT AGENDA (continued)

7(c) Approval of Demands

Approve the demands, as presented, for FY2018/2019, in the amount of \$1,068,149.98, including handwritten warrants.

7(d) Approve to appoint member to the La Paz County Parks and Recreation Advisory Commission – Board of Supervisors

Approve to appoint Mark Goldberg as member to the La Paz County Parks and Recreation Advisory Commission effective November 5, 2018 to December 31, 2024.

7(e) Approve to appoint member to the La Paz County Planning & Zoning Commission – Board of Supervisors

Approve to appoint John Newman as member to the La Paz County Planning & Zoning Commission to the remaining term expiring December 31, 2018.

7(f) Approve to appoint the position of Executive Assistant for the Board of Supervisor’s office, a vacant and budgeted position – Board of Supervisors (Replacement)

Approve to appoint Juliana Bowman to the position of Executive Assistant, effective November 6, 2018, at an annual salary of \$41,672.68 (NE095, Step 1), increasing to \$42,743.46 (NE095, Step 2) upon successful completion of the County employee probation period; a vacant budgeted position.

7(g) Approve promotion of a Parks Ranger I position to a Ranger II, a budgeted position – Parks (Promotion)

Approve to promote Cliff Rees to the position of Parks Ranger II, effective November 6, 2018, at an annual salary of \$34,330.25 (NE054, Step 10), a reallocated and budgeted position.

7(h) Approve to appoint the position of Golf Course Assistant, a vacant and budgeted position – Golf Course (Replacement)

Approve to appoint Robert Kline to the position of Golf Course Assistant effective November 6, 2018, at an annual salary of \$25,085.65 (NE025, Step 2), requiring a six (6) month probation period; a vacant budgeted position.

7(i) Approve to appoint the position of Snack Bar Supervisor for the Golf Course, a vacant and budgeted position – Golf Course (Replacement)

Approve to appoint Joan L. Hall to the position of Snack Bar Supervisor, effective November 6, 2018, at an annual salary of \$29,260.47 (NE071, Step 8), a vacant budgeted position.

7(j) Approve salary step-increase for the Appraisal Data Collector position for receipt of Property Tax Course Certificate of Completion, a budgeted position – Assessor (Salary increase)

This item was pulled for discussion and separate action.

7(k) Approve continuation of the Thomson Reuters/Westlaw contract for legal research services for the County Attorney’s office, a budgeted expenditure; authorizing the Deputy County Attorney to sign the order – County Attorney

Approve continuation of the Thomson Reuters/Westlaw contract for legal research services for the County Attorney’s office, a budgeted expenditure; authorizing the Deputy County Attorney to sign the order on behalf of the County Attorney’s office.

7(l) Approve the transfer of funds from the Racketeer Influenced Corrupt Organizations (RICO) holding account Fund 277 to the County Attorney’s RICO spending account Fund 288 – Finance

This item was pulled for discussion and separate action.

7(m) Approve grant application for the FY2019 Arizona Fish and Game Heritage Fund Grant in the amount of \$27,845, with a \$5,000 matching funds, for a total project amount of \$32,845, to purchase signage and post and barriers for scenic view pullouts on Planet Ranch Road – Finance

Approve grant application for the FY2019 Arizona Fish and Game Heritage Fund Grant in the amount of \$27,845, with a \$5,000 matching funds, for a total project amount of \$32,845, to purchase signage and post and barriers for scenic view pullouts on Planet Ranch Road; authorizing the Finance Director to sign all required documents.

7(n) Approve to ratify the Arizona Department of Health Services Emergency Preparedness Program Intergovernmental Agreement Amendment No. 5, Contract No. ADHS17-133193, awarding \$96,980; retroactive to September 1, 2018 to August 31, 2019 – Health

Approve to ratify the Arizona Department of Health Services Emergency Preparedness Program Intergovernmental Agreement Amendment No. 5, Contract No. ADHS17-133193, awarding \$96,980; retroactive to September 1, 2018 to August 31, 2019.

Supervisor Wilson requested that items #7(j) and #7(l) be removed from the Consent Agenda for discussion.

SUPERVISOR WILSON MOVED to approve Consent Agenda Items #7(a) through #7(n), excluding #7(j) and #7(l). Motion seconded by Supervisor Irwin, passed unanimously, including the vote made by Chairman Minor.

7(j) Approve salary step-increase for the Appraisal Data Collector position for receipt of Property Tax Course Certificate of Completion, a budgeted position – Assessor (Salary increase)

Supervisor Wilson inquired whether the increase was appropriate since the position currently held required the certification to start, not for a two-step increase in salary. He stated he did not see the hire date included in the documentation.

Human Resource Director Frantz explained that the employee was reassigned to a new job title to align with the Assessor's Department training in April 2018, confirming that there were no salary increases.

Assessor Camacho explained that this position was created by the Department of Revenue to assist new Appraisers to understand what their job would entail, acknowledging that frequent turnovers occur in the Appraiser positions. She explained that Ms. Sharpe was employed in the Assessor's in 2008; left in 2013 to go to the Treasurer's office; and returned to the Assessor's office shortly after Assessor Camacho's election into office.

Supervisor Wilson stated that, solely because of the years of experience in the Assessor's office, he would support the salary increase.

SUPERVISOR WILSON MOVED to approve a step increase for Susie Sharp, Appraisal Data Collector, retroactive to Thursday, November 1, 2018, at an annual salary of \$30,571.62 (NE0107, Step 14), a budgeted position. Motion seconded by Chairman Minor.

A brief discussion ensued with comment suggesting that this might open up doors for employees to request step increases once they have met minimum job qualifications.

It was noted that, in this instance, receipt of a certificate may not have adequately justified an increase; however, the employee has had 8-9 years total experience in the Assessor's office and had not received any kind of pay increase.

MOTION PASSED unanimously, including the vote by Supervisor Irwin.

7(l) Approve the transfer of funds from the Racketeer Influenced Corrupt Organizations (RICO) holding account Fund 277 to the County Attorney's RICO spending account Fund 288 – Finance

Supervisor Wilson stated that he wanted clarification due to the sensitivity of issues regarding RICO funds and the recent legislation that the County Attorney's office must verify that the expenses are legal expenses.

Finance Director Krukemyer stated that this request is moving salary funds from fund 277 to fund 288, finalizing a court order of two years ago creating different RICO accounts. He explained that percentages of two salaries are paid out of these funds and a procedure has been developed to account for the expenditure of these funds as they are received; a procedure agreed to by the Auditor for RICO accounts. He added that the remaining funds of approximately \$660,000 in the “holding fund” would be “divvied up” amongst the various member groups by the agreed procedure.

Deputy County Attorney Dooley stated that it was his understanding that the funds that were being transferred were from court orders already issued; and the \$30,000 approved for salaries would be from recent court orders.

Finance Director Krukemyer added that part of the issue involving the current funds were that they were possible Department of Public Safety monies, and the monies for salaries, already encumbered, needed to be dealt with.

SUPERVISOR WILSON MOVED to approve transfer of funds from the Racketeer Influenced Corrupt Organizations (RICO) holding account Fund 277 to the County Attorney’s RICO spending account Fund 288 as described by Finance Director Krukemyer. Motion seconded by Supervisor Irwin, passed unanimously, including the vote by Chairman Minor.

Chairman Minor recessed the Board of Supervisors and convened the Jail District Board of Directors at 10:30 a.m.

CONSENT AGENDA (*Discussion and possible action on the following items*):

County Administrator Drake presented for approval Jail District Consent Agenda Items #8(a) and #8(b).

8(a) Approval of Jail District Payroll

Approve September 30, 2018, through October 27, 2018, gross payroll, as presented, in the amount of \$111,714.10, plus employer benefit contributions of \$21,740.85, for a total of \$133,454.95, including handwritten warrants.

8(b) Approval of Jail District Demands

Approve the demands, as presented, for FY2018/2019, in the amount of \$81,410.30, including handwritten warrants.

SUPERVISOR IRWIN MOVED to approve Jail District Consent Agenda Items #8(a) and #8(b). Motion seconded by Supervisor Wilson, passed unanimously.

Chairman Minor recessed the Jail District Board of Directors and reconvened the Board of Supervisors at 10:32 a.m.

REGULAR AGENDA (*Discussion and possible action on the following items*):

Adopt Proclamation No. 2018-42, a presentation – Board of Supervisors

Chairman Minor stated that upon approval of this Proclamation, there would be a presentation; adding that he expected the Board to have seen it in their packets.

SUPERVISOR WILSON MOVED to adopt Proclamation No. 2018-42, proclaiming November 15, 2018, Robert Gory Day. Motion seconded by Supervisor Irwin, passed unanimously, including the vote by Chairman Minor.

Chairman Minor and Community Development Administrator Yackley presented Robert Gory with a framed duplicate original of Proclamation No. 2018-42 and plaque, stating that Mr. Gory has been a volunteer in the County since its inception in 1983 and a member of the Planning & Zoning Commission until his recent “resignation”.

Mr. Gory described his work with the Planning & Zoning Commission as a “big job”; however, it was an “honor” to serve, and praised the Community Development Department staff for assisting as well as the Board of Supervisors for a “good job”.

Adopt Resolution No. 2018-41, designating the community of Wenden, Arizona as a Colonia – Finance

Accounting Operations Manager MacFarland presented for adoption Resolution No. 2018-41, designating the community of Wenden Arizona as a Colonia. He described the designation, which indicated “questionable” living quality prior to 1989; the years of eligibility, with substandard water and sewer systems.

He stated the he had just recently received historical documentation that would confirm justification for this designation, which would be forwarded to the Department of Housing for Community Development Block Grant (CDBG) funding for sewer system development.

Supervisor Irwin stated that she was aware that this designation was being sought for some time, adding that this designation would not interfere with other CDBG funding.

SUPERVISOR IRWIN MOVED to adopt Resolution No. 2018-41, designating the community of Wenden Arizona as a Colonia. Motion seconded by Supervisor Wilson, passed unanimously, including the vote by Chairman Minor.

Approve to submit a Colonia Certification and Designation packet to the Arizona Department of Housing for the community of Wenden, Arizona and authorize the Chairman to sign the documents – Finance

SUPERVISOR IRWIN MOVED to approve submission of a Colonia Certification and Designation packet to the Arizona Department of Housing for the community of Wenden, Arizona and authorize the Chairman to sign the documents. Motion seconded by Supervisor Wilson, passed unanimously, including the vote by Chairman Minor.

Approve to ratify Intergovernmental Agreement with Western Arizona Council of Governments (WACOG) for Weatherization Audit Service for compliance with Arizona Department of Housing Standards for Owner Occupied Housing Rehabilitation (OOHR) under the Community Development Block Grant (CDBG) program or HOME program – Finance

Finance Director Krukemyer requested ratification of an Intergovernmental Agreement Western Arizona Council of Governments (WACOG) for Weatherization Audit Service relating to the Community Development Block Grant (CDBG) program or HOME rehabilitation program.

He stated that monies expended would be tracked and audited and the homeowner would have to abide by certain rules in the event the dwelling is passed on to heirs or sold.

Discussion ensued noting that a cost of \$850 per unit would be reimbursed to WACOG by the County for the improvements.

SUPERVISOR WILSON MOVED to ratify Intergovernmental Agreement with Western Arizona Council of Governments (WACOG) for Weatherization Audit Service for compliance with Arizona Department of Housing Standards for Owner Occupied Housing Rehabilitation (OOHR) under the Community Development Block Grant (CDBG) program or HOME program. Motion seconded by Supervisor Irwin, passed unanimously, including the vote by Chairman Minor.

Approve ratification of reimbursements by La Paz County previously made to the Arizona County Insurance Pool (ACIP) for legal fees rendered by Jones, Skelton & Hochuli in connection with the Sonia Curtis v. Larry Irwin matter – County Attorney

Supervisor Irwin declared that she would recuse herself from this item on the agenda and exited the room.

Deputy County Attorney Dooley stated that this item was to approve certain payments that were made in 2014 and 2015 to the Arizona Counties Insurance Pool (ACIP); however, notice of this was not given to a Supervisor of a possible conflict of interest and to allow contemplation of recusal.

He added that since notice was not given, and the Supervisor did not recuse, the approval of the warrants was not proper. He stated that this ratification seeks to correct the technical error by giving proper notice.

SUPERVISOR WILSON MOVED to ratify reimbursements by La Paz County previously made to the Arizona County Insurance Pool (ACIP) totaling \$17,338.88 for legal fees rendered by Jones, Skelton & Hochuli in connection with the Sonia Curtis v. Larry Irwin matter. Motion seconded by Chairman Minor, passed unanimously, with Supervisor Irwin recusing herself.

Discussion and possible action to go into Executive Session pursuant to A.R.S. §38-431.03(A)(3)&(4) in order to consider its position and instruct its attorneys regarding the public body's position regarding pending or contemplated litigation or settlement discussion conducted in order to avoid or resolve litigation regarding a possible encroachment issue involving HNC Properties, LLC, Parcel 304-39-021(A) – County Attorney

Chairman Minor informed the public that this item was to go into Executive Session and the Board Room would need to be vacated for that purpose. He added that there would be an action item following if anyone wished to wait for the Board to reconvene.

SUPERVISOR WILSON MOVED to go into Executive Session pursuant to A.R.S. §38-431.03(A)(3)&(4) in order to consider its position and instruct its attorneys regarding the public body's position regarding pending or contemplated litigation or settlement discussion conducted in order to avoid or resolve litigation regarding a possible encroachment issue involving HNC Properties, LLC, Parcel 304-39-021(A). Motion seconded by Supervisor Irwin, passed unanimously, including the vote by Chairman Minor.

Convene into Executive Session: 10:56 a.m.
Reconvene to Open Meeting: 11:40 a.m.

Discussion and possible action approving to accept or reject the settlement offer from HNC Properties LLC – Board of Supervisors

Deputy County Attorney Dooley explained that the settlement offer from HNC Properties LLC was to deed the encroached three acres on the survey to the County in exchange for pavement of two miles of road at a cost of approximately \$100,000. He added that the properties were assessed at approximately \$650 an acre, which would be quit-claimed to the County once the roads were paved.

He stated that a counter offer would essentially be a rejection of the settlement offer and the Board could make a counter offer, which would not be subject to court disclosure and evidence; or the County could do nothing.

Discussion ensued on what would be termed “the right thing” as mentioned by the claimant’s attorney.

Supervisor Wilson stated that he felt inclined to reject it altogether because he had a number of questions that were not answered.

Supervisor Irwin concurred.

Discussion ensued with the option to continue the item for more information.

Deputy County Attorney Dooley stated that would be acceptable for the Board to do; to take no action on the item until the Deputy County Attorney had more information.

SUPERVISOR WILSON MOVED to continue item relating “to accept or reject the settlement offer from HNC Properties LLC” until the Deputy County Attorney has additional information to bring to the Board regarding questions raised. Motion seconded by Supervisor Irwin, passed unanimously, including the vote by Chairman Minor.

Adjournment

Chairman Minor adjourned the meeting at 11:44 a.m.

APPROVED:

Duce Minor, Chairman

ATTEST:

Diane Green, Clerk of the Board

The following La Paz County demands were audited, approved and ordered paid by the La Paz County Board of Supervisors: #11135964, t & c Seal Coating, Inc., \$193,878.51; #11135965, ALERT, \$4,108.34; #11135967, Air Control Air Conditioning, \$2,798; #11135968, Auto Safety House, \$1,093.83; #11135974, Davis Building Supply, \$1,128.97; #11135978, Election Systems & Software, \$5,039.89; #11135980, Emerald Canyon – Petty Cash, \$1,284.03; #11135981, Empire Southwest, \$5,004.86; #11135985, Fulton Distributing, \$4,330.62; #11135988, Gosserco, Inc., \$5,839.97; #11135990, Growers Oil Company, \$3,303.30; #11135996, Jessica Quickle, \$11,910; #11135998, JP Morgan One Card, \$20,259.05; #11136001, Konica Minolta Business Solutions \$43,059; #11136003, La Paz County Treasurer, \$8,602.97; #11136005, Lexipol, LLC, \$9,061; #11136007, McKesson General Medial Corp. \$1,673.79; #11136008, Norbert Mendoza, \$3,443; #11136010, Moore Medical, \$1,092.63; #11136012, Parker Auto & Marine, \$3,585.53; #11136013, Parker Funeral Home, Inc., \$1,394; #11136015, Parker Oil Products, Inc., \$10,432.26; #11136018, Pitney Bowes Purchase, \$5,786.35; #11136022, Redburn Tire Company, \$10,270.05; #11136023, Rideout Law, PLLC, \$2,400; #11136025, Ruffner Law, PLLC, \$17,678.2; #11136029, Laurence Schiff, \$4,600; #11136030, Spillman Technologies, Inc., \$2,130; #11136032, Texas Refinery Corp., \$2,108.36; #11136033, Today’s News Herald, \$282.74; #11136035, Tri-State Reporting, \$4,904.10; #11136036, Trinity Services Group, Inc., \$18,179.19; #11136040, Waddell Kennels, \$15,130; #11136043, Arizona Department of Revenue, \$2,551.81; #11136044, AZ Counties Insurance Pool, \$4,772.27; #11136046, APS, \$42,699.31; #11136053, Rosenfeld, Gust, PLC, \$5,880; #11136056, Western States Petroleum, \$2,588.87; #11136059, All Covered, \$82,585.30; #11136065, Az Department of Health Services, \$1,514.60; #11136067, AZ Vet Dental Specialists, \$1,762.09; #11136079, Colorado River Funeral, \$3,190; #11136093, Grainer, \$1,523.07; #11136102, Joaquin Vences, \$1,200; #11136105, K.R. Well Drilling, \$2,900; #11136108, La Paz County Landfill, \$2,340; #11136109, La Paz Solar LLC, \$1,637.23; #11136114, MCI, \$1,1814.60; #11136117, Mikes Contracting, Inc., \$24,450.87; #11136118, Mohave County Superior Court, \$1,915; #11136131, Quill, \$4,861.31; #11136140, Sam Nichols Electrical, Inc., \$2,244.58; #11136142, SBA Structures, LLC, \$4,516.08; #11136143, Simpson Norton Corp., \$4,974.47; #11136145, Southwest Gas Corp., \$1,771.49; #11136148, Squire Patton Boggs LLP, \$10,000; #11136149, Staples Credit Plan, \$1,789.85; #11136153, TDS Telecom, \$1,187.82; #11136157, Todays News Herald, \$1,005.78; #11136160, Tyler Technologies, \$30,426; #11136163, Verizon Wireless, \$3,740.86; #111366166, West Payment Center, \$1,502.94; #11136168, White Sheet Free Shopping Guide, \$1,060.80; #11136169, Whitney & Whitney, \$3,136; #11136170, Craig Williams, \$2,302.28; #11136173, Internal Revenue Service, \$5,964.33; #11136174, Bouse Fire District, \$1,340.27; #11136175, Buckskin Fire Department, \$22,632.89; #11136176, Ehrenberg Fire District, \$6,053.83; #11136177, McMullen Fire District, \$4,636.30; #11136178, Parker Fire District, \$4,960.37; #11136179, Quartzsite Fire Department, \$11,127.03; #11136181, Advanced Plumbing & Mechanical, \$1,011.51; #11136197, Senergy Petroleum, \$23,780.01; #11136198, Specialty Tires, \$1,715.65; #11136199, \$4,530; #11136204, Total Security Solutions, \$17,251.84; #11136208, AZ Dept. of Economic Security, \$5,637.07; #11136209, Banner – University Medical Center, \$1,177.41; #11136222, Havasu Regional Medical Ctr, \$4,555.78; #11136229, Pioneer Landscaping Materials, \$1,858.39; #11136237, The Masters Touch, LLC, \$4,584.32; #11136239, Trinity Services Group, Inc., \$5,984.82; #11136245, AHCCCS State Treasurer, \$17,675; #11136246, T & C Seal Coating, Inc., \$133,338.15; #11136267, Midamerica Books, \$1,150.63; #11136276, Sudden Link, \$1,891.99.