

**MINUTES
OF THE
LA PAZ COUNTY BOARD OF SUPERVISORS
Monday, April 21, 2014, 10:00 a.m.
Regular Meeting**

Chairman Wilson called the April 21, 2014, 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 Wilson, Supervisor Clapperton, Supervisor Irwin, County Administrator/Clerk of the Board Field, Deputy County Attorney Buckelew, Health Director Shontz, Finance Director Hill, Public Defender Field, Sheriff Drum, Assessor Schuler, Parks Director Bennett, Community Development Administrator Yackley; and Deputy Clerk of the Board Green.

Chairman Wilson led the Pledge of Allegiance followed by the Invocation given by Deputy Clerk of the Board Green.

Presentation: 2014 Champion for Young Children Award by Erin Taylor, Parent Awareness Committee Outreach Coordinator with First Things First

Erin Taylor, Parent Awareness Committee Outreach Coordinator for First Things First, recognized Dianne Grazier, County Director of Nursing, with the 2014 Champion for Young Children Award, which is given for having made significant contributions to the field of early childhood development and health. She stated that Ms. Grazier was chosen to receive the award for her work promoting widespread immunization throughout La Paz County, which directly insures the health and safety of children living in this region.

Current Event Summary

County Administrator Field stated that the State had passed its budget, and will be going through the balance of legislative bills. He noted that he and members of the Board talked to some of the legislators regarding issues relating to La Paz County for a good outcome.

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

County Administrator Field presented for approval Consent Agenda Items #5(a) through #5(g).

5(a) Approval of Minutes

Approve the minutes of the Monday, April 7, 2014, 10:00 a.m. regular meeting.

5(b) Approval of Payroll

Approve March 23, 2014, through April 5, 2014, gross payroll, as presented, in the amount of \$391,215.55, plus employer benefit contributions of \$83,190.73, for a total of \$474,406.28, including handwritten warrants.

5(c) Approval of Demands

Approve the demands, as presented, in the amount of \$681,973.32, including handwritten warrants.

5(d) Approve appointment of Pamela Shirley as Pro Tem Justice of the Peace for the period of May 1, 2014 through April 30, 2015, without compensation – Superior Court Judge

Approve appointment of Pamela Shirley as Pro Tem Justice of the Peace for the period of May 1, 2014 through April 30, 2015, pursuant to A.R.S. §22-212A, and without compensation.

5(e) Approve appointment of Lawrence King, as Pro Tem Justice of the Peace for the period of July 1, 2014 through June 30, 2015, without compensation – Superior Court Judge

Approve appointment of Lawrence King, as Pro Tem Justice of the Peace for the period of July 1, 2014 through June 30, 2015, pursuant to A.R.S. §22-212A, and without compensation.

5(f) Approve Intergovernmental Agreement with the Town of Quartzsite for the Primary Election on August 26, 2014, and the General Election on November 4, 2014 – Elections

Approve Intergovernmental Agreement with the Town of Quartzsite for the Primary Election on August 26, 2014, and the General Election on November 4, 2014.

5(g) Approve new Trust Account with Wells Fargo Bank for the Sheriff Department's Civil Division, replacing the Bank of America account, whose local services are no longer to be available – Sheriff

Approve new Trust Account with Wells Fargo Bank for the Sheriff Department's Civil Division, replacing the Bank of America account, whose local services are no longer to be available.

SUPERVISOR CLAPPERTON MOVED to approve Consent Agenda Items #5(a) through #5(g). Motion seconded by Supervisor Irwin, passed unanimously.

Chairman Wilson recessed the Board of Supervisors and convened the Jail District Board of Directors at 10:14 a.m.

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

County Administrator Field presented for approval Consent Agenda Items #6(a) through #6(c).

6(a) Approval of Jail District Payroll

Approve March 23, 2014, through April 5, 2014, gross payroll, as presented, in the amount of \$56,563.15, plus employer benefit contributions of \$11,683.55, for a total of \$68,246.70, including handwritten warrants.

6(b) Approval of Jail District Demands

Approve Jail District demands in the amount of \$59,117.29, including handwritten warrants.

6(c) Appoint two (2) Sergeants (Replacements/Promotions)

Approve promotion of Detention Officers Thomas Alves and Kyle Conley to Detention Sergeant, effective April 21, 2014, at an annual salary of \$38,604.80 (L06, Step 3), budgeted, vacant positions with a six (6) month County probationary period, and an additional six (6) month probation with the Sheriff Department.

SUPERVISOR IRWIN MOVED to approve Consent Agenda Items #6(a) through #6(c). Motion seconded by Supervisor Clapperton, passed unanimously.

Chairman Wilson recessed the Jail District Board of Directors and reconvened the Board of Supervisors at 10:16 a.m.

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

PUBLIC HEARING(S):

Docket No. CU2014-001, Vicksburg 70, LLC, APN: 305-11-024E, requesting reconsideration of a Conditional Use Permit to erect a gravity/gravel ore processing facility; property located at 55905 58th Street, in Vicksburg – Community Development

Community Development Administrator Yackley presented Docket No. CU2014-001, Vicksburg 70, LLC/Jim Clark, APN: 305-11-024E, requesting reconsideration of a Conditional Use Permit to erect a gravity/gravel ore processing facility; property located at 55905 58th Street, in Vicksburg.

She stated that this item had been denied by the Board of Supervisors at their previous regular meeting of April 7, 2014, for penalties due relating to an outstanding judgment associated with the property; and for the need of an updated survey.

She further stated that the penalties have been paid and a new survey has been submitted, and noted the stipulations recommended for approval of the Conditional Use Permit as follows: 1) Provide a storm water preventions pollution plan; 2) a grading and drainage plan; 3) comply with the La Paz County Flood Plain Management Ordinance for the development of the property and structures; and 4) comply with the Aquifer Protection Plan.

Community Development Administrator Yackley stated that staff felt that the Army Corp Permit 404 needs to be discussed and “might possibly be required”. She added that a Site Plan showing the milling site and electrical locations for the equipment; vehicle traffic routes on and off the property; a flow chart of the milling process; permits for any temporary trailers, and other required permits. She stated that there are Arizona Department of Environmental Quality (ADEQ) permits required as well.

She added that she felt that this would be a good project meeting all the requirements.

Supervisor Irwin asked for a description of what the processing facility would be doing.

Community Development Administrator Yackley explained that the facility would simply be milling. She stated that ore would be brought to the site to be milled, and offered Mr. Boyajian, the property owner, to explain further; however, Jim Clark, the applicant, explained that the site will be used for the milling of ore, gold and silver that would be transported to the site. He added that it will primarily be a gravel crushing/separation facility that would grind gravel down to sand, with the base material, or “tailings” to be likely sold to a third party; and the extracted metals would be sold.

Supervisor Irwin asked Mr. Clark if he currently is operating another site in La Paz County.

Mr. Clark stated that he did not operate another site; however, he had attempted to set up this facility elsewhere but found that the Arizona Power Service (APS) could not supply the power.

Supervisor Clapperton asked if all permitting and requirements were up to date.

Community Development Administrator Yackley stated that there will be other permitting requirements; however, the Community Development Department will see that they are obtained, as required, before going further.

Chairman Wilson opened the public hearing and asked if anyone wished to comment regarding the request for a Conditional Permit.

Ilene Wood, from Outback Realty, stated that she had copies of the reports from ADEQ that Mr. Clark brought to the meeting about the requirements the project had been “approved for”, which Community Development Administrator Yackley distributed to the Board.

A brief discussion ensued on the paperwork that was distributed noting that the location cited was incorrect. Community Development Administrator Yackley stated that she had not seen the document; therefore, could not confirm whether there were any additional items to be addressed.

There being no additional comments, Chairman Wilson closed the public hearing.

CHAIRMAN WILSON MOVED to approve Docket No. CU2014-001, Vicksburg 70, LLC/Jim Clark, APN: 305-11-024E, a Conditional Use Permit to erect a gravity/gravel ore processing facility with the stipulations that applicant: 1) provide a storm water prevention pollution plan; 2) a grading and drainage plan; 3) comply with the La Paz County Flood Plain Management Ordinance for the development of the property and structures; 4) sign an A.R.S. §12-1134 (207) Waiver; 5) comply with the Aquifer Protection Plan for La Paz County; 6) obtain an Army Corps of Engineer 404 permit, if required; 7) submit a Site Plan and a Traffic Circulation Plan for the site; 8) provide a milling process flow description chart satisfactory to Community Development; 9) provide a plan and property septic tank permits if there is a temporary office; and 10) comply with ADEQ regulations, which may require an Aquifer Protection permit; property located at 55905 58th Street, in Vicksburg. Motion seconded by Supervisor Irwin, passed unanimously.

Public Hearing of the proposed formation of the Ehrenberg Improvement District – Board of Supervisors

Steve Wene, attorney and representative of the proposed Ehrenberg Improvement District, thanked the County for extending the hearing to this date due to his illness and inability to attend the meeting of April 14, 2014.

He stated the reason for a formation of an Ehrenberg Improvement District was to service wastewater for part of the community of Ehrenberg called Emerald Springs, a partially built-out subdivision of approximately 30 customers. He explained that the issue was that there is no legal entity set up to provide service in this area. He further explained that, initially, there were a few men who tried to provide services, and only one that was properly permitted, and that was designed and permitted to serve his own small development. He noted that when the Arizona Corporation Commission (ACC) stepped in, enforcement measures were applied to both of these persons and ultimately it was figured that the “monopoly” of services “under the ACC regime”, with all its administrative costs, would run approximately \$150 a month.

Mr. Wene explained that a special district gives a lower cost alternative as it allows for local control, and is essentially non-profit. He stated that the majority landowners chose to assist in implementing the needed services at approximately \$75 a month. He stated that the Ehrenberg Improvement Association has assisted with this endeavor and will further assist by sitting on the proposed special district Board, thereby giving governing experience in the utility business.

He stated that there were three things the community expressed they wanted, which were: 1) not to pay the \$150 a month; 2) have the developer fund the development as it moves forward, which would be required by the Arizona Department of Environmental Quality and 3) to eventually transfer the water service over to the special district. He noted that is the reason that the name of the district was chosen to be the Ehrenberg Improvement District “because no one wants to buy their potable drinking water from a wastewater department”. He added there is a “caveat” to the plans in that it will be large enough to accommodate a growth of an additional 30 homes to the existing plant built by Doyle Thompson.

He stated that if anyone had any questions, he would be happy to answer them.

Supervisor Irwin stated that she had already spoken to Mr. Wene about this issue and asked if there were any additional “complaints” received from the public.

County Administrator Field noted that Supervisor Irwin’s question referred to a letter received from Sherri Mehrvar, in which portions of the letter was read to the public at the April 14, 2014, meeting. He asked Mr. Wene if he was aware of the letter.

Mr. Wene stated that he was aware of the letter; however, he was not aware of the substance of the letter; and would be glad to answer any questions.

County Administrator Field stated that the letter did not have questions with regard to the formation of an improvement district; however, he noted comments made about the Homeowner’s Association; she asked that the item be taken off the agenda; asked where the sewer system would be built, and how many and who would be using the service, which is answered in the petition submitted for the district; where would the funds come from; how is the assessment calculated; will there be a special assessment for the district; will all people pay the same amount; and will all the people in Ehrenberg be part of the district.

Mr. Wene stated that there are no taxes planned; however, if the local people wanted to tax themselves, it is up to them. He added that there is a “huge falling out” between the Homeowner’s Association and the former developer, Mr. Melendez; and those proposing the district chose to stay out of the situation and worked with the Ehrenberg Improvement Association instead of the Homeowner’s Association, so as not to appear taking sides.

He stated that the appointed board will be making an economic decision regarding which plant to use; however, he felt that Mr. Thompson’s plant would be considerably less expensive to run, noting some comparisons.

He spoke about the need and importance of building a correct size of sewer plant, noting that it will be up to the people as to what their future needs would be, adding that no one would be forced onto the sewer services.

Chairman Wilson opened the public hearing and asked if anyone wished to comment on the proposed Ehrenberg Improvement District.

There being no comments, Chairman Wilson closed the public hearing.

Discussion ensued by the Board regarding action that could be taken.

Deputy County Attorney Buckelew stated that an Order of Establishment had been submitted to which he proposed some additions. He offered that anyone from the public is able to see it.

Mr. Wene asked that he be able to see the document; which was given to him to review. He stated that he had no objection to the Order after reviewing it.

CHAIRMAN WILSON MOVED to approve the Order of Establishment of the Ehrenberg Improvement District of La Paz County, Arizona, as submitted by Deputy County Attorney Buckelew and verbally accepted by Steve Wene; and appoints Christina Balvanze, Luis Corral, Dennis Morin, Dennis Price, and John Salazar as Board members. Motion seconded by Supervisor Irwin, passed unanimously.

Adopt Resolution No. 2014-06, approving Intergovernmental Agreement with Mohave County and La Paz County regarding the Mohave/La Paz Local Workforce Investment Area under the Workforce Investment Act, pursuant to A.R.S. §§11-201 and 11-952 – Career Center

Career Center Director Miller requested adoption of Resolution No. 2014-06, approving Intergovernmental Agreement with Mohave County and La Paz County regarding the Mohave/La Paz Local Workforce Investment Area under the Workforce Investment Act, pursuant to A.R.S. §§11-201 and 11-952.

She explained this document was a new intergovernmental agreement to expand and align the administrative roles and physical responsibilities based on additional provisions required by the Workforce Investment Act and policies adopted by the Workforce Arizona Council.

She stated that this IGA is part of the new Mohave/La Paz Local Workforce Investment Area Business Plan that has already been previously approved by the La Paz County Board of Supervisors, and replaces and supersedes all other IGA's in place.

SUPERVISOR CLAPPERTON MOVED to adopt Resolution No. 2014-06, approving Intergovernmental Agreement with Mohave County and La Paz County regarding the Mohave/La Paz Local Workforce Investment Area under the Workforce Investment Act, pursuant to A.R.S. §§11-201 and 11-952. Motion seconded by Chairman Wilson, passed unanimously.

Approve Partnership Agreement between Chief Local Elected Officials (CLEO) for the Mohave/La Paz Local Workforce Investment Area (LWIA) and the Mohave/La Paz Workforce Investment Board (LWIB) – Career Center

Career Center Director Miller requested approval of the Partnership Agreement between Chief Local Elected Officials (CLEO) for the Mohave/La Paz Local Workforce Investment Area (LWIA) and the Mohave/La Paz Workforce Investment Board (LWIB).

She stated that this partnership agreement contains provisions for the local area governance and local board certification; LWIB membership and appointments; administrative and fiscal relationship between the CLEO and the LWIB; and their roles and responsibilities. She added that the partnership agreement is part of the LWIA Business Plan and aligns with the Workforce Arizona Council's policies.

SUPERVISOR IRWIN MOVED to approve the Partnership Agreement between Chief Local Elected Officials (CLEO) for the Mohave/La Paz Local Workforce Investment Area (LWIA) and the Mohave/La Paz Workforce Investment Board (LWIB). Motion seconded by Supervisor Clapperton, passed unanimously.

Approve/Deny recommendation to the Arizona Department of Liquor Licenses & Control for Class 12 liquor license, application #12153085, submitted by John Howard Mihelich dba JA Johnny's, located at 9134 Riverside Drive, Parker – Board of Supervisors

County Administrator Field requested recommendation to the Arizona Department of Liquor Licenses & Control for Class 12 liquor license, application #12153085, submitted by John Howard Mihelich dba JA Johnny's, located at 9134 Riverside Drive, Parker.

He stated that the application was posted for the required number of days and there have been no responses received for or against the application.

SUPERVISOR CLAPPERTON MOVED to approve recommendation to the Arizona Department of Liquor Licenses & Control for a Class 12 liquor license, application #12153085, submitted by John Howard Mihelich dba JA Johnny's, located at 9134 Riverside Drive, Parker. Motion seconded by Supervisor Irwin, passed unanimously.

Appoint Chairman and Vice Chairman – Board of Supervisors

County Administrator Field stated that on January 2, 2013, the seat of Chairman and Vice Chairman was appointed for a period of 16 months from January 2013 through April 2014.

He stated that Supervisor Clapperton has suggested a different course.

Supervisor Clapperton stated that one of the most important aspects of the Board is providing the people of La Paz County with the highest degree of responsible leadership possible. He felt that the current leadership has been working diligently on behalf of the people to provide them with the greatest degree of future economic success and security possible.

He stated that he respectfully declines the protocol transfer of Chairmanship as he sees no reason to change it at “this crucial time”, especially when there is so much positive motion underway, and “submits to the experience and proven trust of both Supervisors Holly Irwin and D. L. Wilson to continue to carry La Paz County forward as smoothly and efficiently as possible”.

County Administrator Field recommended a rotation of Supervisor Irwin and Chairman Wilson to serve one-half of the 16 months that would have gone to Supervisor Clapperton.

CHAIRMAN WILSON MOVED that the current Chairman and Vice Chairman continue to serve in those positions through the regular scheduled meeting of January 2015.

The motion died for lack of a second.

County Administrator Field asked Supervisor Clapperton for clarification, if he agreed to continue serving as Vice Chairman.

Supervisor Clapperton affirmed that he did.

CHAIRMAN WILSON MOVED that the Board reappoint the current Chairman (D. L. Wilson) and Vice Chairman (King Clapperton) in those positions up to the first regular scheduled meeting in January 2015. Motion seconded by Supervisor Irwin, passed unanimously.

Call to the Public

Sheriff Drum expressed that he was “troubled” over a situation relating to the lease purchase of several vehicles for the Sheriff’s department, noting that there has been delays obtaining the financing which has caused issues for the local dealership.

Dan Beaver stated that he felt he should not have to stand before the Board to “state his case” and how it has negatively affected his business.

Pat Jones expressed that the County is obligated to take care of its own business.

Deputy County Attorney Buckelew stated that new statutes obligated him to turn down giving his signature to the Ford Motor Credit (FMC) agreement he only recently received. He stated that FMC was not willing to make the required changes. He stated that the County is looking to another agreement with a local bank that is willing to do business with the County as required by law. He attributed the issue to a lack of communication and asked that the issue move forward to completion.

Chairman Wilson stated that the County will resolve the issues within 48 hours.

Bobby Page expressed frustration that his previous requests for the County, Town of Parker and the Colorado River Indian Tribes to meet together, to resolve what he feels are communication problems and how it affects people in the communities, has not happened.

Adjournment

Chairman Wilson adjourned the meeting at 11:12 a.m.

APPROVED:

/s/
D. L. Wilson, Chairman

ATTEST:

/s/
Dan Field, Clerk of the Board

The following La Paz County demands have been audited, approved and ordered paid by the La Paz County Board of Supervisors: #11109493, Apex Software, \$1,435; #11109494, APS, \$7,648.90; ##11109497, Atkins North America, Inc., \$6,837.96; #11109498, Arizona Department of Revenue, \$22,079.50; #11109499, Arizona Emergency Products (2), \$2,407.32; #11109502, Bob Barker Company, \$2,063.51; #11109504, Bruce A. Myers, \$6,300; #1109511, Colorado River Joint Venture, \$1,393.39; #11109512, Creative Communications, \$1,898.87; #11109514, Davis Building Supply, \$1,279.53; #11109526, Gloria Eagle PA-C, \$1,750; #11109528, Greenfield Logistics, \$13,861.42; #11109529, Growers Oil Company, \$6,648.88; #11109531, Heinfeld, Meech & Co., P.C., \$10,366.83; #11109534, Howard Sommers Towing, Inc., \$1,793.40; #11109538, Jones, Skelton & Hochuli, \$34,581.08; #11109539, Kevin Klopfenstein, M.D. \$1,500; #11109540, La Paz County Landfill, \$28,072.67; #11109541, La Paz County Treasurer, \$1,684.44; #11109558, Parker Office Supply, \$2,231.09; #11109559, Parker Oil Products, Inc., \$34,865.80; #11109562, Parker Town of Municipal Utilities, \$1,901.66; #11109563, Petty Cash – Curt Bagby, \$5,000; #11109564, Pitney Bowes Purchase Power, \$3,978.58; #11109567, Priyanka Miller, \$1,320; #11109570, Quartzsite JP, \$4,431.46; #11109573, Rideout Law PLLC, \$3,097.50; #111109581, Laurence Schiff, M. D., \$2,450; #11109582, Shamrock Food Company, \$6,790.16; #11109585, Simpson Norton Corp., \$1,839.40; #11109594, Strategic Management Group, \$12,500; #11109595, Sudden

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Link, \$2,780.58; #11109599, Sysco Food Services, \$4,119.60; #11109600, T & C Seal Coating, Inc., \$105,619.72; #11109607, Verizon Wireless, \$1,322.57; #11109608, Waxie Sanitary Supply, \$1,287.78; #11109609, Wessel Air Conditioning, \$2,615; #11109611, Western States Petroleum, \$5,257.84; #11109614, Ford Motor Credit Company, \$66,678.34; #11109621, APS, \$7,255.23; #11109624, Arizona Department of Economic Security, \$5,141.61; #11109627, AZLGEBT, \$192,165.90; #11109630, Bob Barker Company, \$1,225.07; #11109646, Craftmaster Hardware Co. (2), \$2,593.50; #11109648, Creative Bus Sales, \$1,566.25; #11109654, EFS, LLC, \$1,840.39; #11109657, Emerald Canyon – Petty Cash, \$4,894.32; #11109665, Growers Oil Company, \$6,641.24; #11109670, Hermosa Veterinary Clinic, \$2,142; #11109686, MCI Mega Preferred, \$1,675.88; #11109691, Motorola, \$3,192.84; #11109693, Northeast Wisconsin Technical College, \$1,400; #11109697, Parker Family Practice, \$1,250; #11109698, Parker Funeral Home, Inc., \$2,933.12; #11109699, Parker Justice Court, \$3,438.75; #11109704, Pima County Treasurer, \$8,800; #11109706, Printing Plus, \$1,176.11; #11109727, Source Corp, \$4,619.42; #11109729, Flora B. Spiller, \$1,693.29; #11109730, Standard Insurance, \$11,443.59; #11109738, Tires@Wholesale, \$1,916.55; #11109739, Titleist, \$1,688.80; #11109742, U of A Cooperative Extension, \$10,000; #11109743, U. S. Foodservice, Inc., \$2,158.47; #11109747, Wells Fargo Payment, \$6,228.21; #11109749, White Sheet Free Shopping, \$1,409.20.