

**MOHAVE COUNTY BOARD OF SUPERVISORS
MOHAVE COUNTY, KINGMAN, ARIZONA
REGULAR MEETING – JANUARY 7, 2008**

The Board of Supervisors of Mohave County met in Regular Session this 7th day of January, 2008, at 9:30 A.M, at 700 W. Beale Street, Kingman, Arizona, in the BOS Auditorium. In attendance were Pete Byers, Chairman; Tom Sockwell, Supervisor District 2; Buster D. Johnson, Supervisor District 3; Ron Walker, Mohave County Manager; William J. Ekstrom, Jr., Special Deputy County Attorney; and Barbara Bracken, Clerk of the Board.

The meeting was called to order, and the invocation given by Chairman Byers. The Pledge of Allegiance was led by Supervisor Johnson.

Motion was made by Supervisor Sockwell, seconded by Supervisor Johnson, and unanimously carried to call for an Executive Session to be held January 22, 2008, at 9:00 A.M., for discussion and consultation with legal counsel in accordance with A.R.S. 38-431.03 (A) (3) & (4) to discuss items noticed on the agenda with an asterisk.

ITEM 2: No Committee and/or Legislative Reports.

ITEM 3: No County Manager's Report.

ITEM 4: Motion was made by Supervisor Sockwell, seconded by Supervisor Johnson, and unanimously carried to approve the November 5 and 16, 2007, Board of Supervisors Meeting Minutes as most recently drafted.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to approve the Consent Agenda minus Item 26, as follows:

5. Adoption of BOS Resolution No. 2008-006 - Abandonment of the 16-foot public utility easements between Lots 2 and 3, Block B, between Lots 1 and 2, Block C, between Lots 2 and 3, Block C and the 8-foot public utility easement along the westerly side of Lot 2, Block C, Arizona Gateway, Tract 3808-A in Section 13, Township 16 North, Range 20 West in the Lake Havasu Area, (south Interstate 40 and west Highway 95), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
6. Adoption of BOS Resolution No. 2008-009 - Rezone of the south 356.4 feet of the north 523.71 feet of the E 1/2 SW 1/4 NW 1/4 of Section 28, Township 22 North, Range 19 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/5A (Agricultural-Residential/Five Acre Minimum Lot Size) zone, in the Golden Valley Area (west of Egar Road between Zuni Drive and Chinle Drive), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
7. Adoption of BOS Resolution No. 2008-010 - Zoning Use Permit on Lot 5, Block L, Golden Sage Ranchos, Unit 56, in Section 7, Township 21 North, Range 17 West, for a residence in a C-2H (General Commercial Highway Frontage) zone, in the Golden Valley

Area (southwest corner of State Highway 68 and Kirkland Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

8. Adoption of BOS Resolution No. 2008-001 - Extension of Time for a Zoning Use Permit on a portion of the S 1/2 of Section 4, Township 16 North, Range 13 West, for a Recreational Vehicle Park in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Mohave County General Area (west of US Highway 93 approximately three and one-half (3 1/2) miles north of Wikieup), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
9. Adoption of BOS Resolution No. 2008-023 - Rezone of the NE 1/4 NW 1/4 excluding the SE 1/4 SE 1/4 NE 1/4 NW 1/4 of Section 17, Township 20 North, Range 14 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/20A, A-R/10A, and A-R/5A (Agricultural-Residential/Twenty, Ten, and Five Acre Minimum Lot Size) zones, in the Mohave County General Area (south of Jack Wilson Ranch Road between Odle Ranch Road and Glass Bar Way), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
10. Adoption of BOS Resolution No. 2008-024 - Rezone of Parcel 52A as shown on Parcel Plats Book 24, Page 55, and Parcel 53, Spring Valley Ranches, Unit 1, in Section 35, Township 23 North, Range 14 West, from A-R/5A and A-R/36A (Agricultural-Residential/Five and Thirty-six Acre Minimum Lot Size) zones to A-R/7A, A-R/8A and A-R/13A (Agricultural-Residential/Seven, Eight and Thirteen Acre Minimum Lot Size) zones, in the Mohave County General Area (south of State Highway 66 and west of Hackberry Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
11. Adoption of BOS Resolution No. 2008-025 - Rezone of a portion of the SE 1/4 SW 1/4 of Section 21, Township 18 North, Range 13 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/5A (Agricultural-Residential/Five Acre Minimum Lot Size) zone, in the Mohave County General Area (west of US Highway 93 and north of Cane Springs Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
12. Adoption of BOS Resolution No. 2008-028 - Zoning Use Permit on the SW 1/4 SW 1/4 of Section 7, Township 20 North, Range 13 West, for a secondary residence in an A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone, in the Mohave County General Area (north of Old Highway 93 between Colin Road and Avenida Mead), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
13. Acknowledge receipt and refer to the Planning and Zoning Commission for a recommendation a petition for evaluation of a request for an Abandonment of a 16-foot drainage easement along the eastern property line of Lot 12, Block 10, Tierra Del Rio, Tract 4048-E in Section 25, Township 19 North, Range 22 West, in the South Mohave Valley Area (north of Hammer Lane and east of Hwy 95), Mohave County, Arizona.

14. Acknowledge receipt and refer to the Planning and Zoning Commission for a recommendation a petition for evaluation of a request for an Abandonment of the easterly 10 feet of the 60-foot Road and Public Utility Easement known as Mobile Road and the westerly 10 feet of the 60-foot Road and Public Utility Easement known as Morenci Road adjoining Parcel 30, as shown on Records of Survey Book 1, Page 34 in Section 9, Township 21 North, Range 18 West, in the Golden Valley Area, (south of State Route 68 and north of Shipp Drive), Mohave County, Arizona.
15. Acknowledge receipt and refer to the Planning and Zoning Commission for a recommendation a petition for evaluation of a request for an Abandonment of a portion of the Concho Drive right-of-way north of Stoneaxe Drive, in Valle Vista Subdivision, Unit 3, Tract 1204, in the NW 1/4 of Section 34, Township 24 North, Range 15 West, in the Mohave County General Area (northwest of State Highway 66 between California Drive and Stoneaxe Drive), Mohave County, Arizona.
16. Approve an Interim Permit/New Liquor License for Andrea Dahlman Lewkowicz, dba Desert Lakes Golf Course, 5835 Desert Lakes Drive, Ft. Mohave, Arizona, Series 12.
17. Approve an Interim Permit/Person Transfer Liquor License for Andrea Dahlman Lewkowicz, dba Desert Lakes Golf Course, 5835 Desert Lakes Drive, Ft. Mohave, Arizona, Series 7.
18. Approve a Special Event Liquor License for the Lake Havasu Lighthouse Club, Inc., 4066 Chemehuevi Boulevard, Lake Havasu City, Arizona, for January 26, 2008.
19. Approve the appointment of the following Democratic Precinct Committeemen: Virginia Huggins, Riviera (28), and Charles Wieher, Sacramento Valley (46); as requested by the County Chair of the Democratic Central Committee.
20. Accept a NB Jackets Reader Filler II from La Paz County Recorder, at no cost to Mohave County, as requested by the Mohave County Recorder.
21. Adoption of BOS Resolution No. 2008-036 – Approving an Intergovernmental Agreement between Mohave County and the Hualapai Tribe for law enforcement mutual aid and assistance.
22. Accept the donation from Randolph M. and Kip W. Gorder in the amount of \$1,000 for DUI enforcement, and authorize a budget adjustment to 80923901 for expenditure of funds.
23. Approve the County Manager's Ordinance Report for the time period of November 27, 2007 through December 11, 2007.
24. Approve Award of Contract No. 07-B-31, Packaged Generator Installation and electrical modifications at 3675 E. Andy Devine Avenue, Kingman, to Arizona Electrical Services of Prescott, Arizona, in the total amount of \$90,000.

25. ~~Approve entering into Contract No. 07 PS 24 with Selberg Associates, Inc., to design a remodel of the Negus Building, 809 E. Beale Street, Kingman, in the total contract amount of \$248,000, in accordance with the Mohave County Procurement Code, Article V, Section 6 (Direct Selection of Pre-Qualified Technical Registrants).~~ Item withdrawn as requested by staff.
27. Authorize the disposal of miscellaneous personal property, and authorize County staff to sign all necessary and convenient documents on behalf of the County as a part of the disposal. If items do not sell at auction, authorize the disposal of the items without cost to the County.
28. Approve award of Contract No. 07-B-29, Screening Plant, to Screen Machine Industries of Pataskala, Ohio, to supply one portable rock screening plant, in the total amount of \$118,700, on behalf of the Public Works Department – Roads Division.
29. Adoption of BOS Resolution No. 2008-038 – Authorizing the installation and removal of regulatory speed limit signs on Chicken Springs Road.
30. Approve the Disaster Assistance Agreement between the State of Arizona, Division of Emergency Management, and Mohave County, which will apply to all assistance funds provided by the State to the County as a result of the monsoon flooding that occurred between July 21, 2007 and August 6, 2007; and designate the County Manager to function as agent for the County in signing the Disaster Assistance Agreement and all related documents to secure the prompt payment of assistance funding to the County.
31. Approve an Intergovernmental Agreement between the Arizona Department of Homeland Security and Mohave County for the provision of \$7,678 to Mohave County Emergency Management to enhance Mohave County Citizens Corps equipment capabilities.
32. Adoption of BOS Resolution No. 2008-033 – Entering into a Memorandum of Understanding (MOU) with East Valley Equestrian Estates, LLC, of Lake Havasu City, Arizona, for the purpose of obtaining the right-of-way for public access purposes, to lands of the said East Valley Equestrian Estates, LLC, from Boundary Cone Road (2 miles west of Boundary Cone Peak) south to Old Mill Town Road.
33. Approve Contract #HG854243 with the Arizona Department of Health Services for the Reproductive Health/Family Planning Program (226-04-5110), and revised budget.
34. Approve Contract #HG861264 with the Arizona Department of Health Services for Teen Pregnancy Prevention (242-04-5182), budget in the amount of \$150,000, and 2.0 benefits eligible FTEs (proposed to be Community Health Education Specialists).
35. Approve Amendment #1 to the Ryan White Title I Grant (272-04-5185) with Clark County, and revised budget.
36. Approve contract amendment #2 to Workforce Investment Act Program Contract #DE070299001 between Mohave County and Arizona Department of Economic Security

increasing the total WIA Program grant funds by \$73,070 from \$635,602 to \$708,672 for the contract period from July 1, 2007 through June 30, 2009, and approve budgets for fund numbers 88489457 – FY2008 Business Outreach (\$61,000) and 884889458 – PY2006 Incentive Awards (\$12,070).

37. Approve a contingency fund transfer in the amount of \$15,500 for Account 43510 (Printing) and \$4,100 for Account 43230 (Postage) for the 2008 fiscal year for the Assessor's Office.
38. Approve the budget modifications for the Probation Department for the following organization numbers: 83123500 Juvenile PIC Act from \$520,014 to \$535,845; 81623500 Juvenile Probation from \$278,682 to \$294,719; and 83423500 Juvenile Intensive Probation from \$678,474 to \$695,637, amending the budgets submitted in March 2007 as part of the regular budget process.

ITEM 26: Motion was made by Chairman Byers, and seconded by Supervisor Sockwell to approve Amendment No. One to Contract No. 07-B-10, with the Kingman Daily Miner, including classified advertising rates at twenty percent discount off the standard price of Classified Box Line Ads, plus two percent sales tax.

Chairman Byers questioned if this is an addition to the contract, or if it can be bid out.

Travis Lingenfelter, Procurement Manager, advised that this is not a new contract; it is an amendment to the current contract. He stated that classified advertising rates are being added with the same 20% discount. He advised that State Statute states that services for legal advertisements have to be bid on each year. He advised that the present contract expires in June.

In response to Chairman Byers, Procurement Manager Lingenfelter advised that classified advertising rates are not something that would be bid out, they would be included in the scope of services, and will be in the future.

Motion carried unanimously.

ITEM 39: Chairman Byers opened the Public Hearing regarding the adoption of a non-refundable administrative fee collected from the participants of the pre-trial services program administered by the Mohave County Sheriff's Office Detention Division to offset the costs of the program operations, not to exceed the total actual costs of the program, and not to exceed \$100.00.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Johnson, and unanimously carried to adopt a non-refundable administrative fee collected from the participants of the pre-trial services program administered by the Mohave County Sheriff's Office Detention Division to offset the costs of the program operations, not to exceed the total actual costs of the program, and not to exceed \$100.00.

Item 40: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-002 – **Denying** a Rezone of a portion of the NW 1/4 SW 1/4 of Section 34, Township 41 North, Range 15 West, from R-E/10A (Residential-Recreation/Ten Acre Minimum Lot Size) zone to R-E/1A (Residential-Recreation/One Acre Minimum Lot Size) zone, in the Arizona Strip Area (north of Interstate 15 between Old Highway 91 and the Virgin River), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

Marilyn Rushton, applicant, advised that she is opposed to the denial. She stated that the property is ten acres, and they would like to rezone to one acre, so they can build a home.

In response to Chairman Byers, Ms. Rushton explained that they only have one acre, but it is zoned for ten acres.

In response to Supervisor Johnson, Ms. Rushton advised that they have not yet built the home.

Supervisor Johnson advised that the backup information states “the applicant constructed a secondary residence without first obtaining approval of a Zoning Use Permit.”

Chris Ballard, Mohave County Planning and Zoning Director, explained that this area was proposed for a subdivision several years ago and the developer decided not to follow through. She advised that the developer split the lots, contrary to State Statute, and sold them. She advised that this is considered by both the County and the State to be an illegal subdivision. She advised that in the past the Planning and Zoning Commission has been fairly consistent in recommending denial of these requests.

In response to Chairman Byers, Ms. Rushton reiterated that there is not a residence on her one acre. She advised that there are residences scattered around her property.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-02, Denying a Rezone, as stated.

Ms. Rushton questioned if this issue will ever be resolved.

Chairman Byers responded that the issue is not going to be resolved today because there are too many unknown facts.

Item 41: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-003 – **Denying** a Rezone of a portion of the E 1/2 NW 1/4 SW 1/4 of Section 32, Township 41 North, Range 4 West, from R-E/10A (Residential-Recreation/Ten Acre Minimum Lot Size) zone to A-R (Agricultural-Residential/One Acre Minimum Lot Size), in the Arizona Strip Area (south side of Center Street approximately 600’ feet east of Pipe Spring Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-003, Denying a Rezone, as stated.

Item 42: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-004 – **Denying** a Zoning Use Permit on Parcels 3 and 4, as shown on Parcel Plats Book 26, Page 3, in the NW 1/4 of Section 3, Township 39 North, Range 16 West, for a secondary residence in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Arizona Strip Area (west of Scenic Boulevard and north of Lone Star Road), Mohave County, Arizona. **(Commission Denied by Unanimous Vote)**

Jimmie Hughes, applicant, advised that he had a “kick out” of 680 feet for two bedrooms and a kitchenette, so he would have a place for his children to stay when they visited. He stated that he moved the bedroom ten feet and made an alley between his house and what Planning and Zoning is calling a “second residence,” without getting a permit. He stated that the inspector advised him that the second building is not attached; therefore, it is considered a second residence. He stated that the inspector advised him that he needed to get a zone change. He requested that the Board approve the Zoning Use Permit.

In response to Chairman Byers, Mr. Hughes advised that he had a permit when he first constructed the building; this is exactly the same square footage, he just moved it over. He stated that he was not trying to do anything illegal. He advised that the Zoning Use Permit was approved by staff.

Director Ballard advised that she believes Mr. Hughes would have obtained a zoning permit, not an actual building permit at the time he built the structure. She stated that if that was the case, he was not required to give Planning and Zoning a floor plan. She advised that if there was a kitchenette, in addition to the original kitchen, the permit should not have been issued. She stated that she is not sure staff understood there was a second kitchen.

In response to Chairman Byers, Director Ballard advised that staff’s recommendation is for approval.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-004, Approving a Zoning Use Permit.

Item 43: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-005 - A request to grant an extension, to determine compliance with the schedule for development, or cause the property to revert to its former zoning classification as specified in BOS Resolution No. 2002-198, which conditionally approved the Rezone of a portion of the W 1/2 NW 1/4 NW 1/4 of Section 3, as shown on Record of Survey Book 21, Page 68, in Township 40 North, Range 15 West, in the Arizona Strip Area (northwest of Interstate 15 and southwest of Palm Drive), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-005, approving the Rescission, as stated.

Item 44A: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-007 - Minor Amendment to the Mohave County General Plan for a portion of the NE 1/4 NE 1/4 Section 15, Township 17 North, Range 22 West from UDA, LR (Urban Development Area, Low Density Residential) land use designation to an UDA, GC (Urban Development Area, General Commercial) land use designation and amending Exhibits VI.9 and VI.18 of the General Plan to match, in the South Mohave Valley Area (west of State Highway 95 and south of Courtwright Road), Mohave County, Arizona. **(Commission Approved by Unanimous Vote)**

There being no public input, Chairman Byers closed the Public Hearing.

Supervisor Sockwell advised that he received a notice from Mohave Valley Irrigation and Drainage District that the applicant does not have a water allocation.

Motion was made by Supervisor Sockwell, seconded by Chairman Byers, and unanimously carried to adopt BOS Resolution No. 2008-007, contingent upon a letter from MVIDD stating that the applicant has obtained a water allocation.

Item 44B: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-008 - Minor Amendment to the South Mohave Valley Area Plan for a portion of the NE 1/4 NE 1/4 Section 15, Township 17 North, Range 22 West from a SFR (Single-Family Residential) land use designation to a COM (Commercial) land use designation, in the South Mohave Valley Area (west of State Highway 95 and south of Courtwright Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-008, as stated.

Item 45: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-011 - A request to grant an extension, to determine compliance with the schedule for development, or cause the property to revert to its former zoning classification as specified in BOS Resolution No. 2004-152, which conditionally approved the Rezone of Parcel 6, as shown on Book 1 of Land Surveys, Page 35, in Section 12, Township 21 North, Range 19 West, in the Golden Valley Area (south of State Highway 68 between Parker Road and Laguna Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-011, Approving the Rescission, as stated.

Item 46: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-012 - A request to grant an extension, to determine compliance with the schedule for development, or cause the property to revert to its former zoning classification as specified in BOS Resolution No. 2005-362, which conditionally approved the Rezone of a portion of Parcel 61-E, Sun West Acres, Tract 1027, in Section 29, Township 21 North, Range 18 West, in the Golden Valley Area (south of State Highway 68 between Verde Road and Colorado Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-012, Approving the Rescission, as stated.

Item 47A: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-013 - Amendment to BOS Resolution No. 2007-474 setting forth a Minor Amendment to the Yucca Area Plan and a Minor Amendment to the Mohave County General Plan for a portion of the S 1/2 SW 1/4 NE 1/4 of Section 33, Township 16 1/2 North, Range 18 West, from a GC, UDA (General Commercial, Urban Development Area) land use designation to RDA, RR (Rural Development Area, Rural Residential) land use designation and amending Exhibit VI.12 of the General Plan to match, in the Yucca portion of the Mohave County General Area (south of Mandin Drive between Kickapoo Drive and Richard Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-013, as stated.

Item 47B: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-014 - Amendment to BOS Resolution No. 2007-475 setting forth a Rezone of the SW 1/4 NE 1/4 of Section 33, Township 16 1/2 North, Range 18 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/5A and A-R/15A (Agricultural-Residential/Five and Fifteen Acre Minimum Lot Size) zones, in the Yucca Portion of the Mohave County General Area (south of Mandin Drive between Kickapoo Drive and Richard Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Supervisor Sockwell, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2008-014, as stated.

ITEM 47C: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-015 - Zoning Use Permit on a portion of the N 1/2 SW 1/4 NE 1/4 of Section 33, Township 16 1/2 North, Range 18 West, for a recreation vehicle park in a proposed A-R/15A (Agricultural-Residential/Fifteen Acre Minimum Lot Size) zone, in the Yucca Portion of the Mohave County General Area (south of Mandin Drive between Kickapoo Drive and

Richard Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-015, as stated.

ITEM 48A: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-016 – **Denying** a Minor Amendment to the Mohave County General Plan and Minor Amendment to the Long Mountain Area Plan of Parcel 6, Shadow Canyon Ranches, as shown on Parcel Plats Book 5, Pages 100-100A, in Section 11, Township 23 North, Range 17 West, from RR/36A (Rural Residential/Thirty-six Acre Minimum Lot Size) land use designation to RR/10A (Rural Residential/Ten Acre Minimum Lot Size) land use designation, in the Long Mountain Portion of the Mohave County General Area (west of Stockton Hill Road between Shadow Canyon Road and Hidden Shadow Lane), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

Frank McCafferty, representing the applicant, advised that the Plan was in effect for 15 years. He stated that the boundary has been moved to the south end of the applicant's property. He stated that the properties to the west of the subject property have been split. He stated that the applicant is trying to be consistent with the area; his request is for three properties, approximately 13 acres each. He advised that the Commissioners were concerned about the water; however, the applicant is willing to share a well with the other two properties. He advised that utilities (power and telephone) are available. He stated that he also feels the property owner was not properly notified of the Plan amendment.

Chairman Byers advised that he has a problem amending the Long Mountain Area Plan, as the committee worked hard on the Area Plan for a long time.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-016, Denying a Minor Amendment to the Mohave County General Plan and Minor Amendment to the Long Mountain Area Plan, as stated.

ITEM 48B: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-017 – **Denying** a Rezone of Parcel 6, Shadow Canyon Ranches, as shown on Parcel Plats Book 5, Pages 100-100A, in Section 11, Township 23 North, Range 17 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone, in the Long Mountain Portion of the Mohave County General Area (west of Stockton Hill Road between Shadow Canyon Road and Hidden Shadow Lane), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-017, Denying a Rezone, as stated.

ITEM 49A: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-018 – **Denying** a Minor Amendment to the Mohave County General Plan and a Minor Amendment to the Dolan Springs Area Plan for a portion of Lots 1 through 16, Cedar Vista Estates, Unit 1, in Section 8, Township 25 North, Range 19 West, from a UDA, MR (Urban Development Area, Medium Density Residential) land use designation to an UDA, LI (Urban Development Area, Light Industrial) land use designation and amending Exhibits VI.4 and VI.6 of the General Plan to match for a correctional facility in the Dolan Springs portion of the Mohave County General Area (north of Pierce Ferry Road between Bullhead Road and Cedar Road), Mohave County, Arizona. **(Commission Denied - Motion to Approve Failed By 3 - 4 Vote)**

Jim Hamm, Dolan Springs resident, advised that he owned and operated Dolan Springs Water Company for 18 years. He stated that the Detrital well was test pumped in 1998 and it will sustain continuous pumping at 250 gallons per minute. He stated that this is definitely enough water to help Mt. Tipton Water Company. He stated that “hooking on a prison” will not help at all. He stated that Mt. Tipton has expressed a desire not to enter into an agreement with CCA (Corrections Corporation of America), and they are not bound by any rules that require them to do so. He advised that CCA’s only alternative is to drill wells. He advised that Dolan Springs has a weak aquifer, which is dropping approximately 1 to 1-1/2 feet per year. He stated that as far as economic development, most of Dolan Springs’ population consists of retirees, and they are not looking for jobs.

Mr. Hamm provided Clerk Bracken with a copy of the Pump Test Data Analysis of the BLM Detrital Wash Well conducted by Mr. Manera.

Supervisor Johnson stated that it is not his understanding that the prison is going to hook into Mt. Tipton Water.

Mr. Hamm advised that the prison does want to hook into Mt. Tipton.

Supervisor Johnson questioned if CCA has applied to Mt. Tipton for water.

Mr. Hamm advised that Mt. Tipton would be their water supplier, which is why CCA wants to assist Mt. Tipton with bringing in the Detrital well.

Chairman Byers questioned if Mr. Hamm knows what the cost will be to run the lines from Mt. Tipton Water Company to Dolan Springs Water Company.

Mr. Hamm advised that the cost estimate was done several years ago by Sunrise Engineering; the price would just need to be inflated. He advised that the project included three or four phases, with each phase having a price tag. He stated that to bring the water to 11th Street was going to cost well over \$1 million. He stated that he estimates this will cost in excess of \$10 million. He advised that Mt. Tipton has applied for a \$4 million grant, a million of which they would have to pay back.

In response to Supervisor Johnson, Mr. Hamm advised that Mt. Tipton is applying for grant money to bring the Detrital well online to their system only. He advised that everything Mt. Tipton does has to go through the Arizona Corporation Commission (ACC); including borrowing the money.

Chairman Byers advised that Supervisor Johnson's question was in reference to the developer, not the water company.

Supervisor Johnson stated that if a builder builds a commercial development, they don't have to go through ACC; they can pump any amount of water if they have their own well.

Mr. Hamm responded that it depends on where they locate; if they are not in an active management area, they can do what they want.

Ed Bartlett, President of Mt. Tipton Water Company, stated that they are opposed to having a prison in the area because they do not have the water supply. He stated that they are not opposed to the prison being located in another area. He advised that the prison stated they would need 150 gallons of water, per prisoner, per day, which means the pump would run continuously. He stated that if growth continues as expected, the citizens of Dolan Springs will need all the water the well puts out.

In response to Chairman Byers, Mr. Bartlett advised that a grant was applied for in October, and they were assured that the grant was approved.

Chairman Byers questioned when Mt. Tipton plans to turn in their drought plan, as they have not turned one in for the last couple of years.

Mr. Bartlett responded that he did not know what Chairman Byers was talking about.

Chairman Byers explained that the Arizona Department of Water Resources (ADWR) contacted him and told him that Mt. Tipton has not turned in their drought plan, nor have they turned in other necessary paperwork; they are not in compliance.

Mr. Bartlett stated that the ACC regulates Mt. Tipton.

Chairman Byers stated that Mt. Tipton also needs to turn in paperwork to the ADWR.

Mr. Bartlett stated that they were notified the end of December that they were in compliance.

In response to Chairman Byers, Mr. Bartlett stated that when the grant goes through, they plan on extending the main lines to 23rd Street; they currently go to 17th Street. He stated that they have several families in Dolan Springs that do not have metered water; they have applied for meters, but Mt. Tipton cannot supply them because they have no water. He stated that the residents will need all the water the well puts out.

In response to Supervisor Johnson, Mr. Bartlett advised that they have approximately 800 meters, and approximately 650 are in operation. He advised that if they turned on the 150 meters not currently in use, they would not have enough water to supply everyone.

Supervisor Sockwell stated that Mr. Bartlett is talking about expanding the water system, yet he is saying there is not enough water to supply everyone. He questioned where the extra water is going to come from.

Mr. Bartlett advised that the extra water will come from the Detrital well. He stated that they have not had the money to hook up to the Detrital well; that is what the grant is for.

Susan Bayer and Robert Holsinger, Golden Valley residents spoke in opposition to the prison, stating concerns about lack of water, and the fact that prisoners will be brought from other states.

Sue Baughman, Dolan Springs resident, read a letter from Norty Turchen, President of the Dolan Springs Chamber of Commerce, stating that at a recent Chamber of Commerce Board meeting a vote was taken on the proposed correctional facility, and the vote was 8-0 in favor of the facility. He stated that it is a chance to improve economic development in Dolan Springs. He stated that it has been proven through tests and data from the State of Arizona that there is enough water to sustain both the facility and the town.

Ms. Baughman stated that she is in favor of economic development; however, she has reservations regarding the water.

Brad Regens, with Corrections Corporation of America, stated that they have a great chance to partner with the community, with both of them being successful. He advised that security is job one; they take it seriously and do an excellent job. He stated that in other areas, such as Pinal County, the prison was successful, as well as economic development and residential growth. He advised that they plan to invest between \$100 and \$150 million in upfront capital in building a new facility, and they would not make that type of investment on a short-term basis. He stated it will only be successful if the facility and the residents have adequate water; they are not here to take anyone's water. He stated that they are committed to working with the County and the community.

In response to Supervisor Johnson, Mr. Regens advised that they do not currently have a contract with the State. He advised that the State has a shortage of prison space, and they've asked the private industries to provide 2,000 minimum security beds. He advised that they responded to the State of Arizona's Request for Proposal, and identified Dolan Springs as their preferred location.

In response to Supervisor Johnson, Mr. Regens advised that they are purchasing a 640 acre parcel, and plan to locate the prison in the middle of the parcel.

Supervisor Johnson questioned if they were going to build no matter what, and questioned if they were going to have a "spec" prison whether they get the contract or not.

Mr. Regens responded that a final determination has not been made; they are actively attempting to get the State contract. He stated that they are trying to get the amendment so they can utilize the land for that purpose, and then they will see where they go with the State of Arizona. He stated their sole focus is on winning the contract.

In response to Supervisor Johnson, Mr. Regens advised that they have a contract with the State of California, and they are currently building a 3,000 bed facility in Pinal County that will open this summer.

Supervisor Johnson questioned if they were given approval today, would they build a prison that houses other than State of Arizona prisoners.

Mr. Regens responded that is a possibility, but it is not what they are exploring at this point.

Supervisor Sockwell stated that Dolan Springs is banking on getting a grant to update their water system. He questioned if Dolan Springs is unable to get the grant, would CCA enter into some sort of agreement with Mt. Tipton to help update the water system.

Mr. Regens explained that they have been in conversations with Mt. Tipton, and they understand there are a lot of water infrastructure issues in Mohave County. He stated that they want to be part of the solution, and they are willing to partner with Mt. Tipton to improve their water delivery.

Supervisor Sockwell questioned what CCA will do if Mt. Tipton ties into the Detrital well and it is proven there is not enough water to handle what is needed.

Mr. Regens responded that this needs to be a viable project all the way around. He stated that his definition of a viable project is one that allows the prison to have sufficient water, yet does not negatively impact the local community's water delivery. He advised that they cannot invest \$150 million into a project that is not going to be successful, and without water you cannot have a prison.

John Ford, Dolan Springs resident, stated that he has a petition with 120 signatures of people who are in opposition to the prison because of insufficient water. He urged the Board to postpone the item for 30 days. He suggested the I-40 area as a better place for the prison.

Marcelo Ariola, Senior Director of Site Acquisition with CCA, advised that he was available to answer any technical questions the Board may have, or any questions regarding water.

Chairman Byers advised that he is contemplating postponing the item until more information is received. He stated that there is a possibility that something might be worked out with CCA or some other company that will bring water into Dolan Springs for everyone. He advised that there may be a way to increase the capacity of the well, or perhaps drill another well; there are many options. He stated that he has been looking, listening, and talking to many people, hoping to find a solution acceptable to everyone. He stated that he is not a person that loves prisons; he was one of the worst advocates when the prison was being built in Golden Valley; however, they turned out to be a good neighbor, and most people would say it has been good for Kingman. He stated that the County is getting ready to build a maximum security jail within three hundred yards of this building that will house approximately 800 inmates. He stated that he wants to see who is going to help improve Dolan Springs by bringing in more water and infrastructure. He stated that the first person with an idea that will help the people in Dolan Springs will have his attention. He stated that he is interested in changing the water system in Dolan Springs. He

stated that for Mt. Tipton to get a \$4 million grant with the amount of customers they have will be hard to do.

Charlotte Belick, Dolan Springs resident, advised that she is opposed to the prison because of insufficient water, and hopes a prison will not be built in their peaceful little town.

Kenneth Buck, Dolan Springs resident, advised that he has been in the water/wastewater business since 1973. He stated that most wastewater goes back into the soil after being treated to replenish the aquifer. He stated that there are wells close to the prison that produce quite a bit of water, so he does not think the prison will have difficulty getting sufficient water.

Steve Haight, Las Vegas resident, stated that he is in favor of the prison; it will enhance the area.

Dave Knisely, Dolan Springs resident, advised that he is opposed to the prison, with water being his main concern. He suggested that the prison drill their own well.

Janie Wright, Kingman resident, advised that her husband works at one of the prisons in California, and she is opposed to the prison because there is insufficient water. She stated that she also has concerns regarding medical care because contracted hospitals have to take prisoners first; they are priority.

In response to Chairman Byers, Ms. Wright advised that her husband works for Valley State Prison for Women in Chowchilla, California. She advised that the hospital she referred to is Madera Community Hospital.

In response to Supervisor Johnson, Ms. Wright advised that the prison is state-run. She stated that they made all the same promises for economic development and necessary infrastructure, but all that happened is "scuzz" moved in, and the aquifers are drying up. She stated that the inmates waste a lot of water; it is recreation for them.

Supervisor Johnson stated that he has visited prisons around the United States, and he worked in a prison in California and he doesn't find it to be true that families move to the area to follow the prisoner. He stated that in the State of Arizona, prisoners are housed in other states, and they set up video conferencing for family members.

Ms. Wright disagreed, stating that we will get California prisoners, and their families will follow.

Supervisor Johnson stated that he believes they follow the money, where the free handouts are. He stated that as cities get bigger, the crime element moves in; it doesn't come because of the prisons. He stated that the prison he visited in Colorado didn't have any family members living there, and they had eight or ten prisons, including "super-maxes."

Ms. Wright stated that she is not counting just "blood" families; they bring their "gang" families.

Supervisor Johnson stated that she is referring to California, where it is a State run prison, and the prisoners are being released from there. He stated that he has not noticed this with private prisons.

Rebecca Smith, Dolan Springs resident, advised that she is the President of the Mt. Tipton PTO, sits on the Board of Directors for the Mt. Tipton Water Company, and is a business owner and concerned citizen. She stated that the issue is not about a prison, it's about a community. She advised that economic development is needed, but the question is how it is going to be done. She stated that, after research, she found CCA is required to meet the needs of their stockholders, and to accomplish this, sometimes training and security are compromised. She advised that the job turnover rate for a private prison versus a public one is three times higher, which is said to be because of low pay and poor training. She advised that in 1998, CCA and other private prisons were very instrumental in getting the Legislature of Arizona to pass a bill which made them exempt from paying any State sales tax. She advised that they also receive tax relief, tax abatement, and in some areas other than Arizona, they pay no property taxes.

Kathy Tackett-Hicks, representing the property owners, advised that this is a request for an area plan amendment. She advised that the site was selected because the existing Dolan Springs Area Plan provides for a commercial buffer around the entire south line of the property. She stated that the site sits in the middle of 640 acres, so they have a space buffer, as well as the commercial buffer. She advised that the site can meet all of the requirements for a standard commercial development in Mohave County. She stated that they can supply their own water, they can provide for wastewater, and they can extend the power to meet everything the facility will require. She advised that she supplied data to the Board Members verifying the water supply is sufficient to take care of the correctional facility, as well as all the residents. She advised their geologist is present if the Board wanted further verification. She stated that the majority of the problem with Mt. Tipton is that they have an insufficient system to serve their customers. She advised that CCA recognized this issue and approached Mt. Tipton, telling them they would assist with the Detrital well rehabilitation/extension of the water system. She stated that, based on additional data from the Mardian team and other professionals in the area, she is not sure that is the best option for providing additional supply and/or the storage requirements needed. She showed a map showing the Mt. Tipton water lines. She stated that she informed CCA that the most logical thing would be to hook into the local water provider; however, the issue is becoming more problematic than it should be. She stated that the site can supply additional water to the Mt. Tipton Water Company, as well as storage at or near their exact location. She stated that Mt. Tipton has to go to a vote of their public and go through the ACC; therefore, she is not sure if they would have all the approvals within 30 days.

In response to Supervisor Johnson, Director Ballard advised that CCA does have the option of drilling their own wells and not connecting to Mt. Tipton.

Supervisor Johnson stated that, in his opinion, this would alleviate a lot of the problem.

Supervisor Sockwell questioned if the hydrologist's report has been shared with the public.

Ms. Tackett-Hicks advised that everything is public record. She advised that Section 8 is not within the Mt. Tipton certificated water service area, which is why it becomes so problematic. She stated that they are required to serve their own infrastructure, and they are willing to do that. She stated that CCA has been more than generous and willing to work with Mt. Tipton. She advised that the geologist has done extensive work in the basin. She showed a map indicating wells in the area, many of which produce 185 to 250 gallons per minute. She advised that

Section 8 lies within the “meaty” portion of the basin, and they are comfortable with supplying their own water.

Supervisor Johnson stated he would feel more comfortable with CCA providing their own water, as there seems to be a lot of people who don’t want CCA in their system.

Ms. Tackett-Hicks stated that she would be thrilled to move ahead with the requirement that they take care of themselves. She stated that CCA has a history of working with the community, and they will continue to do so.

James Kanelos, Golden Valley resident, stated that he looks out the window every night and sees the prison lit up like a Christmas tree, and he doesn’t see any small businesses benefiting from it. He stated that a major water system was put in, and he doesn’t get any of the water. He stated that he is opposed to the prison.

Joseph Risner, Dolan Springs resident, stated that he owns a piece of property approximately 1,500 feet away from the proposed site, and another piece approximately 50 feet away. He stated that he is opposed to the prison; this is a rural community and the people are happy with the way it is.

Chairman Byers stated that after listening to everyone and speaking with different people, he feels the issue is pretty evenly divided. He stated that we have to find a way to bring water into Dolan Springs, and a \$4 million dollar grant, with 800 people paying on it, is going to be very costly. He stated that if we can get infrastructure into the community for water by partnering with CCA or some other entity, he will take a look at it. He stated that he has seen several studies, and he does not think any entity is going to spend \$150 million if they are going to come close to running out of water. He stated that, at this time, this is going to be a minimum security prison like the one in Golden Valley, and, as he advised before, we are building a maximum security jail next to the County Administration property. He stated that he was determined to stop MTC in Golden Valley for fear all the families would move here; however, that hasn’t happened. He stated that the statement made by Ms. Wright regarding prisoners receiving priority medical care is not going to happen.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers to continue the item to the February 4, 2008, BOS Meeting, in order to allow the parties involved time to meet with him, and the other Supervisors regarding water issues.

Chairman Byers stated that Dolan Springs needs a water supply and a water system, and waiting around for a grant that may or may not come is not going to help them now; it will take approximately five years to get it built. He stated that if a way can be found to bring water into Dolan Springs, and provide an adequate amount for the area, he would think the residents would be more than happy.

Motion was seconded by Supervisor Johnson.

Supervisor Sockwell stated that he has lived in Arizona for 22 years, and when he first came here he got involved with water issues. He advised that he has attended many meetings having to do with ground water and surface water. He stated that surface water can be owned; ground water belongs to anyone that will drill a well and pump it out. He stated that we are going to grow in this area; if we have the type of growth warranted, and if there ever is a shortage of water, provisions will be made to bring water into the area to support it because they cannot afford to lose the revenue that will be produced here.

Motion carried unanimously.

ITEM 49B: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-019 – **Denying** a Rezone of a portion of Lots 1 through 16, Cedar Vista Estates, Unit 1, in Section 8, Township 25 North, Range 19 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to M (General Manufacturing) zone for a correctional facility, in the Dolan Springs portion of the Mohave County General Area (north of Pierce Ferry Road between Bullhead Road and Cedar Road), Mohave County, Arizona. **(Commission Denied by 4 – 3 Vote)**

Susan Bayer, Golden Valley resident, aired her concerns regarding prison escapees. She stated that, in her opinion, the building of the prison is premature; we should wait for the Hoover Dam bypass to open to see what kind of economic development it may stimulate.

Robert Holsinger, Golden Valley resident, stated that the County Manager pulled the contract that was signed with MTC for the prison in Golden Valley and found a number of discrepancies. He stated that the County needs to be careful when they start dealing with private companies as to what kind of contract is developed and how it is developed.

Supervisor Johnson advised that the County does not have a contract with MTC; MTC has a contract with the State of Arizona.

Mr. Holsinger stated that he would let the County Manager argue that; but there were discrepancies.

Manager Walker stated that Mohave County did not have a contract with the prison; the prison had a contract with the State. He stated that there were some promises of financial remuneration for the County which didn't materialize.

Supervisor Johnson stated that those promises were not made by MTC.

Manager Walker responded that it was a corporate shell game. He advised it was about one company, with the same people, saying they did not have a contract with the County.

Supervisor Johnson stated that Mr. Holsinger is making statements that MTC did not live up to the contract; if they did not live up to the contract, the County would have taken them to court.

Mr. Holsinger stated that the corporation who originally signed the contract, turned their responsibility over to MTC.

James Kanelos, Golden Valley resident, stated that he lives close to the prison in Golden Valley and he can empathize with the people in Dolan Springs.

Rebecca Smith, Dolan Springs resident, stated that there are several issues to be considered such as water, jobs, community impact, juvenile issues, and domestic violence. She stated that she would like to see the community of Dolan Springs work closely with the County and other leaders to develop Dolan Springs. She stated that prisons are still going to be needed years from now, and she doesn't see any big hurry.

In response to John Ford, Dolan Springs resident, Chairman Byers advised that the Commission's vote was 3-4 on Item 49A, and 4-3 on Item 49B.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to continue the item to the February 4, 2008, BOS Meeting.

ITEM 50A: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-020 - Minor Amendment to the Mohave County General Plan for the SE 1/4 SW 1/4 of Section 16, Township 19 North, Range 19 West from RDA (Rural Development Area) to an UDA, GC (Urban Development Area, General Commercial) land use designation and amending Exhibit VI.8 of the General Plan to match, in the Mohave County General Area (north side of Oatman Highway approximately 3 miles west of the Garnet Road and Oatman Highway intersection), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Supervisor Johnson, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-020, as stated.

ITEM 50B: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-021 - Rezone of the SE 1/4 SW 1/4 of Section 16, Township 19 North, Range 19 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to C-2 (General Commercial) zone, in the Mohave County General Area (north side of Oatman Highway approximately 3 miles west of the Garnet Road and Oatman Highway intersection), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Supervisor Johnson, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-021, as stated.

ITEM 50C: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-022 - Zoning Use Permit on the SE 1/4 SW 1/4 of Section 16, Township 19 North, Range 19 West, for a night watchman's quarters in a proposed C-2 (General Commercial) zone, in the Mohave County General Area (north side of Oatman Highway approximately 3

miles west of the Garnet Road and Oatman Highway intersection), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

James Kanelos, Golden Valley resident, advised that he is a member of the Central Sacramento Valley Area Plan Committee, and the committee is in favor of Items 50A – C.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Supervisor Johnson, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-022, as stated.

ITEM 51: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-026 – **Denying** a Rezone of Parcel 3-A, as shown on Parcel Plats Book 30, Page 69, Spring Valley Ranches, Unit 1, in Section 23, Township 23 North, Range 14 West, from A-R/15A (Agricultural-Residential/Fifteen Acre Minimum Lot Size) zone to A-R/5A (Agricultural-Residential/Five Acre Minimum Lot Size) zone, in the Mohave County General Area (southwest of State Highway 66 between Canyon View Lane and Homestead Lane), Mohave County, Arizona. **(Commission Denied by 6 - 1 Vote)**

No action was taken on this item, as the applicant requested the item be withdrawn.

ITEM 52: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-027 – **Denying** a Rezone of a portion of the W 1/2 NE 1/4 and NE 1/4 NE 1/4 of Section 14, Township 20 North, Range 19 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to A-R/18A (Agricultural-Residential/Eighteen Acre Minimum Lot Size) zone, in the Mohave County General Area (northwest of State Highway 66 between Chemehuevi Drive and Aquarius Drive), Mohave County, Arizona. **(Commission Denied by Unanimous Vote)**

John Gall, representing the property owner, requested that the rezone be approved. He advised that the Planning and Zoning Commission denied the request based on no water. He stated that the adjoining properties have a much higher density than what the applicant is requesting, and they were granted rezones prior to a policy of the Planning and Zoning Commission to require an adequate water source. He stated that the property owner is willing to deed restrict the property to read that no building permit shall be applied for unless a viable water source has been established to provide for the needs of the parcel.

In response to Supervisor Johnson, Mr. Gall advised that the parcel is currently 120 acres, and the property owner is requesting to split the property into five 20-acre parcels.

Supervisor Johnson questioned where the Commissioners are getting these criteria to use.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Supervisor Johnson, seconded by Chairman Byers, and unanimously carried to adopt BOS Resolution No. 2008-027, Approving a Rezone, with the inclusion of standard lot split conditions.

ITEM 53: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-029 - Zoning Use Permit on Parcel 35-D1-B, as shown on Parcel Plats Book 16, Page 8, in Section 35, Township 24 North, Range 17 West, for a secondary residence in an A-R/5A (Agricultural-Residential/Five Acre Minimum Lot Size) zone, in the Mohave County General Area (approximately one and seven-tenths (1.7) of a mile west of Stockton Hill Road on the north side of Vock Canyon Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-029, as stated.

ITEM 54: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-030 - Zoning Use Permit on Parcel 1C, as shown on Record of Survey Book 16, Page 45, Cedar Hills Ranches, Unit 4, in Section 24, Township 21 North, Range 14 West, for a secondary residence in an A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone, in the Mohave County General Area (north of Blake Ranch Road between Prospect Drive and Stephan Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

Toni King, Kingman resident, advised that she is representing approximately six neighbors. She advised that when people purchase property in Cedar Hills Ranches, they know there is a ten acre minimum, with one residence per ten acres. She advised that they oppose allowing secondary residences on ten acre minimums. She stated that it creates a problem when the Planning and Zoning Commission grants Zoning Use Permits, creating the illusion that it is no big deal to downsize. She urged the Board to deny the Zoning Use Permit.

In response to Chairman Byers, Director Ballard advised that the request fits the General Plan.

In response to Chairman Byers, Ms. King explained that not wanting neighbors is not the only issue. She stated that it is a minimum subdivision of ten acres. She questioned if the applicant wanted five acres, they should have purchased in a minimum five acre subdivision. She stated that the residents are afraid that eventually the area will be zoned down to a five acre minimum.

Chairman Byers advised that they are not proposing a five acre minimum.

Ms. King responded that what is being proposed is the allowance of a secondary residence on ten acres, without requiring a subdivision of the land. She stated that if a subdivision was required, and they only have ten acres, it would not be allowed, because it is a ten acre minimum.

Supervisor Johnson stated that he does not believe the applicant is trying to split to five acres; they are looking for mother-in-law quarters. He stated that the Resolution contains strict requirements, stating that the applicant shall provide the name of the parent residing in the secondary residence, and the secondary residence shall be removed from the property at the time the applicant's parents are no longer residing in the secondary residence.

Ms. King questioned who enforces these stipulations.

Supervisor Johnson stated that he would assume she and the people she indicated she is representing would notify the County.

Ms. King stated that is not her job.

Chairman Byers stated that he does not have anything against mother-in-law quarters.

There being no further public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2008-030, as stated.

ITEM 55: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-031 - Rezone of a portion of Government Lots 3, 4, 11 and 12, in Section 4, Township 20 North, Range 17 West, from C-M/20A (Commercial-Manufacturing/Twenty Acre Minimum Lot Size) zone to M (General Manufacturing) zone, in the Kingman Area (east of Interstate 40 and north of the Shinarump Road Exit), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

There being no public input, Chairman Byers closed the Public Hearing.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-031, as stated.

ITEM 56: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-032 - Zoning Use Permit on Lot 40, Block D, Lake Mohave Country Club Estates, Unit 3, in Section 31, Township 22 North, Range 16 West, for a secondary residence in an R-1/20M (Single-Family Residential/Twenty Thousand Square Foot Minimum Lot Size) zone, in the Kingman Area (east side of Roosevelt Road between Northern Avenue and Sierra Vista Avenue), Mohave County, Arizona. **(Commission Approved by 6 - 1 Vote)**

No action was taken on this item, as the applicant requested the item be withdrawn.

ITEM 57: The meeting continued with the item regarding the adoption of BOS Resolution No. 2008-34 – Ordering the formation of the Sterling Community Facilities District #1; and authorizing the Chairman of the Board to execute the District Development, Financing Participation, Waiver and Intergovernmental Agreement.

In response to Supervisor Johnson, Matthew Long, with Development Planning and Financing Group, Phoenix, Arizona, concurred that there is no exposure to the County.

Supervisor Johnson stated that he is hesitant about this because the County has accepted property as collateral before, and was then stuck with some bills. He questioned if this goes “belly up” if it will affect the County’s bond rating.

Mr. Long advised that it will not affect the County’s bond rating; it is a separate political subdivision; the CFD has its own board and has its own liability.

Mr. Long reaffirmed for Supervisor Johnson that the County is authorizing bonds, yet if the bonds go bad, it will not be a reflection on the County.

Supervisor Johnson requested Attorney Ekstrom's opinion.

Attorney Ekstrom advised that it depends upon the market, but that is traditionally the situation. He advised that a Community Facilities District is a separate political subdivision, much like a school district, and if school bonds go bad, it doesn't affect the County's credit rating.

Supervisor Johnson stated that the school district doesn't ask Mohave County to form the district and do their bonding. He questioned if Mohave County doesn't need to be involved, why are we involved. He stated that, in his opinion, if we are the ones issuing the bonds and they are not paid, the next time the Board sits, whether they are issuing CFD bonds or bonds to build a jail, somebody is going to say that the Board already issued bonds that were no good. He stated that he wants to be told the truth, and he can't believe someone is saying there is no exposure to the County.

Mr. Long stated that the bonds are authorized by the District Board, not the County.

Supervisor Johnson stated that the District Board is the Board of Supervisors.

Manager Walker advised that it would be like Golden Valley County Improvement District No. 1 or the Library District; they are separate political entities. He stated that, by having the Board sit as the Board of Directors, they will have the final say so and control over the direction in which this goes. He stated that he does not know why the State chose to have the County approve these, but it is a part of the law. He stated that staff has worked long and hard to make sure Mohave County incurs no financial liability, and that it will not affect Mohave County's bond rating.

Supervisor Johnson advised that it is indicated the tax can be a maximum of \$3.55 per hundred.

Mr. Long explained that is a target tax rate; the tax rate will be established by the District Board.

In response to Supervisor Johnson, Mr. Long advised that the tax cannot be higher unless the District Board authorizes it. He explained that it is a target tax rate; the tax rate will go to whatever level it needs to in order to service the debt. He stated that, in most cases, the District Board will set the target tax rate based on the assessed valuation and the amount of bonds issued.

Manager Walker advised that the Board can also control when and if bonds are going to be authorized.

Supervisor Johnson stated that the first concern would be the ability of the District to pay the money back. He stated there is no sense in assessing \$5.00 per hundred if people cannot afford to pay it.

In response to Supervisor Johnson, Mr. Long advised that they do not know what the per lot assessment will be. He advised that there will be a feasibility report prepared, which will

determine what improvements will be financed, and at that time the District engineer will determine what the assessments will be.

In response to Supervisor Johnson, Mr. Long concurred that it is a 4 to 1 ratio, so if we want to borrow \$1 million, we have to have \$4 million in assets.

Supervisor Johnson stated that currently the assessed value of the property is \$4.5 million.

Mr. Long concurred, stating it is based on the County Assessor's valuation.

Supervisor Johnson questioned if we are looking at \$900 million in loans.

Mr. Long advised that there are two districts, and they are asking for an authorization of \$650 million on District 1, and \$200 million on District 2. He stated that this is just an authorization; there will have to be sufficient infrastructure in order to finance that, which will have to be reviewed by the District Board. He stated this is a maximum capital the District can issue, it doesn't mean the District will issue that amount.

Supervisor Johnson stated that, currently in Mohave County, the total value of all assessed property is only \$3 billion, and we are looking at \$1 billion in debt for one project of 10,000 acres.

Mr. Long stated that there has to be sufficient assessed valuation, sufficient homes, and sufficient infrastructure to finance that amount.

Supervisor Johnson stated that, if the Board approves the item, they should look at putting a cap on the assessed value. He stated that if this Board is not sitting here next year, it needs to be made clear that subsequent Boards of Supervisors and elected officials are briefed thoroughly on the responsibility they have regarding this issue. He stated that at one time an appraiser appraised land that the County took as an assurance, and when the County tried to sell the land the appraiser claimed the land wasn't worth that much money. He stated that he doesn't know how we are going to protect ourselves from someone who gives an accurate appraisal of land that is being used as an assurance. He stated that right now it is not a problem because it is owned by one group of people who have to seek the Board's approval.

Mr. Long advised that the general obligation bond is based on the County Assessor's assessed valuation. He stated that the special assessment is done by an appraiser.

Supervisor Johnson questioned if they will be "doing" CFD #1, before CFD #2.

Mr. Long responded that they will be doing them simultaneously.

Supervisor Johnson stated that, in his opinion, he would think this Board, or a future Board, would look at CFD #2 first, because it has the industry to create jobs; he doesn't know if the County needs more homes at this time.

Mr. Long advised that they propose doing both districts at the same time so both districts will have similar agreements and rules.

Motion was made by Supervisor Johnson, seconded by Chairman Byers, and unanimously carried to continue the item to the February 4, 2008, BOS Meeting.

ITEM 58: Motion was made by Supervisor Johnson, seconded by Chairman Byers, and unanimously carried to continue the item regarding adoption of BOS Resolution No. 2008-35 – Ordering the formation of the Sterling Community Facilities District #2; and authorizing the Chairman of the Board to execute the District Development, Financing Participation, Waiver and Intergovernmental Agreement, to the February 4, 2008, BOS Meeting.

ITEM 59: Motion was made by Supervisor Johnson, seconded by Chairman Byers, and unanimously carried to continue the item regarding adoption of District Resolution No. 2008-01 – Declaring the District formed and authorizing the District Chairman to execute the District Development Agreement; and adoption of District Resolution No. 2008-02 – Approving the District General Plan; the FY08 budget; and calling for an election in the District, authorizing District to levy taxes in accordance with the authorizing statutes, to the February 4, 2008, BOS Meeting.

ITEM 60: Motion was made by Supervisor Johnson, seconded by Chairman Byers, and unanimously carried to continue the item regarding adoption of District Resolution No. 2008-01 – Declaring the District formed and authorizing the District Chairman to execute the District Development Agreement; and adoption of District Resolution No. 2008-02 – Approving the District General Plan; the FY08 budget; and calling for an election in the District, authorizing District to levy taxes in accordance with the authorizing statutes, to the February 4, 2008, BOS Meeting.

ITEM 61: The meeting continued with the item regarding directing staff to look into the possibility of adopting an ordinance that would allow the County to abate a property when a person fails to comply with Planning and Zoning Regulations or court order to bring the property into compliance. Once the County has acted to correct the violation, allow for a lien to be placed against the property by the County to cover all costs. Specify a reasonable amount of time for the owner to comply prior to County intervention.

Supervisor Sockwell advised that there are a lot of instances where Planning and Zoning goes through the process of writing people up, taking them to court, and getting an injunction against them, and then nothing ever happens. He stated that he is looking for some way to put some “teeth” into the County’s regulations, so that if people do not comply, the County can follow up and take care of the problem.

Chairman Byers stated that he will support the item if it includes having the attorney look into what the possibility is of collecting the money if the County does place a lien on someone’s property. He stated that normally a lien is placed on someone’s property, but they never sell it, so you never collect the money. He advised that if you do this about twenty times, you end up broke. He questioned if there is a way the Legislature can change the rules.

Attorney Ekstrom advised that Chief Civil Attorney Taylor is currently working on this item with Supervisor Sockwell. He advised that he is working on it as well, to solve the technical

issues. He stated that, without enforcement, there is no sense having the regulation; they recognize that as a problem.

Supervisor Sockwell stated that he would like to direct staff to look into this and see what can be done to help the County expedite getting things done. He stated that he sees no need in sending people out to do a job if we can't follow through.

Director Ballard advised that the Planning and Zoning Department is working with the attorneys on this matter. She stated that the parameters for the ability to abate a zoning violation are included in State Statute 11-808. She advised that the County can take a request to abate to the Justice Court; however, that doesn't allow the County to enter onto the property and clear the violation. She advised that if the person responsible decides not to clean up the property, it becomes a contempt of court violation, and the County still does not have the ability to enter onto the property to abate. She stated that in order to give the County the authority to enter onto the property, remove the violation, and assess the lien, the zoning violation has to be moved from a violation to an abatable hazardous category. She stated that they have three categories available to them to move the violation to fit these criteria, which are: (1) abatement program for Environmental Health; (2) County abatement ordinance maintained under ARS 11-268; and (3) County adopted dangerous buildings code. She stated that if the violation does not meet the criteria of one of those three abatement programs, there is not a program readily available.

Supervisor Johnson stated it is the same way in his district, and while it doesn't seem like a big thing for the majority of the people in the County, if you are the guy living next door to one of these properties, and it is taking over a year to get it cleaned up, it is not acceptable. He stated that if there is a glitch in the court system, it needs to be fixed.

Director Ballard stated that there are a number of places in the system where it can break down. She stated that, typically, it is not the judges. She stated that often times the violators choose not to show up at Court; the Court will issue an order to show cause, telling the applicant they must explain to the Court why they did not appear. She advised that if the applicant does not explain, the Court often issues an arrest warrant. She stated that these are misdemeanor warrants, and the Sheriff's Department does not have a policy of picking up people on misdemeanor warrants, unless there is another issue involved. She stated that once they are picked up, they are not held long because the County does not have the space to hold them. She stated that some of their abatement efforts are derailed because, in the past, they had to find the property owner; however, there have been changes in the law, so now they can post the property.

Motion was made by Supervisor Sockwell, seconded by Chairman Byers, and unanimously carried to direct staff to look into the possibility of adopting an ordinance that would allow the County to abate a property when a person fails to comply with Planning and Zoning Regulations or court order to bring the property into compliance; and once the County has acted to correct the violation, allow for a lien to be placed against the property by the County to cover all costs; and specify a reasonable amount of time for the owner to comply prior to County intervention; with a recommendation brought back to the Board at the February 19, 2008, BOS Meeting.

ITEM 62: The meeting continued with the item regarding directing the County Attorney's Office to settle the suit - Curtis Devine v. Mohave County Board of Supervisors.

Motion was made by Supervisor Johnson, seconded by Chairman Byers, and unanimously carried directing the County Attorney to take the case of Curtis Devine v. Mohave County Board of Supervisors to trial.

There being no further business to come before the Board of Supervisors this 7th day of January, 2008, **motion was made by Supervisor Johnson, seconded by Supervisor Sockwell, and unanimously carried to adjourn at 11:45 A.M.**

MOHAVE COUNTY BOARD OF SUPERVISORS

Pete Byers, Chairman

ATTEST:

Barbara Bracken, Clerk of the Board