

**MOHAVE COUNTY BOARD OF SUPERVISORS
MOHAVE COUNTY, KINGMAN, ARIZONA
REGULAR MEETING – SEPTEMBER 8, 2009**

The Board of Supervisors of Mohave County met in Regular Session this 8th day of September, 2009, at 9:30 A.M, at 700 W. Beale Street, Kingman, Arizona, in the BOS Auditorium. In attendance were Tom Sockwell, Chairman; Gary Watson, Supervisor District 1; Buster D. Johnson, Supervisor District 3; Dana Hlavac, Acting Mohave County Manager; William J. Ekstrom, Jr., Special Deputy County Attorney; and Barbara Bracken, Clerk of the Board.

The meeting was called to order by Chairman Sockwell. The invocation was given by Supervisor Watson, followed by the Pledge of Allegiance led by Supervisor Johnson.

The following Mohave County Elected Officials and Department Heads addressed specific items as noted: John Timko, Deputy County Manager – Management Services; Steve Latoski, Public Works Director; Mike Hendrix, Deputy County Manager – Development and Public Works Services; Nick Hont, Development Services Director; Randolph Bartlett, Presiding Superior Court Judge; Mitchell Kalauli, Justice of the Peace – Moccasin Court; John Taylor, Justice of the Peace – Kingman Court; Kip Anderson, Superior Court Administrator; and Valerie Avila, Limited Jurisdiction Court Administrator.

Motion was made by Supervisor Johnson, seconded by Supervisor Watson, and unanimously carried to call for an Executive Session to be held October 5, 2009, 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 1: Pending or Contemplated Litigation, Claims, and Demands: No Executive Session was held.

ITEM 2: Committee and/or Legislative Report: Supervisor Johnson advised that he attended the Governor's Rural Development Conference, and one of the more interesting and informative classes was on broadband as an essential tool in economic development. He stated that the United States ranks 15 in the world for broadband capabilities, and drops in rankings every year. He stated that we have a desirable location for people to retire, and we should encourage and assist them in bringing their virtual businesses to Mohave County so they can spend their productive years here as well. He stated that we must expand our job base, and being on the cutting edge of technology is the way to get there. He advised that we need to strengthen businesses already here, as locally owned businesses keep 45 cents of every dollar in our community, which compares to 13 cents for a national chain. He advised that there was a lot of discussion on renewable energy; Arizona wants to be the renewable energy capital, but he is afraid they are making mistakes that will cripple the economy. He stated that the giving away of property taxes, which our Board opposed, was the first step, and changes at the State level regarding construction requirements, distribution, and limiting the number of plants will do more harm than good. He advised that, with the census around the corner, they discussed ways to get word out to the public on the importance of being counted. He advised that \$300 billion in

federal funds is awarded each year, based upon the census numbers. He advised that the Lake Havasu Pima Wash Bike Way Project received a best medium scale project award.

ITEM 3: County Manager's Report: There was no County Manager's report.

ITEM 4: Motion was made by Supervisor Watson, seconded by Supervisor Johnson, and unanimously carried to approve the July 6, and July 20, 2009, Board of Supervisors Meeting Minutes as most recently drafted.

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to approve the Consent Agenda minus Items 11, 12, 29, 35, 38, and 50, as follows:

5. Adoption of BOS Resolution No. 2009-214 - Extension of Time for a Rezone of a portion of the W 1/2 SW 1/4 of Section 35, Township 21 North, Range 17 West, from A (General) zone to C-2H (General Commercial Highway Frontage) zone, in the Kingman Area (south side of Old Highway 66, approximately 2.3 miles northeast of the Shinarump Drive Exit from I-40), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
6. Adoption of BOS Resolution No. 2009-215 - Extension of Time for a Rezone of Parcel 29-5, Music Mountain Ranches, in Section 29, Township 24 North, Range 14 West, from A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lots Size) zone to A-R/8A (Agricultural-Residential/Eight Acre Minimum Lot Size) zone in the Mohave County General Area (east of Antares Road between Huntington Avenue and State Highway 66), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
7. Adoption of BOS Resolution No. 2009-216 - Extension of Time for a Rezone of a 1.86-acre parcel as shown on Record of Survey, Book 21, Page 60, in the S 1/2 S 1/2 of Section 12, Township 17 North, Range 18 West, from A (General) zone to R-1/40M (Single-Family Residential/Forty Thousand Square Foot Minimum Lot Size) and C-2 (General Commercial) zones, in the Yucca portion of the Mohave County General Area (west of Interstate 40 in the townsite of Yucca), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
8. Adoption of BOS Resolution No. 2009-217 - Extension of Time for a Rezone of Lot 17, Lake Mohave Ranchos, Unit 3, in Section 1, Township 25 North, Range 19 West, from A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone to C-2 (General Commercial) zone in the Dolan Springs portion of the Mohave County General Area (southeast of Pierce Ferry Road between Eleventh Street and Penny Street), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
9. Adoption of BOS Resolution No. 2009-218 - Extension of Time for a Zoning Use Permit on a portion of Lot 74, Gateway Acres, Tract 10, lying westerly of US Highway 93, in

Section 19, Township 25 North, Range 19 West, for two twenty-thousand (20,000) gallon above-ground fuel storage tanks in an A (General) zone, in the Dolan Springs portion of the Mohave County General Area (west of US Highway 93 north of Pierce Ferry Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

- 10A. Adoption of BOS Resolution No. 2009-221 - Abandonment of the 60 and 30-foot granted easements along all interior lot lines and within said parcels previously dedicated for ingress, egress, and utilities for Parcels 1 through 12, Havasu Ranches, in the N 1/2 and SE 1/4 of Section 9, as recorded by Record of Survey Book 20, Page 9-9A, August 27, 2000, in Township 15 North, Range 19 West, in the Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
- 10B. Adoption of BOS Resolution No. 2009-222 - Reversion to Acreage of the N 1/2 and SE 1/4 of Section 9, in Township 15 North, Range 19 West, in the Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
- 10C. Adoption of BOS Resolution No. 2009-223 - Rezone of the N 1/2 and SE 1/4 of Section 9, to be subdivided and known as Outback Ranches, Tract 3706, in Township 15 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 Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
- 10D. Adoption of BOS Resolution No. 2009-224 - Subdivision Preliminary Plan and Petition of Exception for Outback Ranches, Tract 3706, being a proposed subdivision located in the N 1/2 and SE 1/4 of Section 9, Township 15 North, Range 19 West, in the Lake Havasu City Area (east of State Highway 95 and south of Heights Boulevard), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
13. Adoption of BOS Resolution No. 2009-227 - Rezone of the E 1/2 of Parcel 90, Sun West Acres, Tract 1027, in Section 29, Township 21 North, Range 18 West, from A-R/10 (Agricultural-Residential/Ten Acre Minimum Lot Size) zone to A-R/2A (Agricultural-Residential/Two Acre Minimum Lot Size) zone, in the Golden Valley Area (south of State Highway 68 on the southwest corner of Bolsa Drive and Verde Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
14. Adoption of BOS Resolution No. 2009-231 - Zoning Use Permit on a portion of the SW 1/4 SW 1/4 of Section 13, lying east of State Highway 93, in Township 27 North, Range 21 West, for a 1,000-gallon above-ground propane dispensing tank, in a C-RE (Commercial-Recreation) zone, in the White Hills portion of the Mohave County General

Area (east of State Highway 93 approximately 1.70 miles north of White Hills Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

15. Adoption of BOS Resolution No. 2009-232 - Zoning Use Permit on Parcel 24-A-2, Cedar Hill Ranches, Unit 2, as shown on Parcel Plats Book 19, Page 68, in Section 31, Township 21 North, Range 14 West, for a secondary residence in an A-R/8A (Agricultural-Residential/Eight Acre Minimum Lot Size) zone, in the Mohave County General Area (south of Interstate 40 and east of Blake Ranch Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
16. Adoption of BOS Resolution No. 2009-233 - Rezone of Lots 22 and 23, Block 180, New Kingman Addition, Unit 11, in Section 30, Township 22 North, Range 16 West, from C-2 (General Commercial) zone to C-2H (General Commercial Highway Frontage) zone, in the Kingman Area (northeast corner of Northern Avenue and Van Nuys Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
17. Acknowledge receipt and refer to the Planning and Zoning Commission for a recommendation on a petition for an evaluation of a request for an Abandonment of all public roadway and ingress and egress easements or rights of way, public utility, and drainage easements and Old Highway 93 as shown on sheets 2, 3, 4, 6, 7 and 8 of Silverado Acre Estates, Unit 1, Tract 3805, in Section 17, Old Highway 93 in Section 20, and all public roadway and utility easements in Section 29, Township 20 North, Range 13 West, in the Mohave County General Area (west of U.S. Highway 93 and near the Hackberry Road/Old Highway 93 intersection), Mohave County, Arizona. APN 254-29-063, 136, 137 & 127, and 254-42-001 through 018 and 254-42-068 through 336
18. **Sitting as the Board of Directors of the Mohave County Flood Control District:** Approve the Weather Station Easement Agreement for the Mohave County Flood Control District Upper Willow Creek ALERT Weather Station site and authorize the Chairman to sign the Easement Agreement as Holder for Mohave County Flood Control District.
19. **Sitting as the Board of Directors of the Mohave County Flood Control District:** Approve the Golden Valley aerial mapping project for the amount of \$491,992.05 as part of professional services contract #09-PS-05 with Cooper Aerial Surveys Co., Phoenix, Arizona, to provide aerial flight and photogrammetric mapping services to aid the Flood Control District in obtaining current topographic data for the Golden Valley area in the NAVD-88 vertical datum that will serve as base for floodplain permitting decisions and may be used in the future for Letter of Map Revision applications to FEMA and a watershed master plan for the entire Golden Valley area; to be paid with Flood Control District funds.

20. Ratify approval of a temporary Extension of Premises/Patio Permit for the Lake Mohave Ranch Club, 16097 N. Pierce Ferry Road, Dolan Springs, Arizona, for September 5, 2009.
21. Approve the Board of Supervisors Chairman's prior execution of the Assurance and Certification necessary to apply for and receive funding from the Department of Energy (DOE), Energy Efficiency and Conservation Block Grant (EECBG); and approve Grant 81.128/DE-FOA-0000013 Recovery Act – EECBG, in the amount of \$408,700.00, from the National Energy Technology Laboratory, U.S. Department of Energy, for the Capital Improvement Energy Efficiency Retrofit Program; and authorize the Chairman of the Board to accept and sign the grant document upon receipt.
22. Approve the proposed settlement of *Robert Jovich and Linda Faccioca v. Mohave County, ST-2009-0112* property tax valuation appeal. This settlement provides for a reduction in the full cash value of parcel #227-06-050 located in Fort Mohave from \$289,539.00 to \$123,005.00, resulting in an estimated tax reduction of \$1,292.41 (from \$2,522.22 to \$1,229.82) for the 2009 tax year.
23. Approve Amendment No. 3 to Contract No. 06-B-16, Vinyl Film, with 3M Company, St. Paul, MN, extending the contract for an additional one year period, from October 3, 2009 through October 2, 2010; with all terms and conditions remaining the same, on behalf of the Public Works Department – Traffic Control Division.
24. **Sitting as the Board of Directors of the Mohave County Library District:** Approve sole source purchase of two self checkout kiosk units with CD/DVD storage, specifically from Library Automation Technologies, Inc. (LAT), Somerdale, New Jersey, for the purchase price of \$35,795.00.
25. Adoption of BOS Resolution No. 2009-246 - Amending Mohave County Procurement Code, Article III, Section 5, Contracting for Specialized Legal Services.
26. Approve Amendment No. 4 to Contract No. 05-B-15, Household Hazardous Waste Collection, with Philip Services Corporation, extending the contract for an additional one year period, from October 3, 2009 through October 2, 2010; with all other terms and conditions remaining the same, on behalf of the Public Works Department – Landfills Division.
27. Approve award of Contract No. 09-B-11, Golden Valley Fire Department Water Tender Truck, to FDC Rescue Products, Glendale, Arizona, for the purchase of one Water Tender Truck in the total contract amount of \$170,984.00, to be funded by Community Development Block Grant funds, on behalf of Community Services Department for the Golden Valley Fire Department.
28. Approve the Monthly Report for Procurement Activity between \$10,000 and \$35,000.

30. Approve a General Fund budget amendment for estimated FY 2010 Indirect Cost revenue and expenses in the amount of \$60,000, as requested by the Mohave County School Superintendent. The indirect cost monies in this request are Federal reimbursement monies which serve to reimburse the County School Superintendent's Office for indirect costs incurred in providing services to School District Federal Grant Programs.
31. Approve Mohave County's warrant register for July, 2009, in the amount of \$4,556,695.41. (Exhibit "A")
32. Approve acceptance of award from the Federal Recovery Act, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program funds in the amount of \$116,087 for mobile data computer equipment for the Mohave County Sheriff's Office.
33. Approve acceptance of FY09 Edward Byrne Memorial Justice Assistance Grant Program award in the amount of \$26,966; and authorize the County Manager to sign said documents.
34. Approve allowing the Mohave Sportsman's Club to remove approximately 5,000 cubic yards of unprocessed material from Mohave County's R&PP leased material pit on Shinarump Road for the purpose of increasing the berm height at the 7 Mile Shooting Range to allow the Shooting Range to remain open.
36. Approve the County Manager's Ordinance Report for the time period of August 1, 2009 through August 21, 2009.
37. Adoption of Resolution No. 2009-212 - Approving Contract #524-09 between the State of Arizona Department of Housing and Mohave County, providing grant funds in the amount of \$29,637 for the Chronically Homeless Supportive Housing Program - Special Needs Population for the period of September 1, 2009 - August 31, 2010; and approve the FY2010 revised budget for fund 87150837, an increase of \$1,113 from \$20,703 to \$21,816 for program services (budget for fund 87150838, CSHP Admin, remains as approved for FY2010).
39. Adoption of BOS Resolution No. 2009-240 – Supporting the submission of a TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant application for the portion of Vanderslice Road from Courtwright Road to Boundary Cone Road; and authorize the Public Works Director to sign and submit the application to the TIGER Discretionary Grants program manager for consideration.
40. Adoption of BOS Resolution No. 2009-241 – Supporting the submission of a TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant application for Grace Neal Parkway from Stockton Hill Road to State Route 66; and authorize the Public Works Director to sign and submit the application to the TIGER Discretionary Grants program manager for consideration.

41. Adoption of BOS Resolution No. 2009-242 - Supporting the submission of a TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant application for Diamond Bar Road from Mile Post 4.33 to the Hualapai Indian Reservation Boundary; and authorize the Public Works Director to sign and submit the application to the TIGER Discretionary Grants program manager for consideration.
42. Approve adopting the position of the Mohave County Board of Supervisors that it is in the County's best interest to support the City of Kingman with the application for TIGER (Transportation Investment Generating Economic Recovery) Discretionary funds for the construction of the I-40/Rattlesnake Wash Traffic Interchange; and authorize the Chairman of the Board to sign a letter of support.
43. Approve adopting the position of the Mohave County Board of Supervisors that it is in the County's best interest to support the City of Kingman with the application for TIGER (Transportation Investment Generating Economic Recovery) Discretionary funds for the construction of the I-40/Kingman Crossing Traffic Interchange; and authorize the Chairman of the Board to sign a letter of support.
44. Approve the hiring of Timothy M. Walsh, Jr., P.E. as Civil Engineer (Registered), in accordance with Merit Rule 201.B, Employment of Relatives.
45. Approve salary placement for Timothy M. Walsh, Jr., P.E. for the position of Civil Engineer (Registered) at Range 22, Step 7, in accordance with Pay Determination Guidelines.
46. Adoption of BOS Resolution No. 2009-245 – Authorizing the posting and removing of regulatory signs on Oatman Highway near Oatman, Arizona.
47. Adoption of BOS Resolution No. 2009-243 – Authorizing the posting of a stop sign at the Butch Cassidy approach to Santa Fe Ranch Road in the Yucca area.
48. Adoption of Resolution No. 2009-238 - Approving the Intergovernmental Agreement (referencing contract HG354356 with Arizona Department of Health Services), between Mohave County Public Health (Nutrition Division) and the Bullhead City Elementary School District #15, for the Tobacco Education Program (225-04-5125), for the provision of tobacco education for enrolled students, from July 1, 2009 through June 30, 2010 and budget.
49. Adoption of Resolution No. 2009-239 - Approving the Intergovernmental Agreement (referencing contract HG354356 with Arizona Department of Health Services), between Mohave County Public Health (Nutrition Division) and the Lake Havasu City Unified School District #1, for the Tobacco Education Program (225-04-5125), for the provision of tobacco education for enrolled students in Bullhead City Elementary School District #15, from July 1, 2009 through June 30, 2010 and budget.

ITEM 11: Motion was made by Supervisor Johnson, and seconded by Chairman Sockwell to discuss the adoption of BOS Resolution No. 2009-225 - Zoning Use Permit on Parcel 2, as shown on Record of Survey Book 25, Page 30, in the NE 1/4 NE 1/4 of Section 15, Township 17 North, Range 22 West, for a wireless communication facility with a 180-foot tower in a C-2H (General Commercial Highway Frontage) zone, in the South Mohave Valley Area (south of Courtwright Road between State Highway 95 and Barrackman Road), Mohave County, Arizona. (Commission approved by unanimous vote)

Supervisor Johnson advised that he has the same objection for Items 11 and 12, which regards putting in towers. He advised that this tower is 180 feet, and Planning and Zoning requested that the applicant place palm leaves on it to make it blend in. He stated that he does not think this is needed on a 180 foot tower.

Motion was made by Supervisor Johnson, and seconded by Supervisor Watson to adopt BOS Resolution No. 2009-225, excluding the requirement for palm leaves.

John Gall, Arizona Land Quest, LLC, representing the applicant, advised that this is a well reputed company that will allow at least eight major carriers to have access to their towers. He showed the Board a picture of the tower, and stated that having palm leaves at 180 feet may do more to draw attention to the tower than allow it to blend into the surroundings.

Motion carried unanimously.

ITEM 12: Motion was made by Supervisor Johnson, seconded by Chairman Sockwell, and unanimously carried to adopt BOS Resolution No. 2009-226 - Zoning Use Permit on the N 1/2 NE 1/4 SE 1/4 of Section 3, Township 18 North, Range 22 West, for a wireless communication facility with a 180-foot tower in a C-MO (Commercial-Manufacturing/Open Lot Storage) zone, in the South Mohave Valley Area (west of State Highway 95 and north of Boundary Cone Road), Mohave County, Arizona, excluding the requirement for palm leaves.

ITEM 29: Motion was made by Supervisor Johnson, and seconded by Chairman Sockwell to discuss vacating Position 200418 (0.5 FTE); changing Position 200419 from 0.5 FTE to 1.0 FTE, with benefits; and approve the state and county budget for CASA, as requested by the Superior Court.

Supervisor Johnson questioned if this is combining positions, or if it is going to cost the general fund money.

Deputy County Manager Timko responded that staff supports this recommendation. He advised that it will eliminate Position 200418, which is a half-time position, and will increase Position 200419 to full-time. He advised that the cost of doing this will only be the cost of benefits for the full-time position, as benefits are not currently paid on half-time positions. He stated that this is a CASA funded program, and, although it is supported by the general fund, it will not place an additional drain on the general fund, as the additional cost will be paid out of CASA funds.

Motion was made by Supervisor Johnson, seconded by Chairman Sockwell, and unanimously carried to approve vacating Position 200418 (0.5 FTE); changing Position 200419 from 0.5 FTE to 1.0 FTE, with benefits; and approve the state and county budget for CASA, as requested by the Superior Court.

ITEM 35: Motion was made by Supervisor Johnson, and seconded by Supervisor Watson to discuss the expenditure of \$5,000 from the Government Relations/Lobbyist line item of the General Administration budget (100-01-0500 431.00) to become an Associate Sponsor for the 95th Arizona Town Hall, Riding the Fiscal Roller Coaster: Government Revenue in Arizona.

Supervisor Johnson stated that, while he supports and has been a member of Arizona Town Hall, with the financial situation the State and County is in, he does not think it is appropriate to be using taxpayer monies to fund this. He advised that one of our employees sits on the Board of Directors of the non-profit organization asking for \$5,000.

Supervisor Watson advised that he is very much for the expenditure of \$5,000. He stated that this is for the Arizona Town Hall, and the item being discussed at length this year is Riding the Fiscal Roller Coaster for Government Revenue in Arizona. He stated that it is important we be involved in this discussion to see if we can behoove other people to come up with recommendations to solve some of these problems.

Chairman Sockwell stated that he was at the 91st Town Hall Meeting, and the discussion at that time was land use, which provided excellent ideas. He stated that he sees no reason why we should not donate \$5,000.

Motion was made by Chairman Sockwell, and seconded by Supervisor Watson to approve authorizing the expenditure of \$5,000 from the Government Relations/Lobbyist line item of the General Administration budget (100-01-0500 431.00) to become an Associate Sponsor for the 95th Arizona Town Hall, Riding the Fiscal Roller Coaster: Government Revenue in Arizona.

The following roll call votes were recorded: Supervisor Johnson – No, Supervisor Watson – Yes, Chairman Sockwell – Yes. Motion carried by majority vote.

ITEM 38: Motion was made by Supervisor Johnson, and seconded by Supervisor Watson to discuss Change Order No. 1 to the Contract with Jeffery C. Stone, Inc., dba Summit Builders, for Mohave County Probation Department (Negus Building) Remodel, Project No. MC07-14120, Contract No. 09-B-07, and to compensate Summit Builders a total amount of \$76,372.25 for the expense of Project Work requested by Mohave County due to unforeseen conditions; funding to be from the Contract Contingency and is already included in the Contract Amount; Contract Time will be increased by seven calendar days.

In response to Supervisor Johnson, Director Latoski explained that the request concerns unforeseen circumstances as a result of additional asbestos abatement, and a few other items that were discovered during the remodel. He advised that staff is requesting a change order in the

amount of \$76,372.25 to be taken from Contract Contingency, a line item that was part of the original contract.

Supervisor Johnson stated that the asbestos abatement is for removing floor tiles, which cannot have enough asbestos to harm anyone. He questioned if they did not know about the floor tiles.

Director Latoski advised that the floor tiles were discovered underneath a top layer of flooring, which was unknown at the time the scope of work was defined. He advised that, once discovered, they were tested in accordance with procedures for asbestos testing and came back hot, so additional work is required.

In response to Supervisor Johnson, Director Latoski advised that during the course of the remodel, it was discovered that the existing front sidewalk wasn't ADA compliant, so additional modifications are required.

Director Latoski advised that staff is requesting, in Item 66, that, due to the timeframe between today's meeting and the October 5th meeting, that the Board approve and ratify staff direction to negotiate with the contractor on additional items that may result due to unforeseen circumstances. He advised that the final change order will be brought back to the Board for approval.

Motion was made by Chairman Sockwell, seconded by Supervisor Watson, and unanimously carried to approve Change Order No. 1 to the Contract with Jeffery C. Stone, Inc., dba Summit Builders, for Mohave County Probation Department (Negus Building) Remodel, Project No. MC07-14120, Contract No. 09-B-07, and to compensate Summit Builders a total amount of \$76,372.25 for the expense of Project Work requested by Mohave County due to unforeseen conditions; funding to be from the Contract Contingency and is already included in the Contract Amount; Contract Time will be increased by seven calendar days.

ITEM 50: Sitting as the Board of Directors of the Golden Valley County Improvement District No. 1, **motion was made by Chairman Sockwell, and seconded by Supervisor Johnson to discuss the Plans and Specifications and estimate of costs and expense for the Phase V-A water line project and approve the Assessment Diagram and to introduce, discuss, and amend if desired; and approve the adoption of District Resolution No. 2009-04 – Resolution of Intention and Notice of Proposed Improvements declaring the District's intention to construct water lines in the various streets named in the Resolution, and to assess the costs and expenses of such work against the property benefited thereby.**

Dewitt Humphreville, Golden Valley resident, advised that he will be speaking about the engineering and incidental costs for Phase V-B. He stated that he lives on 9.34 acres, and he is allowed one water meter, just like the smaller parcels. He advised that smaller parcels were charged approximately \$700 for the engineering and incidental costs, and he was charged \$2,847, and questioned why he was charged so much more. He stated that he sent four letters, and received no responses.

Attorney Ekstrom advised, as a Point of Order, that Mr. Humphreville is discussing an item that is not agendized; he is discussing V-B, not V-A.

Mr. Humphreville advised that he was told by a staff member if Golden Valley County Improvement District No. 1 ever came up for discussion, he could sign up to speak.

In response to Supervisor Johnson, Mr. Humphreville advised that after the engineering was done for Phase V-B, the project was stopped because people did not want it. He stated that the engineering cost still has to be paid by the people.

Supervisor Johnson stated that the cost is usually based on frontage footage, and where he might have only one meter now, in the future he may be able to split his land.

Mr. Humphreville stated that his frontage is less than the frontage on the 2-1/2 acre parcel across the road from him.

Deputy County Manager Hendrix asked Attorney Ekstrom if it would be alright to answer Mr. Humphreville's question.

Attorney Ekstrom responded that the item being discussed is not agendized. He stated that Deputy County Manager Hendrix can meet with Mr. Humphreville after the meeting to discuss the issues. He stated that it was determined that the charge for the engineering fees would be based upon acreage, not frontage.

Deputy County Manager Hendrix advised that for Item 50, which is regarding Phase V-A, we are in the Resolution of Intention process. He stated that, if the project is terminated, Statutes speak about how costs will be incurred, and they are not specific. He stated that staff got together as a group and determined what would be the most logical method for assessment (for Phase V-B), which was acreage, and the Board approved this method.

Mr. Humphreville questioned what benefit he is getting for his money.

Deputy County Manager Hendrix advised that when they moved forward with exploring termination of the project, the Board wanted to explore possible grant funding. He advised that the Board authorized staff to complete the engineering project, and obtain approval to construct from the Arizona Department of Environmental Quality. He stated that there is a solid engineering study, and if this project ever goes forward, the entire study will not need to be redone. He advised that the completed engineering and approval to construct is a benefit for the area.

Chairman Sockwell advised that the engineering is done, and if the project ever moves forward the engineering costs will not have to be paid again.

Mr. Humphreville questioned what benefit he receives for his extra \$2,100.

Chairman Sockwell stated that there is no benefit at the present time, but there will be a benefit in the future.

Mr. Humphreville advised that he cannot split his lot; it has a large wash.

Chairman Sockwell advised that staff felt that charging people based upon acreage was the fairest way to do this. He stated that he is sorry if Mr. Humphreville feels his property will not benefit.

Mr. Humphreville stated that if this is the fairest way to do it, then the larger property owners should have had a bigger vote on getting the project going because it would have been put in ten years ago.

Brian Miller, Golden Valley resident, advised that his property is located in Phase V-A. He stated that when he purchased his property in 2005, he was told that he could petition to be placed in the project, which he did. He advised that he has a letter stating the cost would be \$6,100, and now he is being told he will be assessed \$12,000. He stated that he was advised to split the property so he could get an additional water allocation, so now he is going to be assessed \$24,000. He stated that water is 300 feet from his property, and he has to pay \$12,000 to get water to his road. He stated that he cannot afford to bond the money, and pay it twice a year. He stated that it will still cost him \$1,000 to get the water to his house, and \$1,200 for a meter. He stated that he was not told about this meeting, and at one of the previous meetings, staff said they would do better about letting people know what is going on. He stated that this item should be tabled and the 271 people in the district should be allowed to come speak on the item. He stated that he has been told that if he wants to get out of the project he has 30 days to get 51% of the owners to sign; yet, he was previously told if he wanted out at any time, he only needed 51% of the people on the road to sign. He stated that this is not fair to people who are going to lose their property because they can't afford the water. He stated that he called a contractor to trench, lay the line, and cement the joints, using an eight inch legal line, and he was quoted a cost of \$2,900 for 300 feet, and he is going to pay \$25,000. He stated that the Board needs to hear more before the people are assessed.

Deputy County Manager Hendrix explained that when the County received the Petition to Incur Expense with signatures from over 51% of the property owners, we were able to hire an engineering company to perform detailed engineering plans, specifications, and costs estimates. He stated that this was completed, and they are now trying to move forward with the Resolution of Intention process. He advised that individual streets submitted petitions signed by 51% of the owners, and, in order to keep the costs down, it has been a practice to combine different streets into one large project. He stated that they accumulated the individual streets into one project called Phase V-A, and it is being brought in front of the Board for adoption of the Resolution of Intention. He stated that Mr. Miller has a valid question, because to create his single Petition to Incur, only 51% of the individual street was required, and now, according to the Statute, it requires 51% of the entire project to opt out. He stated that this may require review by the Attorney's Office to see if someone can opt out street by street. He stated that there are people close to existing water lines; however, as a District, we need to look at how much it costs, on an average, to bring the water into the entire district. He advised that people paid for the previous

infrastructure that brings the water line close to the area; these people didn't. He stated that those people were assessed as a district, and paid for that improvement; therefore, we have to look at the entire project, do the engineering, and base the assessment on sharing the cost by the entire area receiving the water. He stated that it may provide some merit to answer the question of whether individual streets can opt out.

Chairman Sockwell advised that he can understand how the costs have gone up, since the petition started in 1995.

Deputy County Manager Hendrix stated that one street started in 1995, and additional streets came in since then, with the latest being 2006. He advised that if the Board approves the Resolution of Intention to go forward, the people have twenty days to get signatures of 51% or greater from people protesting the project, and the Resolution of Intention will not go forward. He stated that if the Board feels at anytime it is in the best interest of the District not to go forward with the project, they can terminate the project. He advised that the options today are to delay the project and get the Attorney's opinion regarding individual streets opting out, or pass the Resolution, allow the State Statute to apply, and go into the twenty day protest period.

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to postpone the item for further review by staff.

ITEM 60: Motion was made by Supervisor Johnson, and seconded by Chairman Sockwell to discuss the offer of Dallas and Joy Adair to donate approximately 5 acres net after any necessary dedication or granting for SR 389 of real property to Mohave County for the purpose of locating county facilities in the area; further direct county staff to work with the Adairs on formalizing the transfer of title to the property to Mohave County and for staff to inform the Board if such property later becomes in imminent risk of reversion for failure of Mohave County to meet any reversionary terms of the transfer; and authorize the Board Chairman to execute any necessary documents to effect the transfer of title.

Acting County Manager Hlavac advised that the County has been looking for a piece of property in the Colorado City area to relocate the Moccasin Precinct Court, and the modular building for the Sheriff and Attorney. He advised that the Adairs offered three different sites as donations to the County. He advised that he and Deputy County Manager Hendrix walked the properties with personnel from the Moccasin Court and focused on what was felt to be the most appropriate, and easiest piece of property to build on, which is before the Board today for acceptance. He stated that this is where we will immediately move the modular building.

Supervisor Johnson questioned if the only thing the Board is doing today is accepting the property and moving the modular.

Acting County Manager Hlavac advised that this item accepts the donation, and Item 61 funds the development, infrastructure, and moving for the modular.

Motion was made by Supervisor Johnson, seconded by Supervisor Watson, and unanimously carried to accept the offer of Dallas and Joy Adair to donate approximately 5

acres net after any necessary dedication or granting for SR 389 of real property to Mohave County for the purpose of locating county facilities in the area; further direct county staff to work with the Adairs on formalizing the transfer of title to the property to Mohave County and for staff to inform the Board if such property later becomes in imminent risk of reversion for failure of Mohave County to meet any reversionary terms of the transfer; and authorize the Board Chairman to execute any necessary documents to effect the transfer of title.

ITEM 61: Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to approve the transfer of \$200,000 from the Quarter Cents Sales Tax Account for the purpose of relocating the Mohave County multi-use facility to the Adair Property being gifted to the County located within Parcel No. 404-19-092.

ITEM 62: Motion was made by Chairman Sockwell, and seconded by Supervisor Watson to discuss the offer of Mike Black to donate approximately 7.5 acres of real property to Mohave County for the purpose of locating county facilities in the area. Further direct county staff to work with Mr. Black on formalizing the transfer of title to the property to Mohave County and for staff to inform the Board if such property later becomes in imminent risk of reversion for failure of Mohave County to meet any reversionary terms of the transfer; and authorize the Board Chairman to execute any necessary documents to effect the transfer of title.

John Gall, Arizona Land Quest, LLC, representing the Black Family Trust, requested that all the people in the audience who traveled four hours from the Beaver Dam/Scenic/Littlefield area to attend this meeting stand up and be recognized (approximately 35 people stood). He advised that he presented the Board with over 600 signatures in favor of placing the County facilities in the Beaver Dam/Scenic/Littlefield area. He stated that the area is growing, and there is currently a subdivision that has over 550 completed lots, and they are finishing the sewer plant. He advised that they have applied to the County for a Zoning Use Permit to build four model homes. He stated that he has another individual who has obtained a water report for almost 18,000 homes. He stated that the infrastructure for that area is being put in place, and it is time for the County to welcome these individuals and put the County facilities there. He stated that when you think about the projects already approved for that area, you are talking about a city the size of Lake Havasu City. He advised that there will be approximately 50,000 people living in the area within the next ten to twenty-five years. He urged the Board to approve the item and move forward with the facilities in the Beaver Dam/Scenic/Littlefield area.

Supervisor Watson thanked Mr. Gall for putting this together, and thanked all the people who drove to the meeting from the area. He thanked Mr. Black for his generosity and community spirit.

Chairman Sockwell advised that Mr. Gall did present approximately 600 signatures, and he has eight people wishing to speak in favor of the item. He questioned if it would be alright to allow the Board to take a vote, and if the item is approved, there will be no need to speak, and if the item is denied, the people may speak.

Mr. Gall stated, on behalf of the speakers, that they would be more than happy if they did not have to speak.

Motion was made by Chairman Sockwell, and seconded by Supervisor Johnson to accept the offer of Mike Black to donate approximately 7.5 acres of real property to Mohave County for the purpose of locating county facilities in the area. Further direct county staff to work with Mr. Black on formalizing the transfer of title to the property to Mohave County and for staff to inform the Board if such property later becomes in imminent risk of reversion for failure of Mohave County to meet any reversionary terms of the transfer; and authorize the Board Chairman to execute any necessary documents to effect the transfer of title.

Supervisor Watson stated that he would like to have the opportunity to provide court services for both the Colorado City area and the Scenic/Beaver Dam area. He stated that, during discussions over the weekend, a number of people came forward from the Colorado City area, who are willing to donate their time and services for the location of court services in both areas. He stated that if Item 62 is adopted today, that it will limit the County to having the Court property on that location only. He stated that his intent is to have the Court system represented in both areas.

Acting County Manager Hlavac advised that Item 62 deals only with whether the County accepts the donation of the 7.5 acres together with the offer to put in a water system, and access to water from Mr. Black's property. He advised that Item 63 will deal with the decision the Board faces on where to build new Court facilities.

Supervisor Watson stated that he wanted to clarify that the Board is only accepting the property today. He thanked Mr. Black and the community.

Motion carried unanimously.

ITEM 64: Motion was made by Supervisor Watson, seconded by Chairman Sockwell, and unanimously carried to accept a donation of \$50,000 from Mike Black for the purpose of locating County facilities on the 7.5 acres donated by Mike Black in the area of Scenic, Arizona; if the funds are not expended for such purposes within five years of the date of the delivery of such funds, the funds shall be returned to Mike Black.

ITEM 63: Motion was made by Supervisor Watson, and seconded by Chairman Sockwell to discuss the expenditure of funds for the purpose to construct such facilities as the Board determines during this meeting to replace the existing Moccasin Precinct Justice Court.

Acting County Manager Hlavac advised that the current Moccasin Precinct Justice Court is in extremely poor shape, and this item is asking the Board if they want to relocate it, and, if so, where. He stated that the Board has the choice of the Adair property, the Black property, or a combination thereof.

David Darger, Colorado City Manager, advised that the County Justice Court is consolidated with the City Magistrate Court, and it has worked out very well for the last 24 years. He stated that, in relation to the Scenic area, he does not think that anyone disagrees there is a need to provide better services there; however, the question is how to provide that service, and, at the same time not disrupt or destroy the current service. He stated that he supports the Board and the Court, and commends County staff.

Judge Kalauli stated that he wants to do everything he can to provide services to people in the Moccasin Precinct, and is willing to do whatever needs to be done to make that happen. He stated that the current Court facility is not appropriate for the Court. He stated that he would like to separate in the Board's mind the difference between the facility and the function of the Court. He advised that the Court functions at a very high level, with a wonderful staff with over 50 years of experience. He stated that his greatest concern is losing the function of the Court, and urged the Board to take into account that this function makes the Court what it is, in spite of the building.

Court Administrator Anderson expressed the Court's appreciation for Deputy County Managers Hendrix's and Hlavac's work, as well as others who have located properties. He stated that it looks like there are two viable donations, and the Court supports the construction of a good, solid new facility that will house a Courthouse in the most appropriate location, with the most functionality. He stated that the Court has talked about a central location, so they are excited about seeing the Adair property become available. He advised that there was money set aside for a structure, and the Courts want to move forward.

In response to Supervisor Watson, Judge Kalauli advised that once a precinct reaches 800 judicial credits, by law, a precinct is required to split into more precincts. He advised that the Moccasin Court averages approximately 200 judicial credits; therefore, it will probably be a while before the Court sees the amount of credits that require them to split into separate precincts. He advised that the credits are based on the type and number of filings. He advised that most of the filings that come to the Court are those who do not live in the State of Arizona; they are generated from Interstate 15.

Judge Taylor advised that he has been involved with this project for a number of years, and there has always been concern about where the Court will be located. He stated that he has always referred to it as an east/west consideration, and with the materials provided by Deputy County Manager Hlavac, we are looking at north and western. He stated that if you strip away the filings and look at the actual people who use the Court, those are the most relevant figures. He stated that you have to also look at Orders of Protection because those types of filings require immediate attention by the Court, so you have to consider access. He stated that, in looking at Deputy County Manager Hlavac's material, he believes two Courts will eventually be needed in order to service the entire Strip. He stated that when you look at the distance between the Moccasin facility and Scenic, you are talking about a distance similar to the distance between Kingman to Lake Havasu City. He stated that he favors the Adair property for locating on the northern side; however, we need some type of facility on the Black property as well. He stated that, in order to be a functional Court, you have to have a certain size structure; he anticipates approximately 3,200 square feet. He stated that the judges designated \$500,000 for the building,

and the County threw in an additional \$100,000; so we are at \$600,000. He stated that they estimated the cost of the project to be \$180 per square foot; therefore, there is just about enough money to build one structure. He advised that there are ways to accomplish building two structures, but he does not want to diminish what is going to be needed as a footprint, so you end up with two non-functional courts. He stated that it will save money to co-locate with the Sheriff and County Attorney.

Supervisor Johnson stated that nobody seemed to worry about the drive when the people from Scenic were driving to Moccasin.

Judge Taylor advised that the Court has dedicated approximately \$6,000 for video equipment, but he has not authorized the expenditure of those funds until he finds out what's going on location wise. He stated that they have always been concerned about Judge Kalauli being able to immediately conference with the people on the western side who need it.

Supervisor Watson stated that, in his mind, there is the Adair property, with the modular moving from the Mohave Community College Campus, with an addition being built on, and then, also, building a facility in the Scenic area. He asked Judge Taylor if the Court can perform duties in the Colorado City area, and still perform those duties, whether electronically or digitally, if they are presented with a building in the Scenic/Beaver Dam area.

Judge Taylor responded that if Supervisor Watson is talking about two different facilities, they would have to be interconnected, and the Court has to be able to purchase and install the video conferencing equipment.

Supervisor Watson questioned, if the Board provides the two facilities, will the Court provide funds for the video conferencing equipment.

Judge Taylor advised that the judges voted and dedicated the money based on the idea that there was going to be a facility built in the northern end. He stated that the judges would have to re-vote if the monies are going to be sent to the far western end, but he feels they can work together as a group to get facilities that will be workable in both areas.

Court Administrator Avila advised that the Court can operate a satellite court facility in the Beaver Dam area using current county facilities. She stated that the filings are such that they can service the satellite area in Beaver Dam and operate out of the Colorado City area. She advised that the Mohave County Sheriff Sergeant in the Beaver Dam area is encouraging his officers to spend more time in the Strip area, which has resulted in increased filings for the month of August. She advised that a report by Sperling's Best Places noted that unemployment in Mesquite was 10.10%, and the U. S. average is 8.5%, and home appreciation is at a -21.6%. She stated that there are various newspaper reports regarding the dire circumstances in Mesquite, and the gaming service industry in general. She advised that one report notes that St. George, Utah, has the highest unemployment rate in Utah. She stated that if the economy turns around these statistics will improve; however, to make the assumption that the population growth will be in the Scenic area is premature and to rely on that assumption could prove disastrous for the Court.

She stated that the uranium mines have been approved to reopen in the northern area, which may result in additional growth.

John Gall, Arizona Land Quest, LLC, stated that to look at this narrow mindedly or in a snapshot view that the Scenic area is not going to grow, as opposed to the Colorado City area, is not to understand the development industry as a whole. He advised that the Scenic area has the approvals for over 10,000 acre feet of water for residential development, and there is potentially more. He advised that the properties he is working with the developers on, are already under construction. He stated that the Mesquite, Nevada, master planned community is the best selling master planned community that Pulte Homes has in the southwest. He advised that being on the Canamex corridor, there is a lot of traffic on the highway, and there will be a lot of growth. He stated that it is wise for the Board, in these tough economic times, to consider the future, not just what is happening now. He advised that there is a substantial amount of development that is already under construction in the Scenic/Beaver Dam/Littlefield area, and, in all actuality, that area will probably reach the 50,000 population mark in the next twenty years. He urged the Court not to be heartless toward the Colorado City community, and the Board should be prudent and wise stewards of the taxpayers' monies.

Judge Bartlett stated that the Court wants to provide services to all individuals in that area of the County. He advised that the Courts worked with former Supervisor Byers and they selected a piece of property (Button property), and were going to go forward. He advised that they expended monies for an appraisal, and, at that time, because of the Sheriff's Office having to relocate, the County Manager asked them to consider co-location. He stated that the Courts thought that was reasonable. He stated that when they were looking at the Button property, the Justices of the Peace voted to allocate \$500,000 for the location of the Court in the northern part of the district. He stated that it is his understanding that the highest concentration of population remains in the northern portion. He advised that the projected growth, as stated by Mr. Gall, is twenty years out. He stated that if the Court is going to relocate and have a facility in the Scenic area, the matter has to go back to the Justices of the Peace for a decision. He suggested that the Board go forward and select the Adair property as the location for the permanent Court facility, and that the Court work on providing electronic court services to the Scenic area. He advised that Court personnel discussed functionality of the Court, and to relocate the Court to the Scenic area at this time would adversely impact the Court's functionality. He advised that they have a very good Court system, and they don't want to disrupt that. He stated that they want to provide services to all of the citizens, but, at this point in time, they do not have the funds necessary to build two court facilities. He stated that, at the current time, three courts function out of the facility in Lake Havasu City, which has two courts and a hearing room. He stated that at least three other Superior Court Judges come to the Lake Havasu City facility, which is starting to create problems with caseload handlings, so money was set aside by the Justices of the Peace to build out that facility so there will be three court rooms. He stated that there is a population in excess of 55,000 in Lake Havasu City versus a projected growth of 50,000 twenty years out.

Acting County Manager Hlavac asked if the County were to suggest putting facilities in both locations, and could only do so with Court Enhancement Funds, if Judge Bartlett believes the prior vote of the Justices of the Peace would prohibit any of that money being used on the Scenic facility.

Judge Bartlett responded, by the decision of the Justices of the Peace themselves, yes.

Supervisor Johnson stated that most of the credits come off of Interstate 15, and Court Administrator Avila stated that there is only a 2% difference between filings in Scenic and the rest of the areas. He questioned what an average day's caseload is.

Acting County Manager Hlavac advised that in the data he provided, of all the cases filed, 90% of the case filings come from outside the precinct. He advised that of the two locations, the western half barely outpaces the eastern half.

Supervisor Johnson stated that, in his opinion, Judge Bartlett was talking about the future and the projected population Mr. Gall brought up. He stated that part of the Board's job is to look towards the future of the County, and, hopefully, build where the population is going to be because we don't want to be behind the curve. He stated that we should be looking to locate our Court facility in the Scenic area. He stated that the area is a long way from 800 credits; however, if they reach that number, we will look at splitting. He stated that he believes there will be growth in the Scenic area in the years to come, and we have the Adair property where we will place the modular for the Sheriff and County Attorney. He stated that if things grow in that area, we will have a location. He stated that he does not think we currently have the money to build two facilities. He stated that this recommendation is to expend the funds in the Scenic area.

Supervisor Watson advised that he spent most of the weekend talking to a number of people in the Colorado City area. He advised that he spoke with Mr. Zitting, who is a qualified contractor. He advised that Mr. Zitting was in contact with a number of people in the community, and they would like to donate their time and service if the County can put together a program to place a facility in both areas. He stated that, for the next couple of weeks, he would like to have staff spend time identifying and possibly utilizing all the donations, whether in the form of capital, or labor and skills. He stated that perhaps we can put a program together to provide services in both areas.

Motion was made by Supervisor Watson to direct staff to identify and utilize all donations, including services and labor, along with capital monies, for the providing of two locations (Adair and Black properties), and report back to the Board in a couple of weeks.

Supervisor Watson stated that he thinks we will be delightfully astounded by the amount of capital and services the people in the Colorado City so generously offered.

Chairman Sockwell stated that he would like to see everyone agree on this because we have been "kicking this ball" around for a long time, and it needs to be settled.

Supervisor Johnson stated that he agrees with Chairman Sockwell, and feels the decision should be made today. He stated that, while we have these generous offers made to Supervisor Watson, if you go back prior meetings, the Colorado City people stated they did not want the County anywhere near their area, and, in fact, want us completely out. He stated that he is not taking their word as truth.

Supervisor Watson stated that he would like two more weeks to identify the generous offers, and perhaps we can entertain two locations. He stated that it would be a shame to not recognize the availability of the donations.

Acting County Manager Hlavac advised that the September 21, 2009, BOS Meeting was canceled; therefore, it will be a four week delay.

Motion was seconded by Chairman Sockwell.

Supervisor Johnson stated that staff needs to look at the extra money it will cost to run two facilities. He stated that other courts have a lot more credits, and we are looking at splitting a facility with 200 credits, and that bothers him.

Supervisor Watson stated that he understands Supervisor Johnson's concern; however, with two facilities, we would not only have the Court in the facilities, but also the Sheriff's Office, Development Services, etc. He stated that he is recommending the start of two campuses in those areas for the County's many services.

The following roll call votes were recorded: Supervisor Johnson – No, Supervisor Watson, Yes, Chairman Sockwell – Yes. Motion carried by majority vote to direct staff to identify and utilize all donations, including services and labor, along with capital monies, for the providing of two locations (Adair and Black properties), and report back to the Board in a couple of weeks.

ITEM 65: Motion was made by Supervisor Johnson, seconded by Chairman Sockwell, and unanimously carried to cancel the November 2, 2009, Board of Supervisors Meeting.

ITEM 66: The meeting continued with the item regarding approving and ratifying staff direction to negotiate with Jeffery C. Stone, Inc., dba Summit Builders, for Mohave County Probation Department (Negus Building) Remodel, Project No. MC07-14120, Contract No. 09-B-07, on future additional requests for compensation due to unforeseen conditions to avoid delay of work; and approve compensation from available Contract Contingency funds, not to exceed the total \$150,000.00 Contract Contingency already included in the Contract with a Finalized Change Order brought back to the Board of Supervisors for final approval.

Acting County Manager Hlavac advised that this item gives staff the opportunity to make modifications, as necessary, within the Contract Contingency in the absence of a Board meeting.

Supervisor Johnson questioned how much money is left since they received approval to spend thousands of dollars earlier in the meeting. He questioned if there is anything left in contingency or if staff is bound and determined to spend every penny.

Acting County Manager Hlavac stated that there is approximately \$70,000 in Contingency.

Supervisor Johnson stated that half has been spent, and now they want to spend the other half.

Acting County Manager Hlavac stated that he does not think staff wants to spend the money; they just don't want to slow the project down because there is no Board meeting.

Supervisor Johnson stated that it seems like every time we do a project, staff keeps coming back and hitting the money over and over. He questioned if there is something wrong with the bidding process; is Procurement not bidding it out right. He questioned why nothing ever comes in under bid.

Director Latoski advised that the project scope of work entails identifying the end product. He stated that in the course of the remodeling process there has been identification of items which are deemed unforeseen.

In response to Supervisor Johnson, Director Latoski advised that, because of the dynamic of the remodel, they anticipate these unforeseen circumstances may be brought to staff's attention over the course of the next two to four weeks. He advised that any final changes will be brought back to the Board for ratification of approval. He stated that they do not currently have specifics regarding any additional work; there is some indication that the Contractor is currently investigating the status of the plumbing, electrical, mechanical system, and structural elements.

Motion was made by Chairman Sockwell, seconded by Supervisor Watson, and unanimously carried to approve and ratify staff direction to negotiate with Jeffery C. Stone, Inc., dba Summit Builders, for Mohave County Probation Department (Negus Building) Remodel, Project No. MC07-14120, Contract No. 09-B-07, on future additional requests for compensation due to unforeseen conditions to avoid delay of work; and approve compensation from available Contract Contingency funds, not to exceed the total \$150,000.00 Contract Contingency already included in the Contract with a Finalized Change Order brought back to the Board of Supervisors for final approval.

ITEM 65: Chairman Sockwell advised that he overlooked Ms. Hoag, who had requested to speak on Item 65.

Victoria Hoag, Kingman resident, requested that the Board consider postponing the review and vote regarding the Sun West Biofuel zoning scheduled for the October 5, 2009, BOS Meeting, while they are considering postponing the November 2, 2009, BOS Meeting. She talked about specific items related to Sun West Biofuel.

Supervisor Johnson advised that Ms. Hoag's comments were not relative to the agenda item.

Ms. Hoag stated that if the Board is postponing the meeting, she is merely asking that this October item be postponed until November.

Supervisor Johnson stated that if she wants an item to be agendaized she needs to speak to the County Manager or one of the District Supervisors. He advised that the Board cannot act on an item that is not agendaized.

In response to Ms. Hoag, Supervisor Watson advised that he would be more than happy to meet with anyone at anytime.

ITEM 67: Motion was made by Supervisor Johnson, seconded by Chairman Sockwell, and unanimously carried to authorize the following actions: 1) the acquisition of a Low Power Television/Translator Broadcast License from the Needles Community TV Club, Inc.; 2) the County Manager to execute all pertinent documents; and 3) the expenditure of funds from the Television District budget (861-01-4960) to acquire new digital-compatible equipment.

ITEM 51: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-169 - Acceptance of the streets constructed within North Point Subdivision, Tract 3073-A, into the Mohave County Road Maintenance System for maintenance as a pave surfaced road to the degree of improvement at which it is accepted.

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

Motion was made by Supervisor Johnson, seconded by Supervisor Watson, and unanimously carried to adopt BOS Resolution No. 2009-169, as stated.

ITEM 52: Chairman Sockwell opened the Public Hearing regarding considering the adoption of new park fee schedules for Davis Camp and Hualapai Mountain Park.

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

Motion was made by Supervisor Watson, seconded by Chairman Sockwell, and unanimously carried to adopt new park fee schedules for Davis Camp and Hualapai Mountain Park.

ITEM 53: Chairman Sockwell opened the Public Hearing regarding considering the placement of a lien for a dangerous building abatement in the amount of \$4,550.60, in accordance with Section 110 of the International Property Maintenance Code, against Lot 49, Block 41, New Kingman Addition, Unit 5, Township 22 North, Range 16 West, Sections 27 and 28. Assessor's Parcel Number 324-03-554, also known as 3865 E. Northfield Ave, Kingman, Arizona; owners of record are Nathan R. and Sarah Nobles.

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

Motion was made by Supervisor Watson, seconded by Chairman Sockwell, and unanimously carried to place a lien for a dangerous building abatement in the amount of \$4,550.60, in accordance with Section 110 of the International Property Maintenance Code, against Lot 49, Block 41, New Kingman Addition, Unit 5, Township 22 North, Range 16 West, Sections 27 and 28. Assessor's Parcel Number 324-03-554, also known as 3865 E. Northfield Ave, Kingman, Arizona; owners of record are Nathan R. and Sarah Nobles.

ITEM 54: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-209 - Adoption of Ordinance No. 2009-04 amending Ordinance No. 2009-02 updating the Mohave County Building Ordinance Section 3, Applicability and the "Fees" Section of Ordinance No. 2009-02 implementing Building Amnesty Permit Fees to administer the Building Amnesty Permit Program in the unincorporated areas of Mohave County.

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

Motion was made by Supervisor Watson, and seconded by Chairman Sockwell to adopt BOS Resolution No. 2009-209, as stated.

Supervisor Johnson advised that at the last meeting the Board asked for a list of people who this entails, and he does not have a list. He stated that he sees something pulled out of thin air stating that these people could possibly make a request, and could possibly have a problem. He stated that we are giving away money that should be going into County funds; people had an opportunity for amnesty, along with an extension. He stated that we have fined people in the past to bring their property up to code; therefore, he does not believe this is the right thing to do, especially in these economic times.

Supervisor Watson stated that this is to cover people who walked in unknowingly, and are not guilty. He stated that he realizes some people have come forth and paid. He advised that the adoption of this ordinance will protect those that are unknowing co-conspirators. He stated that Director Hont might be able to explain it so Supervisor Johnson better understands.

Supervisor Johnson stated that he understands, but people had an opportunity; the amnesty program was public. He advised that the Board, at that time, argued over whether to extend the first amnesty period. He stated that he has not received a list of names of all the hundreds of people who came in and were unable to do the right thing. He questioned if it is a secret, or if Development Services just made this up, saying we want to do this, and this is our idea. He stated that the amnesty goes on forever; there is no end to this. He stated that this is not good government.

Director Hont advised that there have been 253 permits issued in the former overlay zone, and there are 92 pending permits. He advised that there were 84 permits submitted and not followed up on, but they know there are structures on them. He stated that they do not have an exact number, they have to guess; however, there are thousands of structures in the former overlay area, and many of them could be affected. He stated that September 1, 2007, the building overlay was extended and there was a grace period, and the people should have come forward. He stated that the people who fell through the cracks were those that bought homes, inherited property, or purchased from a builder that went out of business, and now want to make an addition. He stated that the economic situation has also changed, previously you could get a loan without having a certificate of occupancy, and in the current economic times it is difficult to get a loan, even for an addition. He stated that amnesty will be granted on a case by case basis; it will not be automatic. He stated that the department will still charge for all services performed.

In response to Chairman Sockwell, Director Hont advised that this is not mandatory; it will be done on a case by case basis, and the applicant will have to prove they are innocent. He stated that he understands Supervisor Johnson's concerns because there are guilty parties; however, some of the contractors were guilty as well. He stated that this amnesty will be for innocent homeowners.

Supervisor Johnson stated that when the County granted amnesty before, and then extended it, it was because the biggest complaints concerned the Colorado City area, where they were having a hard time getting their permits filed. He advised that there were also people in the Yucca area and Golden Valley area who had done their own remodeling or building, and needed to be brought into compliance. He stated that the only reason people are coming in now is because they purchased a new home, went through a title company that should have caught this, and now they want to add on and they don't want to pay the County the money that is due. He stated we have already had other people pay, so if the Board is going to do this, we should be refunding every dime that has been taken from the people who did what they were asked to do.

Chairman Sockwell stated that this can ultimately affect the sale of a piece of property, or getting a loan if it has not been through an inspection process.

Director Hont concurred with Chairman Sockwell, stating that people have trouble getting a loan because of the economic times. He stated that people get title reports but it does not show if the home had a building permit. He stated that Supervisor Johnson is correct, in the past, the full building fees were charged, which was approximately \$2,600 for a typical home. He stated that the intent is to help those whose homes were built properly, and have financial difficulties, but were innocent.

The following roll call votes were recorded: Supervisor Johnson – No, Supervisor Watson – Yes, Chairman Sockwell – Yes. Motion carried by majority vote to adopt BOS Resolution No. 2009-209, as stated.

ITEM 55: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-213 - Extension of Time for a Rezone of a portion of the SW 1/4 SW 1/4 of Section 24, Township 19 North, Range 22 West, from A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone to C-2 (General Commercial) and C-MO (Commercial-Manufacturing/Open Lot Storage) zones, in the South Mohave Valley Area (northeast corner of El Rodeo Road and Mountain View Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Sockwell, seconded by Supervisor Watson, and unanimously carried to adopt BOS Resolution No. 2009-213, as stated.

ITEM 56A: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-219 - Minor Amendment to the Mohave County General Plan for a portion of the SE 1/4 of Section 22, Township 41 North, Range 6 West, from RDA (Rural Development

Area) land use designation to SDA (Suburban Development Area) land use designation, and amending Exhibits VI.4 and VI.5 of the General Plan to match, in the Arizona Strip Area (north of Liberty Lane between U.S. Highway 389 and Yellowstone Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2009-219, as stated.

ITEM 56B: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-220 - Zoning Use Permit on a portion of the SE 1/4 of Section 22, Township 41 North, Range 6 West, for a manufactured home park in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Arizona Strip Area (north of Liberty Lane between U.S. Highway 389 and Yellowstone Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2009-220, as stated.

ITEM 57: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-228 - Grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification as specified in BOS Resolution No. 2004-357, which approved the Rezone of a portion of Lot 7, Paradise Acres, Unit 1, in Section 14, Township 21 North, Range 18 West, in the Golden Valley Area (south of State Highway 68 between Aztec Road and Bacobi Road), Mohave County, Arizona. **(Commission rescinded by unanimous vote.)**

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

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2009-228, Approving a Rescission.

ITEM 58B: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-230 - Minor Amendment to the Mohave County General Plan for Parcel 135, Cedar Hills Ranches, Unit 9, in Section 25, Township 21 North, Range 13 West, from a SDA (Suburban Development Area) land use designation to RDA, RI (Rural Development Area, Rural Industrial) land use designation to allow for a solar power renewable energy facility, and amending Exhibit VI.4 of the General Plan to match, in the Mohave County General Area (north of Interstate 40 and east of Hackberry Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2009-230, as stated.

ITEM 58A: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-229 - Zoning Use Permit on Parcel 135, Cedar Hills Ranches, Unit 9, in Section 25, Township 21 North, Range 13 West, for a solar power renewable energy facility in an A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone, in the Mohave County General Area (north of Interstate 40 and east of Hackberry Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2009-229, as stated.

ITEM 59: Chairman Sockwell opened the Public Hearing regarding the adoption of BOS Resolution No. 2009-234 – Approving Ordinance No. 2009-07 – Amending Portions of Sections 3.10 and 3.11 of the Mohave County Land Division Regulations, As Amended, for the unincorporated parts of Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Sockwell, seconded by Supervisor Johnson, and unanimously carried to adopt BOS Resolution No. 2009-234, as stated.

There being no further business to come before the Board of Supervisors this 8th day of September, 2009, **motion was made by Supervisor Johnson, seconded by Chairman Sockwell, and unanimously carried to adjourn at 11:21 A.M.**

MOHAVE COUNTY BOARD OF SUPERVISORS

Tom Sockwell, Chairman

ATTEST:

Barbara Bracken, Clerk of the Board