

**MINUTES
OF THE
LA PAZ COUNTY BOARD OF SUPERVISORS
Monday, January 4, 2021, 10:00 a.m.
Regular Meeting**

Supervisor Irwin called the January 4, 2021, regular meeting of the La Paz County Board of Supervisors to order at 10:00 a.m. Elected Officials and Department Heads present were: Supervisor Holly Irwin, Supervisor Duce Minor (telephonically), Supervisor David Plunkett, Chief Deputy County Attorney Ryan Dooley, Finance Director Terry Krukemyer, Elections Director Kevin Scholl, IT Tech Joey Lucas, School Superintendent Dru Waggoner, Human Resources Director Mary Frantz, Community Development Director Tonya Hoogerwerf, Assessor Ana Camacho, and Clerk of the Board Diane Green.

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

Approve to appoint the positions of Chairman and Vice Chairman

Supervisor Minor explained the 16-month term typically assigned members of the Board as Chairman and Vice-Chairman, suggesting that an annual term be assigned.

SUPERVISOR IRWIN MOVED to appoint Supervisor Plunkett as Chairman.

Supervisor Plunkett expressed that he would decline any appointment of himself as Chairman at this time.

SUPERVISOR IRWIN WITHDREW HER MOTION.

SUPERVISOR PLUNKETT MOVED to appoint Supervisor Minor as Chairman and Supervisor Irwin as Vice-Chairman for a term of twelve (12) months. Motion seconded by Supervisor Minor, passed unanimously, including the vote by Supervisor Irwin.

Presentation: La Paz County Elections

Deputy Elections Director Olsen gave a PowerPoint presentation on the overview of the Elections Department and how it dealt with the COVID-19 issue; grants associated with elections that allowed for additional elections equipment and training.

She stated that grants were very helpful in doubling the amount of election equipment in the department as well as for use in the Board Room, such as for security cameras; and it helped fund election workers and their training.

She recognized Elections Director Kevin Scholl's retirement, presenting him with a certificate for his years in the Recorder's office as well as in Elections.

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

Rachelle Kelly expressed concern over the amount of crime in her community and the length of time it took for law enforcement to respond.

Robert Reed reported repeated incidences of theft at his address; and expressed that he distrusted voting machines.

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

Chairman Minor and Chairman Irwin expressed congratulations to new and returning elected officials, noting David Plunkett as the new Supervisor for District #1.

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

- a. **Approve La Paz County Payroll, from December 17, 2020, through December 30, 2020, in the amount of \$497,651.03, plus employer related expenses (ERE), in the amount of \$228,803.76, for a total of \$726,454.79-
*Finance***

Approve La Paz County Payroll, from December 17, 2020, through December 30, 2020, in the amount of \$497,651.03, plus employer related expenses (ERE), in the amount of \$228,803.76, for a total of \$726,454.79.

- b. **Approve La Paz County payables, as presented, for FY2020/2021, in the amount of \$806,889.19 - Finance**

Approve La Paz County payables, as presented, for FY2020/2021, in the amount of \$806,889.19.

- c. **Appoint legal counsel, Roberta Livesay, to represent La Paz County in Case No. TX2020-000999, Quartzsite Apartments - County Attorney**

Appoint legal counsel, Roberta Livesay, to represent La Paz County in Case No. TX2020-000999, Quartzsite Apartments, based on the term of the previous fee agreement.

- d. **Approve the appointment of Justice Court Pro Tempore, Paul Julien, Lawrence King, James Putz-Artrup, Pam Shirley, Larry Kubacki, Jasmine Salazar, Jewel Elam, Ashli Ruvo and Diane Jones-Zakrajsek as Pro Tempore Justices of the Peace for all Justice Courts in La Paz County, pursuant to A.R.S. 22-121(A), from January 1, 2021, through December 31, 2021, without compensation - Superior Court Clerk**

Approve the appointment of Justice Court Pro Tempore, Paul Julien, Lawrence King, James Putz-Artrup, Pam Shirley, Larry Kubacki, Jasmine Salazar, Jewel Elam, Ashli Ruvo and Diane Jones-Zakrajsek as Pro Tempore Justices of the Peace for all Justice Courts in La Paz County, pursuant to A.R.S. 22-121(A), from January 1, 2021, through December 31, 2021, without compensation.

- e. **Approve Arizona Supreme Court Administrative Office grant funding agreement for court security improvements, providing \$11,719.00, for ballistic panels for the Quartzsite Justice Court; retroactive to May 1, 2020 to June 30, 2021 -JP4**

Approve Arizona Supreme Court Administrative Office grant funding agreement for court security improvements, providing \$11,719.00, for ballistic panels for the Quartzsite Justice Court; retroactive to May 1, 2020, to June 30, 2021.

- f. **Approve to acknowledge receipt of the 2021 Abstract of Assessment from the Assessor - *Clerk of the Board***

Approve to acknowledge receipt of the 2021 Abstract of Assessment from the Assessor.

- g. **Approve recommendation to the Arizona Department of Liquor Licenses for Special Event License submitted by Linda Darland on behalf of the McMullen Valley Chamber of Commerce for their annual Chili Cook Off to be held on February 20, 2021, pending approval by the La Paz County Health Department - *Clerk of the Board***

Approve recommendation to the Arizona Department of Liquor Licenses for Special Event License submitted by Linda Darland on behalf of the McMullen Valley Chamber of Commerce for their annual Chili Cook Off to be held on February 20, 2021, pending approval by the La Paz County Health Department.

- h. **Approve to publish the Notice of Sale of Real Estate Held by the State of Arizona by Tax Deed pursuant to A.R.S. 42-18301, to occur on January 26, 2021, at 9:00 a.m. - *Clerk of Board***

Approve to publish the Notice of Sale of Real Estate Held by the State of Arizona by Tax Deed pursuant to A.R.S. 42-18301, to occur on January 26, 2021, at 9:00 a.m.

- i. ***Sitting in as the Jail District Board of Directors:***

- 1. **Approve La Paz County Jail Payroll from December 17, 2020, through December 30, 2020, in the amount of \$55,849.90, plus employer related expenses (ERE), in the amount of \$32,520.17, for a total of \$88,370.07, including handwritten warrants - *Finance***

Approve La Paz County Jail Payroll from December 17, 2020, through December 30, 2020, in the amount of \$55,849.90, plus employer related expenses (ERE), in the amount of \$32,520.17, for a total of \$88,370.07, including handwritten warrant.

- 2. **Approve La Paz County Jail District payables, as presented, for FY2020/2021, in the amount of \$71,708.32, including handwritten warrants - *Finance***

Approve La Paz County Jail District payables, as presented, for FY2020/2021, in the amount of \$71,708.32, including handwritten warrants.

SUPERVISOR PLUNKETT MOVED to approve Consent Agenda Items #7(a) through #7(i). Motion seconded by Chairman Minor, passed unanimously, including the vote by Vice-Chairman Irwin.

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

Vice-Chairman Irwin requested that items #16 and #17 be moved up from the agenda for consideration.

Adopt Resolution No. 2021-02, approving the proceedings of The Industrial Development Authority of the County of La Paz, Arizona relative to the issuance by The Industrial Development Authority of the County of La Paz, Arizona of one or more series of its tax-exempt and taxable education facility lease revenue bonds in an aggregate principal amount not to exceed \$30,000,000 for Harmony Education Foundation-Harmony Public Schools Project Series 2021A and Series 2021B - Board of Supervisors

Gary Drummond, of Sallquist & Drummond PC, legal counsel for the Industrial Development Authority (IDA), explained that the IDA has met this morning and approved this item to go forward to the Board of Supervisors.

He explained at length bonds associated with the resolution and the authority the State of Arizona gave the IDA to issue bonds outside the state. He explained that the Harmony Education Foundation sought to build a facility in El Paso, Texas, and the Arizona law allowed these type of bonds for projects as long as there was a public benefit. He added that the IDA would be due the closing fee and annual fees for up to ten years; this is not the first bonds issued for the foundation.

He further explained that there were no liabilities to the County associated with this transaction; and the Arizona Attorney General has been notified as required.

Chairman Minor thanked Mr. Drummond for his presentation, noting that the IDA has assisted many organizations in the County, as well as the County itself, significantly. He thanked Randy Hartless for handling their grant program.

Vice-Chairman Irwin expressed appreciation for the IDA and their assistance to those in her district.

VICE-CHAIRMAN IRWIN MOVED to adopt Resolution No. 2021-02, approving the proceedings of The Industrial Development Authority of the County of La Paz, Arizona relative to the issuance by The Industrial Development Authority of the County of La Paz, Arizona of one or more series of its tax-exempt and taxable education facility lease

revenue bonds in an aggregate principal amount not to exceed \$30,000,000 for Harmony Education Foundation-Harmony Public Schools Project Series 2021A and Series 2021B. Motion seconded by Supervisor Plunkett, passed unanimously, including the vote by Chairman Minor.

Adopt Resolution No. 2021-03, delegating to the Chairman authority to approve, for purposes of Section 147(f) of the Internal Revenue Code of 1986, the tax-exempt bonds of The Industrial Development Authority of the County of La Paz, Arizona for the Harmony Education Foundation – Harmony Public schools Project in an aggregate principal amount not to exceed \$30,000,000 - Board of Supervisors

Gary Drummond, counsel for the Industrial Development Authority (IDA) requested approval of the adoption of Resolution No. 2021-03.

VICE-CHAIRMAN IRWIN MOVED to adopt Resolution No. 2021-03, delegating to the Chairman authority to approve, for purposes of Section 147(f) of the Internal Revenue Code of 1986, the tax-exempt bonds of The Industrial Development Authority of the County of La Paz, Arizona for the Harmony Education Foundation – Harmony Public schools Project in an aggregate principal amount not to exceed \$30,000,000. Motion seconded by Chairman Minor, passed unanimously, including the vote by Supervisor Plunkett.

Discussion and possible action to appoint David Plunkett, Supervisor District #1, to various boards and commissions - Clerk of the Board

Chairman Minor explained that there are various boards and commissions the Board of Supervisors were appointed to, and former Supervisor Wilson served on many boards, representing District #1.

Supervisor Plunkett stated that he just recently obtained the list of Boards and Commissions the Supervisors were assigned to, and he wished to spend more time on the list and to continue this item to a future meeting.

Chairman Minor agreed to the continuance, noting that he would be willing to serve on the County Supervisors Association (CSA) Legislative Policy Committee.

Supervisor Plunkett agreed to the Chairman's offer.

VICE-CHAIRMAN IRWIN MOVED to appoint Chairman Minor to the CSA Legislative Policy Committee. Motion seconded by Supervisor Plunkett, passed unanimously, including the vote by Chairman Minor.

SUPERVISOR PLUNKETT MOVED to continue the appointments of Supervisors to various boards and commissions to the next regular meeting. Motion seconded by Vice-Chairman Irwin, passed unanimously, including the vote by Chairman Minor.

Discussion and possible action to appoint Duce Minor, Supervisor District #2, to various boards and commissions - *Clerk of the Board*

(This item was continued to the next regular meeting)

Discussion and possible action to appoint Holly Irwin, Supervisor District #3, to various boards and commissions - *Clerk of the Board*

(This item was continued to the next regular meeting)

Public Hearing: Docket Z2020-010, Eleanor G. Stephan Trust/Cienega Springs, APN 311-41-321; requesting to rezone from R-3 (Residential- High Density) to C-2 (Commercial) for the purpose of recreating "The Oasis" bar and restaurant; located at 31770 Cienega Springs Rd., AZ 85344; Section 22, Township 10N, Range 19W; approved unanimously by the Planning & Zoning Commission on December 3, 2020, 5-0 - Community Development

Community Development Director Hoogerwerf presented Docket Z2020-010, Eleanor G. Stephan Trust/Cienega Springs, APN 311-41-321, noting that seventeen (17) notifications were mailed to property owners and no comments in opposition was received within or outside the 300 feet required for notification.

She reported that the Health Department/Review Committee commented that the property owner would need to get approvals from the Health Department before approval of the construction plans. She added that the Planning & Zoning Commission unanimously approved the project.

Vice-Chairman Irwin opened the Public Hearing and asked if anyone wished to comment on the request for rezoning.

Brandon Kilgore, the applicant, gave a brief history on the property and his plans going forward. He added that the project was aimed at family entertainment and the bar was not intended for late night.

There being no further comment, Vice-Chairman Irwin closed the Public Hearing.

Discussion and possible action regarding Docket No. Z2020-010, Eleanor G Stephan Trust/Cienega Springs, APN: 311-41-321, requesting to rezone from R-3 (Residential-High Density) to C-2 (Commercial) for the purpose of recreating "The Oasis" bar and restaurant located at 31770 Cienega Springs Rd., AZ 85344; Section 22, Township 10N, Range 19W; approved unanimously by the Planning & Zoning Commission on December 3, 2020, 5-0 - Community Development

Chairman Minor stated that he was able to meet with Mr. Kilgore and "looks like a great project".

Supervisor Plunkett expressed that it was good to hear it would be a quiet establishment although next to a bar.

CHAIRMAN MINOR MOVED to approve Docket No. Z2020-010, Eleanor G Stephan Trust/Cienega Springs, APN: 311-41-321, requesting to rezone from R-3 (Residential- High Density) to C-2 (Commercial) for the purpose of recreating "The Oasis" bar and restaurant located at 31770 Cienega Springs Rd., AZ 85344; Section 22, Township 10N, Range 19W; approved unanimously by the Planning & Zoning Commission on December 3, 2020, 5-0. Motion seconded by Supervisor Plunkett, passed unanimously, including the vote by Vice-Chairman Irwin.

Public Hearing: Docket number Z2020-011, Kathleen Habermann, APN 311-41-328, requesting to rezone from C-2 (Commercial) to R-1 (Residential, low density) as a stipulation of their Homeowner's Association in order to develop the property as desired; approve unanimously by the Planning & Zoning Commission at, at their 12/3/2020 meeting - Community Development

Community Development Director Hoogerwerf presented Docket number Z2020-011, Kathleen Habermann, APN 311-41-328, noting that 38 notifications were mailed and no responses in opposition were received in or out of the 300-foot range.

She noted that WAPA requested to be contacted before approval of plans, adding that the Planning & Zoning Commission unanimously approved the project.

Vice-Chairman Irwin opened the Public Hearing and asked if anyone wished to comment on the request for rezone.

There being no comment, Vice-Chairman Irwin closed the Public Hearing.

Discussion and possible action regarding Docket No. Z2020-011, Kathleen Habermann, APN 311-41-328; requesting to rezone from C-2 (Commercial) to R-1 (Residential, low density) as a stipulation of their Homeowner's Association in order to develop the property as desired; approve unanimously by the Planning & Zoning Commission at their 12/3/2020 meeting - Community Development

Vice-Chairman Irwin asked the Board if there were any questions or comments. He added that the project did receive an approval by the Homeowners Association (HOA).

CHAIRMAN MINOR MOVED to approve Docket No. Z2020-011, Kathleen Habermann, APN 311-41-328; requesting to rezone from C-2 (Commercial) to R-1 (Residential, low density) as a stipulation of their Homeowner's Association in order to develop the property as desired; approve unanimously by the Planning & Zoning Commission at their 12/3/2020 meeting. Motion seconded by Vice-Chairman Irwin, passed unanimously, including the vote by Supervisor Plunkett.

Adopt Resolution No. 2021-01, adoption of the 2020 La Paz County Multi-Jurisdictional Hazard Mitigation Plan - *Emergency Management*

Emergency Management Administrative Assistant Amparo "Mimi" Hernandez explained that adoption of Resolution No. 2021-01 adopts the 2020 La Paz County Multi-Jurisdictional Hazard Mitigation Plan, which makes the County eligible for grants once it is submitted to the Federal Emergency Management Agency (FEMA).

VICE-CHAIRMAN IRWIN MOVED to adopt Resolution No. 2021-01, adoption of the 2020 La Paz County Multi-Jurisdictional Hazard Mitigation Plan. Motion seconded by Supervisor Plunkett, passed unanimously, including the vote by Chairman Minor.

Discussion and possible action to go into Executive Session pursuant to A.R.S. 38-431.03(A)(3)&(4) for discussion or consultation for legal advice to consider its position and instruct its attorney(s) regarding the public body's position regarding settlement discussions relating to TX2016-001038 (Consolidated); TX2016-001035 (Consolidated); TX-2020-000999; Quartzsite Apartments II, LP and Quartzsite Senior Apartments, LP - *County Attorney*

CHAIRMAN MINOR MOVED to go into Executive Session pursuant to A.R.S. 38-431.03(A)(3)&(4) for discussion or consultation for legal advice to consider its position and instruct its attorney(s) regarding the public body's position regarding settlement discussions relating to TX2016-001038 (Consolidated); TX2016-001035 (Consolidated); TX-2020-000999; Quartzsite Apartments II, LP and Quartzsite Senior Apartments, LP. Motion seconded by Vice-Chairman Irwin, passed unanimously, including the vote by Supervisor Plunkett.

Convene into Executive Session: 10:48 a.m.
Reconvene into Open Meeting: 11:24 a.m.

Discussion and possible action regarding settlement offer and instruct the Chair to sign on behalf of the County when the settlement documents are finalized regarding TX2016-001038 (Consolidated); TX2016-001035 (Consolidated); TX2020-000999 relating to Quartzsite Apartments II, LP and Quartzsite Senior Apartments, LP. - *County Attorney*

No action was taken.

Adjournment

Vice-Chairman Irwin adjourned the meeting at 11:26 a.m.

APPROVED:

Duce Minor, Chairman (04-05-21)

ATTEST:

Diane Green, Clerk of the Board

The following La Paz County demands were audited, approved and ordered paid by the La Paz County Board of Supervisors: 11148970, LPC Payroll, \$490,065.53; 11148799, Az State Retirement Sys, \$158,011.75; 11148801, American Family Life Assurance, \$3,054.80; 11148803, APS, \$31,273.05; 11148805, AT&T Mobility, \$3,898.06; 11148807, Az Counties Insurance Pool, \$9,909.00; 11148809, AZCOPS, \$1,008.00; 11148816, Dave's Commercial Service, \$2,500.00; 11148817, Desert Golf Cars, \$21,322.50; 11148819, Fulton Distributing, \$1,395.11; 11148820, Growers Oil Co., \$1,718.41; 11148821, Inland Kenworth, \$2,000.29; 11148822, Jack Pots Portables, \$2,055.16; 11148823, Jeffery S. Berg, \$1,596.00; 11148831, Nationwide Retirement Solutions, \$4,879.98; 11148833, Parker Auto & Marine, \$1,437.31; 11148834, Parker Funeral Home, \$4,458.24; 11148835, Parker Motor Co., \$1,943.00; 11148845, SuddenLink, \$2,427.06; 11148846, TDS Telecom, \$1,558.28; 11148847, The Masters Touch, \$4,912.70; 11148938, Schiff, Laurence MD, \$1,775.00; 11148939, Senergy Petroleum, \$16,793.42; 11148940, Shamrock Foods Co., \$1,100.74; 11148941, Simpson Norton Corp., \$3,093.96; 11148944, State Bar of Arizona, \$5,445.00; 11148951, Sunedison/DG Solar, \$3,124.82; 11148952, T & C Seal Coating, \$72,852.60; 11148953, TAMCO, \$2,736.71; 11148958, Thomson Reuters-West, \$1,263.84; 11148959, Trinity Services Group, \$17,689.92; 11148961, Vederman Law Office, \$7,220.00; 11148962, West Payment Center, \$1,798.54; 11148964, Western Detention Products, \$3,678.40; 11148968, Yuma County Financial Svcs, \$1,920.00; 11148971, All Covered, \$32,342.91; 11148982, CDW Government, \$6,447.39; 11148993, Frontier, \$1,400.08; 11149000, JP Morgan One Card, \$8,646.40; 11149005, MCI, \$1,318.19; 11149013, Precision Striping, \$27,328.00; 11149015, Reeves, Joy, \$2,205.00; 11149020, Sanofi Pasteur, \$1,286.11; 11149030, Walker & Armstrong, \$10,422.00; 11149032, Western Alliance Bank, \$131,668.75; 11149033, AHCCCS, \$17,675.00; 11149034, Reserve Account, \$3,000.00