

***MINUTES
OF THE
LA PAZ COUNTY BOARD OF SUPERVISORS
Monday, January 19, 2021, 10:00 a.m.
Regular Meeting***

Chairman Minor called the January 19, 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: Chairman Duce Minor, Vice-Chairman Holly Irwin (telephonically), Supervisor David Plunkett, Chief Deputy County Attorney Ryan Dooley, Finance Director Terry Krukemyer, Human Resources Director Mary Frantz, Community Development Director Tonya Hoogerwerf, Health Director Marion Shontz, Public Works Director Tom Simmons, Assessor Ana Camacho, and Clerk of the Board Diane Green.

Chairman Minor led the Pledge of Allegiance followed by the Invocation given by Pastor Jose Garcia of the Parker Apostolic Church.

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

George Nault, from Bouse, expressed appreciation for the officer, who "was a breath of fresh air", came into his place of business and introduced himself while in the area.

Robert Faraca expressed frustration on the "rollout" on the COVID vaccinations and wanted more information on the website.

Melissa Newton, representing the Parker Chamber of Commerce stated that their multi-agency project was successful and thanked the Sheriff's Department presence at their events.

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 Vice-Chairman Irwin expressed that the Health Department was working hard and doing a great job with what they were getting from the State, adding that the Phoenix news is putting out bad information. He added that as soon as the vaccine is received, it gets to the people.

Health Department Director Shontz concurred, adding that their department is as frustrated as everyone else as they are unable to plan clinics if they don't have the vaccine. She noted the allocations of vaccine sent to the County, with the biggest allocation being 1400 in an area in which there are over 100,000 visitors. She stated that she had hopes to plan something next week.

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

- a. **Approval Minutes of the Monday, November 2, 2020, 10:00 a.m., Regular Meeting – Clerk of the Board**

Approval Minutes of the Monday, November 2, 2020, 10:00 a.m., Regular Meeting.

- b. **Approve La Paz County Payroll, from December 31, 2020, through January 13, 2021, in the amount of \$476,441.17, plus employer related expenses (ERE), in the amount of \$153,120.96, for a total of \$629,562.13 - Finance**

Approve La Paz County Payroll, from December 31, 2020, through January 13, 2021, in the amount of \$476,441.17, plus employer related expenses (ERE), in the amount of \$153,120.96, for a total of \$629,562.13.

- c. **Approve La Paz County payables, as presented, for FY2020/2021, in the amount of \$427,932.66 - Finance**

Approve La Paz County payables, as presented, for FY2020/2021, in the amount of \$427,932.66.

- d. **Approve to accept funds from Arizona Public Service - Sheriff**

Approve to accept funds from Arizona Public Service in the amount of \$3,000 for tuition and training of canine deputies.

- e. **Approve to appoint and transfer Sheriff's Office Captain to the position of Emergency Management Director; a vacant and budgeted position - Human Resources**

Approve to transfer and appoint Captain Curtis Bagby to the position of Emergency Management Director; effective February 1, 2021, at an annual salary of \$71,385.60 (M020/Step 1), a vacant and budgeted position.

- f. **Approval to accept community grant funds from Walmart, in the amount of \$1,500 for the Sheriff's Office K9 program for training - *Sheriff***

Approval to accept community grant funds from Walmart, in the amount of \$1,500 for the Sheriff's Office K9 program for training.

- g. **Approve acceptance of Arizona Department of Homeland Security (AZDOHS) Operation Stone Garden Grant Funding - *Sheriff***

Approve acceptance of Arizona Department of Homeland Security (AZDOHS) Operation Stone Garden Grants, Contract 20-AZDOHS-OPSG-200439-01 for \$105,587 (overtime and mileage) and Contract 20-AZDOHS-OPSG-200439-02 for \$20,334 for (license plate reader) equipment.

- h. **Approve Implementation Agreement with Town of Quartzsite concerning One Arizona Opioid Settlement Memorandum of Understanding (MOU) - *County Attorney***

Approve Implementation Agreement with Town of Quartzsite concerning One Arizona Opioid Settlement Memorandum of Understanding (MOU).

- i. **Approve recommendation to the Arizona Department of Liquor Licenses & Control for Special Event License application submitted by Lynnda Sweeney on behalf of the Soroptimist International of the Americas dba Soroptimist International Parker, for a fundraiser Saturday, March 27, 2021, at the La Paz County Park - *Clerk of the Board***

Approve recommendation to the Arizona Department of Liquor Licenses & Control for Special Event License application submitted by Lynnda Sweeney on behalf of the Soroptimist International of the Americas dba Soroptimist International Parker, for a fundraiser Saturday, March 27, 2021, at the La Paz County Park.

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

- 1. **Approve La Paz County Jail Payroll from December 31, 2020, through January 13, 2021, in the amount of \$59,937.30, plus employer related expenses (ERE), in the amount of \$12,015.26, for a total of \$71,952.56, including handwritten warrants - *Finance***

Approve La Paz County Jail Payroll from December 31, 2020, through January 13, 2021, in the amount of \$59,937.30, plus employer related expenses (ERE), in the amount of \$12,015.26, for a total of \$71,952.56, including handwritten warrants.

2. Approve La Paz County Jail District payables, as presented, for FY2020/2021, in the amount of \$45,383.46, including handwritten warrants - Finance

Approve La Paz County Jail District payables, as presented, for FY2020/2021, in the amount of \$45,383.46, including handwritten warrants.

VICE-CHAIRMAN IRWIN MOVED to approve Consent Agenda Items #5(a) through #5(j). Motion seconded by Supervisor Plunkett, passed unanimously, including the vote by Chairman Minor.

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

Chairman Minor announced that item #16 on the agenda would be moved up for consideration by the Board.

Approve to create the Grant funded position of Medical Outreach Facilitator for the Health Department, Public Health Emergency Preparedness division - Human Resources

Health Coordinator Bachman stated this grant position is being requested to work with two programs dealing with the COVID grants and opioid outreach.

Human Resource Director Frantz stated that the grant funded position was created with a job description that aligned with what the Health Departments needs and the Arizona Department of Health, which will be posted after Board approval.

CHAIRMAN MINOR MOVED to approve to create the Grant funded position of Medical Outreach Facilitator for the Health Department, Public Health Emergency Preparedness division. Motion seconded by Vice-Chairman Irwin, passed unanimously, including the vote by Supervisor Plunkett.

Public Hearing: Docket No. Z2020-007, Eleanor G Stephan Trust, APN(s) 311-41-003C & 311-41-003D, requesting to rezone from Transitional Residential (TR) to Commercial (C-2) for the purpose of adding a new commercial cell phone tower for Verizon Wireless, continued from the November 2, 2020, regular meeting of the Board of Supervisors - Community Development

Community Development Director Hoogerwerf presented Docket No. Z2020-007, Eleanor G Stephan Trust, APN(s) 311-41-003C & 311-41-003D, requesting to rezone from Transitional Residential (TR) to Commercial (C-2). She stated four notices were posted, with 73 notification letters were mailed; 10 public comments received opposed the project, 3 were returned with insufficient addresses and unable to forward; however, those property owners did sign the petition. She added that there were 37 public comments opposing the project from outside the 30-foot radius; one anonymous letter and 7 anonymous phone calls in support of the project.

She added the Planning & Zoning Commission had unanimously approved the project on January 7, 2021. She described the surrounding property zones; reported Review Committee comments from Western Arizona Power Administration (WAPA) notifying the property owner they had deeded access to their lines and any road construction would need to take that into consideration. She further added that Staff recommended approval.

Chairman Minor opened the Public Hearing and asked if anyone wished to comment on the request for a rezone.

Brandon Kilgore, the applicant, explained the history of the parcels. He stated that Verizon had conducted a study and felt that this location would be the best location to best serve the area.

Greg Short, Daniel Fernandez, Alissa Kovich, and Mike Barberie expressed they were not in support of the tower, suggesting that more time be given for others to find out whether another location would be better, noting the dimensions were an "aesthetics nightmare"; questioned how long the technology would last, and expressed concerns over radiation and health.

Robert Faraca, Karen Hess, Chief Mahoney of Buckskin Fire District, Randy Tucker, Tracy Goldberg, and Morris Hunter expressed support for the tower stating that it was "critical" to infrastructure and emergency response in an area where cell phone service was very "spotty"; the positives outweighed the negatives; and did not feel it was a detriment to health from the studies read; adding that the amounts of energy produced was "thousands below the limits set by the Federal Communications Commission (FCC)".

Chairman Minor thanked all those that commented, and there being no further comment, closed the Public Hearing.

Discussion and possible action regarding Docket No. Z2020-007, Eleanor G Stephan Trust, APN(s) 311-41-003C & 311-41-003D, requesting to rezone from Transitional Residential (TR) to Commercial (C-2) for the purpose of adding a new commercial cell phone tower for Verizon Wireless - Community Development

Chairman Minor asked that Nancy Garera speak as consultant and on behalf of the project.

Ms. Garera spoke at length, addressing the issues mentioned in the public hearing comments. She stated that the location was a "4G site"; noting that for the past three years different sites were studied and stated that what may look good to the naked eye may not work. She stated that the location chosen was the best site to serve the community, it would minimize the number of towers needed to give the best service.

She mentioned realtors spoken to that confirmed that property values were not adversely affected by the presence of a tower, but in fact, people looked at the availability of such services. She stated that the height of the tower was required for it to do what it needs to do, and the natural tone was to keep it from standing out as little as possible.

Supervisor Plunkett asked if the contract could address that the tower be taken out if no longer used.

Ms. Garera answered that was typical in contracts. She added that generally there would be fencing and no equipment would be visible from the street.

Chairman Minor stated that he respected and appreciated all the concerns expressed. He stated he heard repeatedly that the service was needed. He heard concerns about property values and a request for more time before a decision is made. He stated that a decision had to be made on the facts received.

Chairman Minor stated that the posting issue gave everyone a more "window of time"; and the thing that weighs heaviest is the emergency service needed that would save lives. He stated that the Board had no authority to tell Verizon where to put a cell tower; if it was proved the location chosen was the best location, then we felt it should be supported. It added that, in its entirety, it has been over a three-year process.

Supervisor Plunkett expressed that he also had health concerns, and researched the health issues involved and felt one could easily get "sucked into the rabbit hole of opinions" in both directions; however, he has come to think that a cell tower is not as dangerous as he thought with the answers that were given. He stated he had a family member that lives in that area and his decision is weighed with that knowledge.

A brief discussion ensued regarding the information available that explained away these concerns.

Vice-Chairman Irwin stated that she currently lives in a challenged area for cell phone service and has a land-line, and would not want to see opportunities for improvement lost for law enforcement and emergency responders; particularly in an area where the public engages in a number of recreational activities. She added that there will always be disagreements on the location; however, the health and safety of the County needed to be considered as a whole.

Supervisor Plunkett concurred that there will always be difficulties to deal with when there is growth.

CHAIRMAN MINOR MOVED to approve Docket No. Z2020-007, Eleanor G Stephan Trust, APN(s) 311-41-003C & 311-41-003D, requesting to rezone from Transitional Residential (TR) to Commercial (C-2) for the purpose of adding a new commercial cell phone tower for Verizon Wireless. Motion seconded by Vice-Chairman Irwin, passed unanimously, including the vote by Supervisor Plunkett.

Public Hearing: Docket No. CUP2020-002, Eleanor G. Stephan Trust, APNs: 311-41-003C, 311-41-003D; requesting a Conditional Use Permit for a new commercial cell phone tower for Verizon Wireless, continued from the Board of Supervisors regular meeting of November 2,2020 - Community Development

Community Development Director Hoogerwerf presented Docket No. CUP2020-002, Eleanor G. Stephan Trust, APNs: 311-41-003C, 311-41-003D; requesting a Conditional Use Permit or a new commercial cell phone tower for Verizon Wireless. She stated that 73 notification letters were mailed out and 10 public comments were received opposed to the project, three letters were returned. She added that 37 public comments outside the 300-foot radius received were opposed; one anonymous letter received was in support and 7 anonymous cell phone calls of support.

She added the Planning & Zoning Commission had unanimously approved the project on January 7, 2021. She described the surrounding property zones; reported Review Committee comments from Western Arizona Power Administration (WAPA) notifying the property owner they had deeded access to their lines and any road construction would need to take that into consideration. She further added that Staff recommended approval.

Chairman Minor opened the Public Hearing as asked if anyone wished to comment on the request for a Conditional Permit.

Polly Hebner and Roy Miller, both from Moovalya Estates expressed concerns, one that there would be assurance through the negotiations that the tower would be removed if/when no longer used and questions about the size of the tower were asked.

Nancy Garera, consultant with the project, indicated that other carriers could be added to the tower; however, that would depend on County code.

Discussion ensued with comments made regarding the possibility that the tower could "grow" in size.

Greg Short had questioned whether the tower would be a "pole" with the height at 206 feet and refuted the opinion of the two real estate appraisers referred to earlier regarding property values/sales.

Robert Faraca stated that he had a renter that had to leave because his work required continuous access/service of his land-line phone, and when the wi-fi went out, the phone did, and he could not get cell service; therefore, he had to move. He stated that "the story on the other side is that people need cell service these days".

There being no further comment, Chairman Minor closed the Public Hearing.

Discussion and possible action regarding Docket CUP2020-002, Eleanor G. Stephan Trust APNs: 311-41-003C, 311-41-003D; requesting a Conditional Use Permit for a new commercial cell phone tower for Verizon Wireless, in compliance with La Paz County Zoning regulations regarding Commercial Cell Phone Towers - *Community Development*

Chairman Minor asked if there were any questions by the Board.

There were no questions.

Chairman Minor added that the Board has been told that the contract stipulated that the tower would come down should it become obsolete.

Discussion ensued on whether it would be appropriate that the Board stipulate in the action taken by the Board that the tower come down should it become obsolete. .

Chief Deputy County Attorney Dooley stated that it would not be appropriate as the stipulation would be in the agreement, a private party contract. He stated that the Board could issue an ordinance that would require that; and the Board could take action to include the stipulation; however, the question would be if it would be enforceable.

CHAIRMAN MINOR MOVED to approve Docket CUP2020-002, Eleanor G. Stephan Trust APNs: 311-41-003C, 311-41-003D; requesting a Conditional Use Permit for a new commercial cell phone tower for Verizon Wireless, in compliance with La Paz County Zoning regulations regarding Commercial Cell Phone Tower. Motion seconded by Supervisor Plunkett, passed unanimously, including the vote by Vice-Chairman Irwin.

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

Chairman Minor stated that the next three items regarding Board appointments will be discussed and decided together.

Discussion ensued regarding which organizations, boards and committees would be preferred amongst them, noting that all of them are a part of the County Supervisors Association.

Vice-Chairman Irwin added that she wished to look more into the other Western Arizona Economic Development District (WACOG) positions before deciding on those.

VICE-CHAIRMAN IRWIN MOVED to appoint Supervisor Plunkett, District #1, to the Arizona Association of Economic Development, County Representative; Arizona Commerce Authority, Rural Business Development Advisory Council; Arizona Rural Development Council - Advisory Committee member; and Western Arizona Economic Development District (WAEDD), County Representative. Motion seconded by Chairman Minor, passed unanimously, including the vote by Supervisor Plunkett.

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

SUPERVISOR PLUNKETT MOVED to appoint Chairman Minor, Supervisor District #1, to the Clean Colorado River Sustainability Coalition (CCRSCo), County Representative; County Supervisors Association of Arizona, Legislative Policy Committee, County Representative; QuadStates Local Governments Authority; Western Arizona Council of

Governments (WACOG) Executive Committee; Local Emergency Planning Commission (LEPC); and Liaison to the Parker Regional Chamber of Commerce. Motion seconded by Vice-Chairman Irwin, passed unanimously, including the vote by Chairman Minor.

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

SUPERVISOR PLUNKETT MOVED to appoint Vice-Chairman Irwin as the Mohave/La Paz Local Workforce Investment Board liaison; to the County Supervisors Association Board of Directors; and to the Public Safety Retirement System, Sheriff's Office Local Retirement Board. Motion seconded by Chairman Minor, passed unanimously, including the vote by Vice-Chairman Irwin.

Approve to obtain commercial real estate appraisal firm BBG as appraiser and expert witness in the Quartzite Senior Apartments TX16-1035 (consolidated) and Quartzite Apartments II TX16-1038 (consolidated) Tax cases (consolidated) and authorize the Chair or his designee to sign the January 5, 2021, Proposal on behalf of the County - *County Attorney*.

Chief Deputy County Attorney Dooley explained the ongoing tax court consolidated case which has stood still and not moved forward with this firm to obtain an appraisal. He stated a new proposal has been offered and this expert witness is needed for information the Assessor needs.

SUPERVISOR PLUNKETT MOVED to approve the request as presented (to obtain commercial real estate appraisal from BBG as appraiser and expert witness in the Quartzite Senior Apartments TX16-1035 (consolidated) and Quartzite Apartments II TX16-1038 (consolidated) Tax cases (consolidated) and authorize the Chair or his designee to sign the January 5, 2021, Proposal on behalf of the County). Motion seconded by Vice-Chairman Irwin, passed unanimously, including the vote by Chairman Minor.

Approve to appoint the vacant Constable position at the Quartzsite Justice Court - *County Attorney*

Chief Deputy County Attorney Dooley explained the statute concerning Constables regarding residency and reasons a Constable can be replaced. He stated that the former Constable reportedly had residency issues, absence from fulfilling duties in excess of three months, vacating the position, which produced a constable ethics complaint.

He further explained that, to replace an "officer" of the court, it would take an appointment to fill the remaining term, which would be to the end of December 2022.

Vice-Chairman Irwin stated that there were a number of complaints received on the

previous Constable and the Ethics Board found that his duties were not being fulfilled; therefore this matter was brought before the Board along with the recommendation of Mr. Mayes to fill this position.

VICE-CHAIRMAN IRWIN MOVED to appoint John Mayes to the vacant Constable position at the Quartzsite Justice Court, term expiring December 21, 2022. Motion seconded by Chairman Minor.

Chief Deputy County Attorney Dooley added that Mr. Mayes fulfilled the qualification that he also had to be of the same political party as the previous Constable.

PASSED UNANIMOUSLY, including the vote by Supervisor Plunkett.

Consideration, discussion and possible approval of a County paid COVID Leave Policy - *Human Resources*

Human Resources Director Frantz requested discussion of a COVID Leave Policy, which was first approved by the Board for temporary changes in March 2020, and a Federal program stepped in on April 2020, expiring on December 31, 2020; therefore the County has been without a paid County COVID program.

She referred to information she provided the Board in their packets, adding that another Federal program was to begin in February, leaving one month of exposure for county employees.

Chairman Minor stated that the Center for Disease Control (CDC) recommended quarantine 10 days from when symptoms started, which included weekend days; therefore, employees did not necessarily need to be out 10 working days or 80 working hours.

Discussion ensued how the policy would be implemented and monitored by the Health Department or health provider.

Human Resource Director Frantz added that if the Federal program did come to pass it would be retroactive to January 1, 2021; however, neither the County nor the Federal program would cover Family Medical Leave Act (FMLA) situations for COVID; however, employees would still have their "regular FMLA" to fall back on.

SUPERVISOR PLUNKETT MOVED to approve a County Paid COVID Leave Policy, as presented. Motion seconded by Vice-Chairman Irwin, passed unanimously including the vote by Chairman Minor.

Approve a checking account for Payroll to write handwritten warrants to make corrections for a Payroll error - *Finance*

Finance Director Krukemyer stated that this item was requested to be pulled from the agenda after talking with the Treasurer's office.

Adjournment

Chairman Minor adjourned the meeting at 11:40 a.m.

APPROVED:

Duce Minor, Chairman

ATTEST:

Diane Green, Clerk of the Board

The following La Paz County Board demands were audited, approved and ordered paid by the La Paz County Board of Supervisors: 11149035, Abbey Stubbs & Ford, \$7,500.00; 11149039, American Family Life Assurance, \$2,872.47; 11149041, Atkins North America, \$7,655.00; 11149046, Caitlin Olson, \$1,260.00; 11149047, Carmen Gonzalez-Ulloa, \$1,112.50; 11149053, CORP-AOC, \$4,706.83; 11149054, CORP-Detention, \$4,706.83; 11149056, Dina Jackson, \$2,142.18; 11149061, Frontier, \$11,339.88; 11149062, Fulton Distributing, \$3,850.78; 11149064, Jenna McDaniel, \$1,410.00; 11149065, JP Morgan One Card, \$7,297.10; 11149066, Judith A. Bender, \$9,975.00; 11149072, LR Anderson, \$3,735.00; 11149075, Nationwide Retirement Solutions, \$4,786.99; 11149076, Nationwide Trust FBO NRS EODCRS, \$1,288.67; 11149077, Nationwide Trust NRS plan#57002001, \$3,684.42; 11149081, Parker Auto & Marine, \$1,029.21; 11149082, Parker Oil Products, \$6,166.62; 11149083, Pavement Sealants & Supply, \$1,698.93; 11149084, Pima Co. Gov Revenue Manag Div, \$20,000.00; 11149086, Public Safety Retirement, \$55,329.04; 11149088, Redburn Tire Co., \$4,521.21; 11149092, Sandra L. Kohl, \$3,750.00; 11149093, Schiff, Laurence MD, \$5,400.00; 11149097, Stacy Excavating, \$16,790.40; 11149099, Staples Credit, \$1,176.12; 11149100, Supreme Court, \$9,660.00; 11149101, Tanya Larios, \$1,068.75; 11149103, Universal Police Supply, \$1,591.66; 11149105, West Payment Center, \$1,730.95; 11149107, Zumar Industries, \$1,200.28; 11149110, Black Mountain Armory, \$1,369.89; 11149116, La Paz Regional Hospital, \$2,420.00; 11149117, Northland Investigations, \$1,350.00; 11149128, SuddenLink, \$4,228.12; 11149130, T & C Seal Coating, \$66,230.66; 11149138, AT&T Mobility, \$10,347.67; 11149142, Burgoz Landscaping, \$1,200.00; 11149146, Colorado River Joint Venture, \$1,713.50; 11149152, Emerald Canyon-Petty Cash, \$3,352.76; 11149154, Enterprise Technology Svcs, \$2,499.60; 11149159, Growers Oil Co., \$1,735.76; 11149167, Law Office of Heather C. Wellborn, \$2,360.00; 11149172, Parker Tree Service, \$6,000.00; 11149175, Provision, \$22,885.53; 11149177, Rideout Law, \$1,314.00; 11149180, Ruffner Law, \$13,981.25; 11149182, Simpson Norton Corp., \$1,967.07; 11149183, Southwest Truck Driver Training, \$3,000.00; 11149184, Standard Insurance, \$10,418.80; 11149188, Tri-State Reporting, \$7,174.00; 11149189, Trinity Services Group, \$9,838.92; 11149192, US Corrections, \$4,103.00; 11149193, Vederman Law Office, \$6,560.00; 11149195, Welch, Fred, \$30,430.00; 11149196, Whitney & Whitney, \$5,010.00.