

**MOHAVE COUNTY BOARD OF SUPERVISORS  
MOHAVE COUNTY, KINGMAN, ARIZONA  
REGULAR MEETING – SEPTEMBER 7, 2010**

The Board of Supervisors of Mohave County met in Regular Session this 7th day of September, 2010, at 9:30 A.M, at 700 W. Beale Street, Kingman, Arizona, in the BOS Auditorium. In attendance were Buster D. Johnson, Chairman; Gary Watson, Supervisor District 1; Tom Sockwell, Supervisor District 2; Dana Hlavac, Acting Mohave County Manager; Robert Taylor, Chief Civil Deputy County Attorney; and Barbara Bracken, Clerk of the Board.

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

The following Mohave County Elected Officials and Department Heads addressed specific items as noted: Chris Ballard, Planning and Zoning Manager; Steve Latoski, Public Works Director; Ray Osuna, Human Resources Director; and Kip Anderson, Superior Court Administrator.

**Motion was made by Supervisor Watson, seconded by Supervisor Sockwell, and unanimously carried to call for an Executive Session to be held September 20, 2010, 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:** Executive Session was held.

**ITEM 2: Committee and/or Legislative Reports:** Chairman Johnson advised that Inyo County will, hopefully, be joining QuadState. He stated that in the Lake Havasu City area and La Paz County there is dissension over possible closure of BLM land. He advised that he will try to get additional information so the Board can take action at the next meeting.

In response to Supervisor Watson, Chairman Johnson advised that the Department of Corrections will be at the September 20<sup>th</sup> Board of Supervisors Meeting.

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

**ITEM 4: Motion was made by Supervisor Watson, seconded by Supervisor Sockwell, and unanimously carried to approve the August 2 & 16, 2010, Board of Supervisors Meeting Minutes as most recently drafted.**

**Motion was made by Supervisor Watson, seconded by Supervisor Sockwell, and unanimously carried to approve the Consent Agenda minus Items 10, 12, 22, 29, 36, 46, 48, and 49, as follows:**

5. Adoption of BOS Resolution No. 2010-182 - Extension of Time for a Rezone of a portion of the N 1/2 SW 1/4 of Section 17, Township 41 North, Range 6 West, from A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone to C-M (Commercial

- Manufacturing) zone, in the Arizona Strip Area, Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission. APN 404-19-095
6. Adoption of BOS Resolution No. 2010-183 - Extension of Time for a Zoning Use Permit on Lot 1, Block Z, Lake Mohave Country Club Estates Amended, Unit 3, in Section 31, Township 22 North, Range 16 West, for an Adult Living Facility in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Kingman Area, Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission. APN 324-10-197
  7. Adoption of BOS Resolution No. 2010-184 - Amendment to BOS Resolution Nos. 2008-271 and 2009-297, setting forth a Rezone and an amendment to a Rezone of proposed Parcels B and C, Centennial Park, Unit 2, Tract 3530, in Section 18, Township 41 North, Range 6 West, from an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone to an R-M (Multiple-Residential) zone, previously proposed to be a C-RE (Commercial-Recreation) zone, in the Arizona Strip Area, Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission. APN 404-48-085, 086
  8. Adoption of BOS Resolution No. 2010-185 - Rezone of Parcel 3472, Stagecoach Trails at Santa Fe Ranch, Unit 22A, in Section 36, Township 16 1/2 North, Range 18 West, from an A-R/36A (Agricultural-Residential/Thirty-Six Acre Minimum Lot Size) zone to A-R/13A (Agricultural-Residential/Thirteen Acre Minimum Lot Size) and A-R/8A (Agricultural-Residential/Eight Acre Minimum Lot Size) zones, in the Yucca portion of the Mohave County General Area, Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission. APN 207-38-017
  9. Adoption of BOS Resolution No. 2010-186 - Rezone of Lots 23 and 24, Block HH, Lake Mohave Country Club Estates, Unit 3, Amended, in Section 31, Township 22 North, Range 16 West, from a C-2/1A (General Commercial/One Acre Minimum Lot Size) zone to a C-MO (Commercial-Manufacturing/Open Lot Storage) zone, in the Kingman Area, Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission. APN 324-10-531D & 324-10-532
  11. Approve an Interim Permit/New Liquor License for Jason John Oudin, dba Smokin J's Tanglewood Family Grill, 4470 S. Hwy 95, #12, Fort Mohave, Arizona, Series 12.
  13. Approve a Special Event Liquor License for the VFW Post 6306, 12858 Old Oatman Highway, Golden Shores, Arizona, for October 16, 2010.
  14. Approve a Temporary Extension of Premises/Patio Permit for the Fraternal Order of Eagles #3744, 4536 Patsy, Kingman, Arizona, for October 2, 2010.
  15. Approve the appointment of the following Republican Precinct Committeemen: Kenneth J. Roberg and Teresa A. Roberg, Daytona (67); as requested by the Republican Central Committee.

16. Approve the proposed settlement of *Bruce D. Norman and Nancy J. Clapp v. Mohave County, ST-2010-0082* property tax valuation appeal. This settlement provides for a reduction in the total full cash value of parcels #110-06-194 and #110-06-195 located in Lake Havasu City from \$178,710.00 to \$69,724.00 (\$34,862.00 per parcel), resulting in an estimated tax reduction of \$1,472.61 (from \$2,076.73 to \$604.11) for the 2010 tax year.
17. Approve the proposed settlement of *Eli Albek v. Mohave County, ST-2010-0130* property tax valuation appeal. This settlement provides for a reduction in the full cash value of parcel #306-48-010A located south of Highway 68 on West Brook Drive in Golden Valley from \$122,626.00 to \$46,640.00, resulting in an estimated tax reduction of \$1,038.89 (from \$1,470.49 to \$431.60) for the 2010 tax year.
18. Rescind prior Board approval of May 18, 2009, donating two Senior Program vehicles (#8324, 2001 Ford van with lift and #8470, 2000 Dodge maxi-van with lift) to the Kingman Old Timers Chat n Chow, and approve the donation of these vehicles to the Kingman Senior Nutrition Center Site Council.
19. Adoption of BOS Resolution No. 2010-181 – Approving Contract #533-10 between the State of Arizona Department of Housing (ADOH) and Mohave County providing grant funds in the amount of \$29,637 for the period of September 1, 2010 through August 31, 2011 for the Chronically Homeless Supportive Housing Program – Special Needs Population. Budget submissions for FY 2011 were approved during FY2011 regular budget session for fund 87150847 in the amount of \$21,816 for program services and fund 87150848 in the amount of \$7,821 for administration.
20. Approve the appointment of Delores Crawford, Mohave Mental Health, replacing Paula Lupo, to the Mohave/La Paz Youth Council as recommended by the Mohave/La Paz Local Workforce Investment Board for the term ending December 31, 2012.
21. Approve the appointment of Gina Whittington, Community Services Block Grant Sector, to the Mohave/La Paz Local Workforce Investment Board (Mo/Paz LWIB) replacing Diane Crabtree as recommended by the Mohave/La Paz Local Workforce Investment Board for the term ending December 31, 2012.
23. Approve Certificates of Clearance to abate taxes on uncollectible personal property in a total amount of \$3,522.79 (Total Principal Tax - \$1,802.81; Interest/Fees: \$1,719.98), as requested by the Mohave County Treasurer.
24. Approve Mohave County's warrant register for July 2010, in the amount of \$4,901,918.19. (Exhibit "A")
25. Authorize the execution of the Letter of Engagement with Fester & Chapman P.C., CPA firm on behalf of the Auditor General to conduct Mohave County's required annual financial and compliance audit.

26. Approve Amendment No. 2 to Contract No. 08-PS-06, Technical Assistance-Water Systems Services, with Stanley Consultants, Phoenix, Arizona, extending the current contract for an additional one year period, from October 6, 2010 through October 5, 2011, with all other terms and conditions remaining the same, on behalf of the Public Works Department – Engineering Division.
27. Approve Amendment No. 1 to Contract No. 09-B-17, Street Sign Brackets, with Hall Signs, Inc., Bloomington, Indiana, extending the contract for an additional one year period, from November 16, 2010 through November 15, 2011; with all other terms and conditions remaining the same, on behalf of the Mohave County Public Works Department – Traffic Control Division.
28. Approve Amendment No. 4 to Contract No. 06-P-08, Cultural Resource Survey Services, with Northland Research Inc. (-01) and SWCA Environmental Consultants (-02), extending the contract for an additional one year period, from November 6, 2010 through November 5, 2011, with all other terms and conditions remaining the same, on behalf of the Mohave County Public Works Department – Engineering Division.
30. Approve Amendment No. 4 to Contract No. 06-B-16, Vinyl Film, with 3M Company, St. Paul, Minnesota, renewing the current contract for an additional one year period from October 2, 2010 through October 1, 2011, with all other terms and conditions remaining the same, on behalf of the Mohave County Public Works Department – Traffic Control Division.
31. Authorize the sale at public auction, including internet auction, of retired motor vehicles and miscellaneous property, and authorize County staff to sign all necessary and convenient documents on behalf of the County as a part of conducting the auctions and completing the sales; all proceeds from the sales, less pro-rated selling expenses, will be deposited into the County's General Fund or back into the fund they were purchased with.
32. **Sitting as the Board of Directors of the Mohave County Flood Control District:** Approve the award of Contract No. 10-B-16, Wikieup Drainage Facility Rehabilitation and Reconstruction, to Larry D. Builders, Inc., Fort Mohave, Arizona, for a total award amount, including sales tax, of \$498,116.06 and a project contingency allowance in the amount of \$74,717.41 for unforeseen conditions requiring correction during construction, with a total project cost of \$572,833.47, with an estimated \$251,827.81 funded through ADOT, on behalf of the Mohave County Development Services Department – Flood Control Division.
33. Approve the re-appointment of Janice Paul to a two year term on the Steering Committee of the Mohave County Local Drought Impact Group.
34. Approve an Intergovernmental Agreement with the Arizona Department of Emergency and Military Affairs for the use of Mobile Interoperable Communications Systems

- (MICS) to be operated and maintained in readiness for emergency use by the Mohave County Division of Emergency Management.
35. Approve an application for Federal Assistance to receive up to \$100,000 from the Bureau of Land Management for the implementation of projects identified as priorities in the Mohave County Community Wildfire Protection Plan (MCCWPP) and designate the County Manager as the authorized agent.
  37. Accept State grant funds in the amount of \$93,323.00 from the Arizona Administrative Office of the Courts, Juvenile Crime Reduction Fund, to fund the Mohave County Juvenile Drug Court FY2011 (21522901).
  38. Accept award from the U. S. Department of Justice, Edward Byrne Memorial Assistance Grant, in the amount of \$25,592.00; and authorize the adjustment of fund 316-02-3908 to reflect these funds.
  39. Cancel the November 2, 2010 elections for the following Mohave County School Districts and appoint the candidates who filed nomination petitions: Lake Havasu Unified School District #1 – Ross L. Hobday, William P. Rooney – 4 year terms; Hackberry School District #3 – Dan King – 4 year term; Owens School District #6 – Joyce Ann House, Connie S. Gist – 4 year terms, Loretta Krumbholz – 2 year term; Peach Springs Unified School District #8 – Leila M. Parker, Emma Clark – 4 year terms, Terry Hunt Crowley – 2 year term; Littlefield Unified School District #9 – Christa Biasi, Darrell Garlick – 4 year terms; Yucca School District #13 - Mike Hall, Kim McKean – 4 year terms; Colorado City Unified School District #14 – Jared M. Hammon – 4 year term, Roger Knudson – 2 year term; Bullhead City Elementary School District #15 – Patrick Allen Beck – 2 year term; Mohave Valley Elementary School District #16 – Jason Evans, Rose Vera, Lyn R. Opalka – 4 year terms; Valentine School District #22 – Carol Moore – 4 year term; Western Arizona Vocational Education #50 – District #1 Colorado River – Oz Enderby – 4 year term; District #2 Kingman – Tom Duranceau – 4 year term; and District #3 Lake Havasu – James Gray – 4 year term; and cancel the Write-in Election for November 2, 2010, per ARS 16-312 2(D) and ARS 16-410(A).
  40. Cancel the November 2, 2010 elections for the following Mohave County Fire Districts, Domestic Water Improvement District and Community College Districts and appoint the candidates who filed nomination petitions: Bullhead City Fire Department – 2 board seats: David C. Cummings and James Zaborsky; Northern Arizona Consolidated Fire District #1 – 2 board seats: Patti Lewis and Victor Riccardi; Pine Lake Fire District – 3 board seats: Rhonda Deneau, Amanda Kaufman and Clark Thomas; Havasu Heights Domestic Water Improvement District – 3 board seats: James Fischer, John Hazen and Robert Wellott; Mohave Community College District #4 – 1 board seat: C.G. Ambrose; and Mohave Community College District #5 – 1 board seat: Travis Lingenfelter, per ARS 16-410.
  41. Approve Amendment No. 2 to the Memorandum of Understanding/Contract for Help America Vote Act (HAVA) with the Arizona Secretary of State, extending the contract to

the end of the Federal Fiscal Year 2016; as requested by the Mohave County Recorder on behalf of Elections and Voter Registration.

42. Approve the County Manager's Ordinance Report for the time period of July 21, 2010 through August 24, 2010.
43. **Sitting as the Board of Directors of the Mohave County Library District:** Accept and authorize the expenditure of \$12,435 Library Services and Technology Act (LSTA) grant from Arizona State Library, Archives and Public Records; grant funds will be used for the newly developed "Center for Blind and Visually Impaired Children" at the Kingman Branch of the Mohave County Library (81878010).
44. **Sitting as the Board of Directors of the Mohave County Library District:** Accept and authorize the expenditure of \$13,500 Library Services and Technology Act (LSTA) grant from Arizona State Library, Archives and Public Records; grant funds will be used to purchase items for the newly developed "Teen Zone Center" in the Lake Havasu City Branch of the Mohave County Library (81878013).
45. **Sitting as the Board of Directors of the Mohave County Library District:** Accept and authorize the expenditure of \$7,500 Library Services and Technology Act (LSTA) grant from Arizona State Library, Archives and Public Records; grant funds will be used to purchase books, DVDs, books-on-tape, or CDs for the Mohave County Library (81878011).
47. Approve revised budget for the EECBG Grant (Energy Efficiency and Conservation Block Grant) reflecting an increase to FY2011 budget for Fund 806011500 by \$82,518 to reflect the actual budget carryover and available refunds/rebates.
50. Set a Public Hearing on September 20, 2010 to consider the adoption of BOS Resolution No. 2010-196 – Accepting Lazy YU Drive from Lawman to 0.9 miles west which is a point 500 feet east northeast of the uncertified bridge near Blackthorn Lane and Tomahawk Drive 0.9 miles in length from Wrangler Way to East Drift Stone Lane into the Mohave County Road Maintenance System.
51. **Sitting as the Board of Directors of the Mohave County Library District:** Approve the payment of \$19,962.62 for commercial project permit fees as assessed by the Bullhead City Development Services Department for all aspects of the construction of the Mohave County Library, Bullhead City Location, Remodel and Addition Project, Project No. MC09-14330, payable from Project fund 818-07-8100.
52. Adoption of BOS Resolution No. 2010-197 – Accepting the streets constructed within Cerbat Vistas Subdivision, Tract 3067-A, into the Mohave County Road System for maintenance to the degree of improvement at which it is accepted.

53. Approve the revised GVID Construction Budget (92294900) to reflect the actual cash balance of \$640,608 in the operating transfer out line to the operating transfer in line in the GVID Operations and Maintenance Budget (85614900).
54. Approve the appointment of attorney Lenore Knudtson as a Special Mohave Deputy County Attorney for the prosecution of cases as needed; her salary to be paid out of County Attorney's Office non-general funds (24620200).
55. Approve the appointment of JoAnn Unruh to the Mohave County Board of Health, representing Supervisorial District 3; term to expire September 7, 2014.
56. Authorize the Public Works Department to submit the County and Municipal Tank Closure and Corrective Action Program Request Forms for ADEQ approval and ADEQ removal, utilizing State funds, of five underground storage tanks at the property located at 9305 Blake Ranch Road.

**ITEM 10: Motion was made by Supervisor Watson and seconded by Chairman Johnson to discuss the adoption of BOS Resolution No. 2010-187 - Amendment to BOS Resolution No. 2007-404, setting forth an Extension of Time for a Rezone of Section 3, except that part of Government Lot 4 of Section 3, between lines parallel with and 100 feet on each side of the center line of the eastward main track of the BNSF railroad, in Township 20 North, Range 17 West, from an A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to an M-X (Heavy Manufacturing) zone, in the Kingman Area, Mohave County, Arizona. APN 206-10-002**

In response to Supervisor Watson, Planning and Zoning Manager Ballard advised that the intention of amending the Resolution is to allow a greater height than the original Resolution allowed. She advised that the original Resolution was trying to recognize a proposed wind generation ordinance that was placed before the Planning and Zoning Commission, and the ordinance went by the wayside in favor of "E" Zones, which were eventually adopted. She stated that the change reads that the individual wind turbines and electric generators will be setback from all properties lines of adjacent property owners coincident with the outside of the project boundary line, so if there is an embedded parcel that is surrounded by land that is owned by or controlled by the applicant, the setbacks wouldn't apply.

Chairman Johnson questioned if we give a variance to this applicant how this will affect other applicants, since we are just doing this for one windmill.

Planning and Zoning Manager Ballard responded that this requirement was unique to this applicant. She advised that they are not having just one windmill; they are having an entire wind farm. She stated that the applicant obtained permission for this approximately four years ago, and the County was looking at these turbines quite differently at that time.

Chairman Johnson stated that he thought there was one windmill that was going to be 40 feet or shorter in distance from the property line.

Planning and Zoning Manager Ballard stated that she does not know if there is just one instance where this is a problem; it is her understanding the applicant is putting up more than one windmill.

Chairman Johnson stated that he knows there is more than one windmill; it is his understanding that they are having problems with one because of site selection, and it will be closer to the property line, and wondered if it will set a precedent.

Planning and Zoning Manager Ballard stated that it might set a precedent if there were a lot of applicants subject to the particular regulation this applicant is subject to; however, this applicant is subject to different regulations than someone who would apply today.

Supervisor Watson questioned what the maximum distance is for placing each generator on the interior; would the distance be the height of one, or one and one half windmills.

Planning and Zoning Manager Ballard advised that the industry would prevail at that point in time. She advised that for properties the applicant controlled in their entirety, the applicant would be responsible for making sure their investment and property is protected.

Supervisor Watson questioned if it would be an industrial safety factor.

Planning and Zoning Manager Ballard advised that she imagines there are many controlling factors, one of which is the technology that is in place right now, protection of their own business plan, and state of the art for the industry, etc.

**Motion was made by Supervisor Watson, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2010-187, as stated.**

**ITEM 12: Motion was made by Chairman Johnson and seconded by Supervisor Watson to discuss a Special Event Liquor License for Lake Havasu Light House Club, Inc., 4066 Chemehuevi Boulevard, Lake Havasu City, Arizona, for October 2, 2010.**

Chairman Johnson advised that there is a provision that states the organization applying for a Special Event Liquor License must receive 25% of the gross revenues, and he noticed on the application that it says 100% was going to the cause.

**Motion was made by Chairman Johnson, seconded by Supervisor Watson, and unanimously carried to approve a Special Event Liquor License for Lake Havasu Light House Club, Inc., 4066 Chemehuevi Boulevard, Lake Havasu City, Arizona, for October 2, 2010, contingent upon the proceeds being distributed according to the required regulations.**

**ITEM 22: Motion was made by Chairman Johnson and seconded by Supervisor Sockwell to discuss Certificates of Clearance to abate taxes on uncollectible personal property in a total amount of \$664,633.04 (Total Principal Tax - \$282,040.77; Interest/Fees: \$382,592.27), as requested by the Mohave County Treasurer.**

Chairman Johnson stated that this item is requesting approval for Certificates of Clearance to abate taxes on uncollectible personal property for a considerable amount of money. He advised that one of the previous Boards changed from using Constables to using the Sheriff's Office to collect unpaid personal property taxes. He stated that these collections are dating back to the 90s and he thought these were going to be brought current and we would be working year to year. He questioned if we still have things dating back to the 90s if we're not wasting our time trying to collect.

Manager Hlavac advised that he did not have the answer, but he is sure the new Treasurer is trying to catch up some backlog.

Chairman Johnson stated that personal property taxes are due on a certain date and become delinquent that day if you do not pay; it is not like your taxes where you can be delinquent for three years before anything is done. He advised that it is incumbent upon the County to act as quickly as possible to get the taxes owed us. He requested that the County Manager provide the Board with an update.

**Motion was made by Chairman Johnson, seconded by Supervisor Watson, and unanimously carried to approve Certificates of Clearance to abate taxes on uncollectible personal property in a total amount of \$664,633.04 (Total Principal Tax - \$282,040.77; Interest/Fees: \$382,592.27), as requested by the Mohave County Treasurer.**

**ITEM 29: Motion was made by Chairman Johnson and seconded by Supervisor Watson to discuss Amendment No. 2 to Contract No. 08-PS-12, JOC Landscape Services – KGM, with Kingman Landscape, Kingman, Arizona, adding the Development Services Building, located at 3250 Kino Avenue, Kingman, Arizona, to the landscape services contract for the monthly amount of \$260.00, with all other terms and conditions remaining the same, on behalf of the Mohave County Public Works Department – Facilities Maintenance Division.**

Chairman Johnson questioned if all the buildings will have landscaping service or only the buildings in Kingman.

Director Latoski advised that this item is to provide landscaping services to the Development Services Building, which has a substantial amount of landscaping. He stated that they will review the landscaping requirements of other County buildings. He advised that there are contracts in place where they can do work order oriented landscaping services at other County buildings.

Chairman Johnson stated that none of the outlying areas seem to get landscaping services.

**Motion was made by Chairman Johnson, seconded by Supervisor Watson, and unanimously carried to approve Amendment No. 2 to Contract No. 08-PS-12, JOC Landscape Services – KGM, with Kingman Landscape, Kingman, Arizona, adding the Development Services Building, located at 3250 Kino Avenue, Kingman, Arizona, to the landscape services contract for the monthly amount of \$260.00, with all other terms and**

conditions remaining the same, on behalf of the Mohave County Public Works Department – Facilities Maintenance Division.

**ITEM 36: Motion was made by Chairman Johnson and seconded by Supervisor Sockwell to discuss setting a Public Hearing on October 18, 2010 to consider establishing a \$.15 per page copy fee for providing court information packets and forms to the public.**

Chairman Johnson stated that he understands how the \$.15 per page copy fee was determined; however, he questioned if we have a set policy for all departments.

Acting Manager Hlavac advised that there is no set policy; the Courts worked with the Office of Management and Budget to determine the charge.

Chairman Johnson questioned if it wouldn't be good to have a County policy, with one fee charged by everyone.

Acting Manager Hlavac advised that part of the question would depend on overall staffing and number of copies run by a particular department, which can vary significantly.

Court Administrator Anderson advised that he believes that the County has a fee, which they have tried to follow, which is a \$.20 fee for copies of individual forms. He stated that this fee relates to packets of forms that they currently hand out on a daily basis. He stated that a lot of people want a divorce packet, etc. He advised that these packets are available on the web page at no charge; therefore, they feel they should now have a minimal charge for packets picked up at the Court. He stated that their hope is that it will encourage people to go the web, or if they pick up a packet at the Court, not throw it away and then come back two days later and ask for another.

Chairman Johnson asked if there is a computer at the Courts that people can use to research cases and then insert money into for copies so they don't disturb the Court clerks.

Administrator Anderson advised that there is a computer that people can use for research in Kingman; however, it is not hooked up to a printer. He advised that the Law Librarian has, in the past, forwarded copies of the forms to a person's email address.

**Motion was made by Chairman Johnson, seconded by Supervisor Watson, and unanimously carried to set a Public Hearing on October 18, 2010 to consider establishing a \$.15 per page copy fee for providing court information packets and forms to the public.**

**ITEM 46: Sitting as the Board of Directors of the Mohave County Library District, motion was made by Supervisor Johnson and seconded by Supervisor Watson to discuss accepting real property (Parcel No. 404-21-094) by Quit Claim Deed and in consideration of \$10 from the United Effort Plan Trust for use as a public library providing library services in Colorado City, Arizona.**

Jake Barlow, Colorado City resident, advised that this proposal takes a piece of property from a religious trust and gives it to the County Library District. He stated that it would be wrong for the governing board to allow a religious offering to be given to the County Library District. He advised that the trust members have litigation in numerous courts to prevent properties being taken from the members and given to other people by the fiduciary. He advised they are not against the public library; however, it should not use property that is being taken to further the psychological and sociological warfare against the members. He advised that there is property available in the area. He stated that the fiduciary is under indictment for having his employees enter into homes, change locks, rifle through personal items, etc. He stated that this would be wrong and would entangle the County Library District in litigation. He stated that it is well-known that Chairman Johnson has been outspoken about his disdain of the Colorado City community; therefore, he should abstain on voting on issues involving the Colorado City area.

Chairman Johnson advised that he was going to vote against this and asked Mr. Barlow if he would still like him to recuse himself.

Mr. Barlow responded no, he would not.

Warren Johnson, Utah resident, stated that he actively participated in construction, consecration of funds, and time. He stated that he is well aware of the church being involved in substantial contribution of materials that went into the facility, which was used for a number of years as a religious, private school. He stated that the building is not used in the summer and there was an assumption of abandonment and it was taken over by the fiduciary. He stated that if the County accepts this contribution, it will be more of a millstone, costing more for litigation than the assessed value of the property. He urged the Board not to accept this contribution.

Chairman Johnson stated that, although he is not in support of putting a library in Colorado City, if we do, we should at least own the land.

**No action was taken on this item.**

**ITEM 48: Motion was made by Chairman Johnson and seconded by Supervisor Watson to discuss the re-appointment of Charlotte Wells to the Mohave County Merit Commission; term will begin August 7, 2010 through August 7, 2014.**

Chairman Johnson advised that there was no background provided on Ms. Wells and questioned if she has signed the loyalty oath and gone through the entire process.

Director Osuna advised that a background check was performed on Ms. Wells. He advised that Ms. Wells just completed her first four year term on the Merit Commission and a background check was conducted at that time, and they just redid it. He advised that they have her application, and he apologized if the Board did not receive the information. He stated that all the necessary steps in terms of the background information have been done.

Chairman Johnson stated that he thought Ms. Wells' term expired in 2009.

Director Osuna advised that they talked to her about the possibility of continuing on the Commission. He stated that her position with the Fire District had been eliminated and she was looking for employment outside Mohave County. He advised that she has accepted moving forward on the Commission, with the understanding that if she gets employment outside the County, she will have to resign her position. He advised that they went through the normal process of a background check to resubmit her for consideration.

Supervisor Johnson advised that he went to the County website to look up the Merit Rules and they are not posted.

Director Osuna advised that they were recently taken off because certain sections of the Merit Rules on the website were in conflict with the printed material. He advised that the Merit Rules are currently under revision.

In response to Chairman Johnson, Director Osuna advised that the hard copies are still good, but there were areas that were in disagreement with the "official" copies on the website. He stated that they do not understand how those sections came to be in conflict.

Chairman Johnson questioned what the selection process is for Merit Commission members. He advised that it is stated "individual appointed by the Board and selected from among the qualified electors of the County." He questioned if the position was advertised.

Director Osuna advised that the position was advertised over the summer. He advised that the previous two appointments were posted in the local newspapers in Kingman, Bullhead City, and Lake Havasu City; however, they did not generate a lot of calls or interest. He stated that he asked staff to get the word out and he used his social service clubs and Human Resources association networks to get the word out.

Chairman Johnson requested that Ms. Wells' paperwork be provided to the Board.

**Motion was made by Chairman Johnson, seconded by Supervisor Sockwell, and unanimously carried to approve the re-appointment of Charlotte Wells to the Mohave County Merit Commission; term will begin August 7, 2010 through August 7, 2014.**

**ITEM 49: Motion was made by Chairman Johnson and seconded by Supervisor Sockwell to discuss authorizing the Chairman to sign and issue a work order pursuant to the Intergovernmental Agreement with Arizona State Parks (approved by the Board of Supervisors on July 22, 2010) to receive \$80,000 from the Off Highway Vehicle Sticker Fund for constructing an RV park at Hualapai Mountain Park, and to approve construction budget.**

Chairman Johnson questioned if the RV spaces were going to be for dry camping.

Director Latoski advised that the proposed RV Park will allow for some hookups, including septic. He stated that it is an improved area to be developed with 18 minimum sites for RVs, as well as an improved roadway and a site area to accommodate off-highway vehicle users.

Chairman Johnson questioned how much roadway is being improved.

Director Latoski advised that they are targeting improvements of the slots only and will provide a circulation area for entry. He advised that the Parks Superintendent was successful in obtaining a grant through Arizona State Parks of \$100,000. He stated that this is merely a formality that State Parks undertake in having the County process the money. He advised that this is a work order to allocate \$80,000 of the \$100,000 grant so the County can proceed in constructing the RV Park.

Chairman Johnson stated that one of his concerns in the Hualapais is water and questioned if this will put an additional strain on the water usage.

Director Latoski advised that they do not see that in terms of the RV Park operations, it will mainly be dry camping where off-highway vehicle users can park their vehicle or camp out. He advised that it will have septic facilities on-site.

**Motion was made by Chairman Johnson, seconded by Supervisor Watson, and unanimously carried to authorize the Chairman to sign and issue a work order pursuant to the Intergovernmental Agreement with Arizona State Parks (approved by the Board of Supervisors on July 22, 2010) to receive \$80,000 from the Off Highway Vehicle Sticker Fund for constructing an RV park at Hualapai Mountain Park, and to approve construction budget.**

**ITEM 57:** Chairman Johnson opened the Public Hearing regarding the placement of a lien for a dangerous building abatement in the amount of \$10,984.31, in accordance with Section 110 of the International Property Maintenance Code, Lot 5, Chloride Townsite, Block 36, Township 23 North, Range 18 West, portion of Section 3 and 4, Assessor's Parcel No. 308-06-321, 9626 N. First Street, Chloride, Arizona; the owners of record are Donald E. and Donna R. Rosbaugh, Trustees.

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

**Motion was made by Supervisor Watson, seconded by Supervisor Sockwell, and unanimously carried to approve the placement of a lien, as stated.**

**ITEM 58A:** Chairman Johnson opened the Public Hearing regarding the adoption of BOS Resolution No. 2010-188 - Minor Amendment to the Virgin River Communities Area Plan of a portion of the NW 1/4 NW 1/4 of Section 3, Township 40 North, Range 15 West from an NC (Neighborhood Commercial) land use designation to an LDR (Low Density Residential) land use designation and a Minor Amendment to the Mohave County General Plan of a portion of the NW 1/4 NW 1/4 of Section 3, Township 40 North, Range 15 West from a UDA, NC (Urban Development Area, Neighborhood Commercial) land use designation to a UDA, LR (Urban Development Area, Low Density Residential) land use designations and amending Exhibits VI.3 and VI.5 of the General Plan to match, in the Arizona Strip Area, Mohave County, Arizona. **APN 402-32-191 (Commission approved by unanimous vote.)**

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

**Motion was made by Supervisor Sockwell, seconded by Supervisor Watson, and unanimously carried to adopt BOS Resolution No. 2010-188, as stated.**

**ITEM 58B:** Chairman Johnson opened the Public Hearing regarding the adoption of BOS Resolution No. 2010-189 - Rezone of a portion of the NW 1/4 NW 1/4 of Section 3, Township 40 North, Range 15 West, from an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone to an R-1/20M (Single-Family Residential/Twenty Thousand Square Foot Minimum Lot Size) zone, in the Arizona Strip Area, Mohave County, Arizona. **APN 402-32-191 (Commission approved by unanimous vote.)**

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

**Motion was made by Supervisor Sockwell, seconded by Supervisor Watson, and unanimously carried to adopt BOS Resolution No. 2010-189, as stated.**

**ITEM 59:** Chairman Johnson opened the Public Hearing regarding Mohave County Ordinance No. 2010-12 – Adopting new definitions and requirements for animal care and kennels in Mohave County.

Sharon Henry, Kingman resident, advised that she has owned the Low Cost Spay and Neuter Clinic in Kingman for approximately ten years. She advised that, in her opinion, there is a better way to handle over population than this. She requested that a committee be formed to meet with the rescue groups in order to create a more palatable program. She stated that a lot of people love their animals and don't want to have to kill them, but now if they have more than four they have to put them to sleep. She advised that previously it was not required that cats be counted. She advised that the County only allows four animals now. She stated that the rescue groups try very hard to help this town. She stated that she knows a lot of people do not take care of their animals, but a lot of people do. She stated that the people who created this ordinance have probably never run a rescue shelter.

Chairman Johnson advised that there were public hearings.

Ms. Henry advised that she attended the Planning and Zoning Commission meeting and you were only allowed to talk for two minutes. She stated that she has done this for ten years; it is going to take more than two minutes from everyone to make this work.

Kristal Gibson, Planning and Zoning Commissioner, advised that she had a power point that may answer some of the questions that are coming up. She requested that Commissioner Mehdi Azarmi join her at the podium. She advised that the current ordinance on the books states four dogs, four cats as personal pets. She advised that it also states the property size you can maintain your animals on. She stated that the new ordinance breaks it down by class. She stated that the number of animals will be based on the size of the property because the more animals you have the more space you need to take care of the animals. She advised that there are five classes and

explained each one. She stated that they are trying to offer solutions to help the community grow and change as it becomes more populated. She advised that they are not trying to eliminate people from having their pets. She advised that the ordinance discusses comingling of animals and kennels and how to take care of them. She advised that they do not want to see animals killed either. She stated that it is obvious people love animals, but they do not understand it takes a lot of money and time to take care of them. She stated that the committee to create the ordinance was made up of people from Mohave County, the Humane Society, the Planning and Zoning Commission, etc., and they spent hours putting the ordinance together. She advised that they talked to sanctuaries and veterinarians and pulled ordinances from California, Utah, Nevada, and the federal government. She advised that they are being very lenient with this ordinance. She advised that federal mandate requires a minimum of 55 minutes per day of care per animal, and all the County is asking is 15 minutes. She stated that there are guidelines for cleaning, methods of disposal, records, etc.

Commissioner Azarmi advised that he had the privilege of participating on the committee. He advised that in the past two years that he has served on the Planning and Zoning Commission, a lot of cases have come before them and there is no ordinance that covers all the different applications. He advised that the committee used many resources available to them and then they tried to create a "common sense" ordinance. He said the new ordinance allows them to address complaints. He stated that one newspaper article stated that the ordinance was tailored around one particular project in Golden Valley, and that is not true. He stated that the ordinance tries to bring Development Services, Environmental Health and the Sheriff's Department together in order to have a compatible program where they can communicate with each other. He stated that the committee reviewed several other ordinances and, in most cases, the ordinances are very strict. He stated that the committee consisted of three Planning and Zoning Commissioners, Environmental Health and Development Services Directors, along with key staff from the Mohave County Sheriff's Office, Western Arizona Humane Society, and the County Attorney's Office.

Chairman Johnson asked how many animals are allowed by the cities.

Commissioner Azarmi stated for residential it is up to four, but the cities of Scottsdale and Paradise Valley are more restrictive. He stated that there is not just one set of rules in the ordinance, the number of animals allowed is based on setbacks and other constraints. He stated that they went from the old ordinance, which was one dimensional, to a three dimensional ordinance by providing setback requirements, dog runs, etc. He advised that if someone decides to assume responsibility for 100+ dogs, they have to have proper land, proper setbacks, etc.

Chairman Johnson asked how many dogs and cats can a citizen have if they live in Mohave Valley in a housing tract.

Commissioner Azarmi replied that the ordinance states four for residential, but they can go up to ten if they want to get a permit and have the proper amount of acreage.

Chairman Johnson questioned how many dogs and cats are allowed on an average lot.

Commissioner Azarmi responded that four dogs are allowed. He read a portion of the ordinance.

Chairman Johnson questioned how many dogs could he have if he lived in Bullhead City.

Commissioner Azarmi responded that he could have four dogs. He stated that if there is a complaint from a neighbor, they will receive a violation and have to manage the situation.

Brenda Lee Souder, Golden Valley resident, stated that multiple strays are dropped off in Golden Valley on a daily basis. She stated that she would rather see them euthanized than dumped in the desert to starve. She advised that she has been taking in strays since she's lived there and has found homes for nine of them, and she has nine left. She stated that every two years she gets a non-commercial permit. She advised that the nine dogs she has left are her life. She advised that she continues to take in strays and find homes for them. She stated that she heard with the new regulations she may be able to have nine dogs and not have to get a non-commercial permit every two years, which costs \$190.00.

Shelly Barnes, Kingman resident stated that Mohave County has multiple definitions in the new ordinance when it comes to kennels. She read ARS 11-1009, and advised that the State of Arizona does not address breeding; you have to go to the federal law, which is the Animal Welfare Act.

In response to Chairman Johnson, Ms. Barnes stated that she believes the ordinance is in conflict with State and Federal law. She advised that she spoke with Environmental Health Manager Rachel Patterson and asked if she could be involved in the committee and was told the only thing she could do was submit recommendations, and she could not guarantee they would be used.

In response to Chairman Johnson, Attorney Taylor advised that the ordinance has been reviewed by Deputy County Attorney Milkie and Mr. Azarmi used the federal welfare act in developing a lot of the guidelines for the ordinance.

Vera Gulick, Kingman resident, advised that she has four lots; they live on two lots and her animals live on the other two lots. She advised that they built a house for the cats and she has had 67 cats fixed and she has six more to go. She stated that she traps feral cats and has sent 30 to Las Vegas where they fix them; she then places some on 81 acres and the others in Valentine. She stated that she probably has too many cats and she has four dogs, as well. She questioned where she would stand with the new ordinance. She stated that the cats have pens, with one cat to a pen.

Frederick Williams, Golden Valley resident, stated that he doesn't have any cats or dogs but he is attending on behalf of the non-profits who are taking strays in. He stated that a friend of theirs takes in these animals and will be under this ordinance. He stated that she doesn't know if a stray is going to be big or small; therefore, he thinks non-profits should be looked at differently than for-profits. He stated that the non-profits are doing the County a favor by taking in these animals as they spay and neuter them. He stated that he thinks the County should help them with their endeavors.

Barbara Carbajal, Kingman resident, advised that she is co-owner of Enchanted Paw and stated that she is not sure how the ordinance affects the established kennels, questioning if they would be grandfathered. She advised that she has passed all health inspections and State inspections. She stated that they sanitize between two and four hours daily. She stated that, according to the terms of her license, no one can complain about noise between 8:00 A.M. and 8:00 P.M. She stated that she would like some one to tell her how the new ordinance will affect her.

In response to Chairman Johnson, Ms. Carbajal advised that she has a commercial business; she is a groomer and a kennel. She advised that she is located behind the dog park, in a residential area.

Planning and Zoning Manager Ballard advised that the dog park is in the Kingman City limits; however, she believes the health ordinance (Item 59) will apply throughout the County. She stated that, not knowing the speaker's specific situation, it is difficult to answer her questions. She stated that she would imagine if they have complied with all the health requirements at this point, it is likely they will continue to comply in the future.

Cherie DaLynn, Golden Valley resident, advised that she is President/ Founder of For The Luv of Paws, which is an animal rescue and sanctuary. She stated that she is opposed to some of the things in the proposed ordinance, and they are too numerous to mention in three minutes. She stated that she understands the need for regulations and inspections when dealing with large groups of animals in order to ensure a safe and healthy environment for them. She stated that, from what she can tell, the committee members who put this together have not had any extensive, direct contact with, nor have they ever run, a rescue. She advised that anyone who is engaged in writing this or any other proposed ordinance to govern the care of large numbers of animals needs to dedicate some time working at a rescue and personally observing the daily practices and procedures. She stated that many of the requirements look good on paper; however, they are cost prohibitive to a rescue, are not feasible, and are not in the best interest of the animals in their care. She advised that rescues take a lot of the burden off of government run shelters, reducing euthanasia rates and reproduction rates. She stated that they take great care in adopting the animals into good homes. She stated that they operate 24/7, 365 days a year and are not funded by any government agencies. She stated that they do this because they really care about the plight of these animals and they need the powers that be to work with them, not against them. She advised that For The Luv of Paws has all its permits and has passed all their previous inspections. She invited each and every person involved in writing or approving the ordinance to spend a day at the rescue and see what they deal with everyday. She advised that she did not know about any public hearings being held.

Hillarie Allison, President/Founder of Rescue Unwanted Furry Friends Foundation and the RUFF House sanctuary concurred with Ms. DaLynn that there are too many items in the ordinance that need to be addressed; they are arbitrary and capricious to sanctuary and rescue. She stated that some things will open up legal issues. She stated that there were no public meetings; she emailed each Supervisor personally requesting a workshop be scheduled where community people, rescues, sanctuaries, and breeders could convene with staff to discuss some of the issues and avert some of the things that are now in the proposed ordinance. She stated that she found it interesting that Commissioners Gibson and Azarmi could not answer questions

about ordinances per city. She advised that Bullhead City allows three dogs/three cats. She questioned how they are going to accurately represent the animals in Mohave County. She advised that the Humane Society cannot accurately represent, as their job is to house them, and ultimately, most of them are destroyed. She stated Animal Control's job is to go out on complaints and make sure there is no cruelty; they do not address what rescues and sanctuaries do. She advised that rescues and sanctuaries deal with large animals on a long term basis and some of the requirements in the proposed ordinance are absolutely incongruous. She advised that one provision arbitrarily imposes a standard of "runs with impervious flooring must be sloped to prevent the accumulation of water in the run and drain properly to an approved wastewater system unless it is sized 500 feet or larger per animal." She advised that, according to the Animal Welfare Act, there is no public standard for housing individual dogs in a pen of this size, let alone one with impervious service. She advised that this standard is not related to any national standard for the care and well being of dogs. She advised that the ordinance lacks definition, poses unreasonable methods of compliance, omits provisions for a process of reviewing and allowing variances, and does not cite any references to establish laws, regulations, and guidelines.

Chairman Johnson advised that the Commission held meetings; there was a committee formed, and she could have attended those meetings.

Ms. Allison advised that there was one Commission meeting and she attended.

Chairman Johnson advised that more than one meeting was held.

Ms. Allison advised Chairman Johnson that he was incorrect. She advised that she asked about the meetings and was told there was no public input and the meetings were held behind closed doors. She stated that the only meeting held was the Planning and Zoning Commission meeting, which was August 14<sup>th</sup>, and she attended that meeting and spoke out.

Chairman Johnson advised that there were several work sessions held, as one of his office staff was a member of the committee.

Ms. Allison advised that the meetings were not public.

Chairman Johnson advised that the Commissioners were here to tell the public the process they went through for establishing the ordinance, which is why they were given more time to speak.

Betty Senn, Golden Valley resident, stated that there must be an enforcement plan in order to make up a new law. She questioned how the County plans to enforce this ordinance. She questioned if they are going to send the Gestapo, or murder the excess dogs and cats. She questioned if the Board realized they would be meeting with a gun barrel up their noses. She stated that when dealing with pet owners, you are dealing with a special breed of people; they will fight like pit bulls to defend their rights. She stated that the County has no right to tell people how many dogs and cats they can or cannot have, if their animals are healthy, happy, spayed or neutered, and not a danger or nuisance to the neighbors.

Chairman Johnson asked if anyone else wished to address the Board, if so, please approach the podium and speak their name and address.

The speaker advised that he would give his name, but not his address. He stated that his name was Jason Barnes, Golden Valley resident.

Chairman Johnson requested that the speaker take his seat. He advised that the name and address are needed for the records.

Mr. Barnes advised that he lived in Golden Valley and that was all the information he was going to provide. He advised that there have been other speakers who have not given their addresses.

Chairman Johnson advised that they filled out a Request to Speak Form and the information was provided on the form.

In response to Chairman Johnson, Attorney Taylor advised that the best way to address the situation would be to ask Mr. Barnes to fill out a Request to Speak Form.

Chairman Johnson requested that Mr. Barnes fill out a Request to Speak Form.

Chairman Johnson called for a recess at 10:46 A.M., with the meeting reconvening at 10:54 A.M.

Jason Barnes, Golden Valley resident, asked the Board what dates, where, and how long the meetings were regarding this item. He questioned if they were advertised in the newspaper, as no one knew anything about them.

Planning and Zoning Manager Ballard advised that the Planning and Zoning Commission held their hearing on Item 60, but not Item 59. She advised that Item 59 does not go before the Planning and Zoning Commission because it is not a land use ordinance or a change to the zoning ordinance. She advised that this would be the first hearing for Item 59. She advised that Item 59 was discussed as part of the kennel committee meetings, which were not open to the public.

In response to Chairman Johnson, Planning and Zoning Manager Ballard advised that it is one of those committees that, in some respect, formed itself. She advised that it started out as a result of a rather serious issue that occurred with a gentleman who requested a Zoning Use Permit for a kennel from the Board of Supervisors and, shortly before the Board met to consider the request, Animal Control visited the property and ended up putting most, if not all, of the animals down. She advised that, at that time, the three departments involved in regulating kennels, which are Development Services, Sheriff's Office, and Environmental Health, got together and started discussing how to better coordinate their efforts in regulating kennels and catteries. She stated that the Commission asked if they could be involved because they have been struggling with kennels and had definite concerns about the situation that occurred in April. She advised that they got together and it was determined that a separate ordinance was needed for several reasons, one of which was that all three regulating departments were operating under totally different

definitions of kennel. She stated that there are still differences because each department has different charges and responsibilities; but they are more in alignment. She stated that there was concern about the fact that it didn't matter if you had seven dogs or ninety dogs, the regulations, requirements, and process were the same. She stated that writing a new ordinance gave an opportunity to break the kennels down into different sizes and place different requirements on the kennels based on their size and whether or not they conduct a commercial business. She stated a commercial business doesn't necessarily mean they make money, what is occurring is the animals themselves are going to a different location; they are being adopted out; litters of puppies are being sold or made available for adoption, etc. She advised that there are multiple animals going from their place of origin to another place where they have the opportunity, if not healthy, to spread disease to humans, other pets, etc. She stated that there was concern that once permitted, the establishments had a set of standards that everyone agrees they would operate under, so when the Commission approved a request for more cats or dogs than the Board allowed in the ordinance, the Commission knew what kind of standards the people would be held to. She stated that when there is a complaint lodged, everyone knows what is going to be examined and looked at when staff investigates.

Mr. Barnes asked why there were no public meetings to discuss the ordinance, yet it is now in front of the Board to be approved.

Chairman Johnson advised that this is the public hearing and a time for public input.

Mr. Barnes stated that three minutes per speaker is not enough time to discuss the ordinance. He stated that it needs to be put in front of another committee, where people from the public have time to sit down for more than three minutes to discuss the issue. He stated that it is rude to the public to give them only three minutes to discuss something that affects everybody. He stated that to have three people decide what people can do on their own property is rude and condescending.

Chairman Johnson asked Mr. Barnes if he had something to address regarding the ordinance.

Mr. Barnes advised that the ordinance is in direct conflict with the ordinance in Item 60; they contradict each other. He advised that there are differences between breeders, kennels, sanctuaries, etc. He stated that for Items 59 and 60 to exclude veterinary clinics and veterinary hospitals is wrong; they should fall under the same rules as everyone else because they board and groom animals. He requested a date for a workshop to discuss Items 59 and 60 with the public.

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

Supervisor Watson commended Commissioners Gibson and Azarmi for doing such a great job in addressing the issue. He stated the issue is very heartfelt for everyone involved; pet owners and animal owners are very special people. He stated that he is surprised to learn that there were no public hearings on Item 59. He stated that the speakers advised that Item 59 and Item 60 conflicted.

Supervisor Sockwell stated that this has been an ongoing issue for several years and something needs to be done to close the book on it, with everyone living by the same rules and regulations. He stated that this can't just keep going on and on and on. He stated that we have had an ordinance for a long time and people can't seem to follow it, or live with it. He stated that the ordinance has been revised and a lot of the things in the old ordinance have been relaxed to help people out. He stated that if we continue to have meetings, he contends that a year from now we're still going to have people who don't agree with what is being done.

**Motion was made by Supervisor Sockwell to hold one public meeting with the staff that put the ordinance together.**

Supervisor Sockwell stated that he thinks a lot of the problem is that the ordinance doesn't exactly fit "*your*" particular situation and that is why some people are against it, when someone else may not have a problem with it. He stated that he has dealt with it to the point that "he is up to here."

Chairman Johnson asked if it would be possible to continue the item for 30 days, and have a public hearing within that time.

**Motion was amended by Supervisor Sockwell and seconded by Supervisor Watson to continue the item to the October 4, 2010, BOS meeting and hold a public hearing within that timeframe with the kennel committee.**

In response to Chairman Johnson, Supervisor Sockwell advised that he would like the public hearing to be held in the BOS Auditorium with the kennel committee.

**Motion was amended by Supervisor Sockwell, seconded by Supervisor Watson, and unanimously carried to continue the item to the October 4, 2010, BOS meeting and hold a public hearing within that time period in the BOS Auditorium with the kennel committee.**

**ITEM 60:** Chairman Johnson opened the Public Hearing regarding the adoption of BOS Resolution No. 2010-190 - Approval of Mohave County Ordinance No. 2010-13 – an Amendment to Section 9 Definitions, Section 13 Regulations for General or "A" Zone, Section 14 Regulations for Agricultural-Residential or "A-R" Zone, Section 15 Regulations for Recreation or "R-E" and "C-RE" Zones, Section 16 Regulations for Single Family Residential or "R-1", "R-O", "R-TT" Zones, Section 16.1 Regulations for Single Family Residential/Manufactured Homes Prohibited/Limited Animal Privileges or "R-OA" Zone, Section 21 Regulations for General Commercial or "C-2" Zone, Section 21.1 Regulations for General Commercial Highway Frontage or "C-2H" Zone, Section 22 Regulations for Commercial-Manufacturing or "C-M" Zone, Section 22.1 Regulations for Commercial-Manufacturing/Open Lot Storage or "C-MO" Zone, Section 23 Regulations for General Manufacturing or "M" Zone, Section 24, Regulations for Heavy Manufacturing or "M-X" Zone, Section 27.M Establishment of a Kennel or Veterinary Clinic – General Provisions, and Section 30 Board of Adjustment and Variances, of the Mohave County Zoning Ordinance. (**Commission approved by unanimous vote.**)

Jason Barnes, Golden Valley, advised that Item 60 conflicts with Item 59 regarding the date that animals turn of age to get their rabies tags and tags for the County. He advised that one says three months and one says four months. He requested this item be postponed for 30 days until the conflicts can be resolved.

Hillarie Allison, President/Founder of RUFF stated that she understands Item 60 as she attended the Planning and Zoning Commission meeting. She stated that it is her understanding Item 60 comingles all of the different zoning differentiations to refer back to one uniform ordinance, and she is agreeable with this. She stated that she agrees there needs to be a workshop.

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

**Motion was made by Supervisor Sockwell, seconded by Supervisor Watson, and unanimously carried to continue this item to the October 4, 2010, BOS meeting.**

**ITEM 61: Motion was made by Supervisor Sockwell and seconded by Supervisor Watson to discuss Legislative proposals for Mohave County's 2010 Legislative Program, allowing for additional items to be brought to the Board for consideration.**

Frederick Williams, Golden Valley resident, stated that the Call to the Public should be placed on the agenda.

Chairman Johnson advised that this item is regarding Legislative proposals to be put in front of the State Legislature for support by the Board. He advised there are three items, one regarding attorney fees and one about forming a type of Court District.

Jim Kanelos, Golden Valley resident, asked Chairman Johnson what the third Legislative proposals was.

Acting Manager Hlavac advised that one of the proposals deals with recouping money from guardianship appointments/probate appointments when contract attorneys are appointed, the second proposal deals with the potential authorization to create a Judicial Facilities District, and the third proposal would allow the sharing of taxpayer tax withholding information from the Department of Revenue for the purpose of verification for eligibility programs.

Mr. Kanelos asked if other items could be added.

Chairman Johnson explained that this was proposed by staff for the Board to either throw their weight behind or not as far as lobbying for legislation. He advised that any Supervisor or elected official can lobby on their own, but they cannot use the full weight and force of the Board of Supervisors.

Mr. Kanelos stated that he hopes that in the future when legislation is proposed to the State, the Board will make it available to the public, so they can weigh in.

Administrator Anderson advised that Judge Weiss requested that he speak on behalf of the Courts. He stated that Judge Weiss spoke with Deputy County Manager Hlavac regarding the possibility of some type of funding mechanism for a judicial facility. He stated that a new law and justice facility is needed and they are supportive of any action that can be taken to find a funding mechanism that would allow this. He stated that with the completion of the new jail, there are going to be prisoner transportation issues and it would be great to be on the same campus. He stated that their current facility is old, and they have issues with flow and security. He advised that the Court is willing to provide input and support.

In response to Supervisor Sockwell, Administrator Anderson concurred that more Court space would allow them to move prisoners through more quickly.

Supervisor Watson questioned where we would find the funding mechanism.

Chairman Johnson stated that he is not in favor of creating a new tax entity. He stated that he didn't vote for the one cents sales tax but he thinks it is great that everyone got a chance to vote on it and majority ruled. He stated that he has a problem with the way the judicial facility district proposal is written, as it seems to supersede the Board of Supervisors even though the Board of Supervisors sits as their Board. He stated that he knows this can be changed, but it talks about the presiding judge being a part of the organization that has control over eminent domain, tax entity, etc. He questioned why this can't be similar to the quarter cent sales tax where it comes before the Board of Supervisors instead of having another board meet, even though it's the same members, whereby the public thinks we are hiding out again.

Acting Manager Hlavac advised that the language is essentially taken from the language that currently exists for a jail district; the intent being to eliminate resistance since it was already a similar mechanism that existed. He stated that, in practicality, the jail district is run by the Board of Supervisors with the input of the Sheriff. He stated that the intent would be that a judicial facilities district would be the same, all the appropriations would be subject to Board approval and the use that the Courts would bring forward and propose.

Chairman Johnson questioned if the Boards would have separate meetings, or would it be like we do now, where the Board sits as the district on the regular board agenda.

Acting Manager Hlavac advised that it would be concurrent, much like the flood districts, library district, irrigation districts, etc. are now.

Chairman Johnson questioned if, conceivably, the Board of Supervisors could take the courts we have now and transfer title to "this other Board (the district board)."

Acting Manager Hlavac responded in the affirmative.

Chairman Johnson stated that he likes keeping consolidation under one entity.

In response to Supervisor Sockwell, Acting Manager Hlavac advised that, obviously, there are more traditional funding mechanisms such as going to a vote of the people for a bond, or the

extending the quarter cent sales tax. He stated that this is just another tool in the toolbox that may be more palatable to the people because it requires a vote of the people to establish the district and to tax themselves, much like the one cent sales tax at the State level.

Chairman Johnson questioned what the money could be used for besides building.

Acting Manager Hlavac advised the money could be used for building and maintenance, not salaries.

**Motion was made by Supervisor Sockwell, seconded by Supervisor Watson, and unanimously carried to approve Legislative proposals for Mohave County's 2010 Legislative Program, allowing for additional items to be brought to the Board for consideration.**

There being no further business to come before the Board of Supervisors this 7th day of September, 2010, Chairman Johnson adjourned the meeting at 11:22 A.M.

**MOHAVE COUNTY BOARD OF SUPERVISORS**

Buster D. Johnson, Chairman

ATTEST:

Barbara Bracken, Clerk of the Board