

**MOHAVE COUNTY BOARD OF SUPERVISORS
MOHAVE COUNTY, KINGMAN, ARIZONA
REGULAR MEETING – MARCH 3, 2008**

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

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

Motion was made by Supervisor Sockwell, seconded by Supervisor Johnson, and unanimously carried to call for an Executive Session to be held April 7, 2008, at 9:00 A.M., for discussion and consultation with legal counsel in accordance with A.R.S. 38-431.03 (A) (3) & (4) to discuss items noticed on the agenda with an asterisk.

ITEM 2: Supervisor Sockwell advised that he attended a CRRSCo Meeting where they discussed a study conducted along the Colorado River that determined where Colorado River water ended and groundwater began. He stated that they determine this with isotope studies; the river water that is exposed over a long period of time to sunshine has different characteristics than rain water that goes into the ground immediately. He stated that they have not been able to get the Department of Interior or the Bureau of Reclamation to sign on to this study; therefore, everything is on hold. He advised that they are reviewing CRRSCo Bylaws to see if anything needs to be updated. He advised that the Washington lobbyist attended telephonically, and told them they are close to a Bill, that is agreeable to all the lower basin states, that will go to Congress, and, if adopted, will create the Lower Colorado River Protection Act. He stated that this should allow us to receive more federal money to help clean up the Colorado River. He stated that priorities have been established for who gets the first of the money, and, Lake Havasu City is number one, followed by either Needles or Bullhead City. He stated that he requested that the County not get into the prioritization because the County has not established any improvement districts for sewers, like Lake Havasu City and Bullhead City.

ITEM 3: Manager Walker advised that two of the major anchor stores (Dillard's and J.C. Penney's) in the new mall outside of Lake Havasu City will be opening. He stated that, from a sales tax standpoint, we hope they are successful.

ITEM 4: Motion was made by Supervisor Sockwell, seconded by Supervisor Johnson, and unanimously carried to approve the January 22, 2008, Board of Supervisors Meeting Minutes as most recently drafted.

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

5. Adoption of BOS Resolution No. 2008-089 - Renewal of a Zoning Use Permit on the NE 1/4 NW 1/4 SE 1/4 NE 1/4 and W 1/2 NE 1/4 SE 1/4 NE 1/4 of Section 23, Township 19 North, Range 22 West, for a kennel in an A-R (Agricultural-Residential/One Acre

Minimum Lot Size) zone, in the South Mohave Valley Area (south of Camino Colorado between La Riqueza Road and Mountain View Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

6. Adoption of BOS Resolution No. 2008-091 - Zoning Use Permit on Lot 151, Horizon Six, in Section 9, Township 13 North, Range 19 West, for a secondary residence in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Lake Havasu Area (east of McCulloch Boulevard between Gold Spring Road and Blue Canyon Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
7. Adoption of BOS Resolution No. 2008-092 - Zoning Use Permit on Lots 2 and 3, Block B, Arizona Gateway Tract 3808-A, in Section 13, Township 16 North, Range 20 West, for above ground fuel storage tanks in a C-2H (General Commercial Highway Frontage) zone, in the Lake Havasu Area (south of Interstate 40 and west Highway 95), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
8. Adoption of BOS Resolution No. 2008-094 - Rezone of Parcel 29-5, Music Mountain Ranches, in Section 29, Township 24 North, Range 14 West, from an A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone to an A-R/8A (Agricultural-Residential/Eight Acre Minimum Lot Size) zone, in the Mohave County General Area (east of Antares Road between Huntington Avenue and State Highway 66), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.
9. Adoption of BOS Resolution No. 2008-096 - Release of all Remaining Assurances for the completion of improvements for Cheyenne Meadows, TRACT 3070-A, portions 1, 2, and 3, being a subdivision of a portion of the NW 1/4 of Section 28, Township 22 North, Range 16 West, in the Mohave County General Area, Mohave County, Arizona.
10. Adoption of BOS Resolution No. 2008-097 - Subdivision Final Plat for Twin Palms Estates, Tract 4189-A, being a proposed subdivision of a portion of the SE 1/4 NW 1/4 of Section 36, Township 19 North, Range 22 West, in the South Mohave Valley Area, Mohave County, Arizona.
11. Acknowledge receipt and refer to the Planning and Zoning Commission for a recommendation a petition for evaluation of a request for an Abandonment of a portion of the 84-foot Roadway Easement known as Lazy Y-U Lane and an unnamed 60-foot Roadway Easement within Lot 2, Lazy Y-U Ranch, Phase I, Amended, in Section 3, Township 20 North, Range 16 West, in the Mohave County General Area, (south of Hualapai Mountain Road and west of Lazy Y-U Drive), Mohave County, Arizona.
12. Approve a New Liquor License for Fred Bondurant Lingenfelter, dba Station 66 Inc., 4115 E. Thompson Avenue, Kingman, Arizona, Series 10.
13. Approve the reappointment of Charles Shull to the Mohave County Transportation Commission, term to expire March 24, 2011.

14. Approve to certify the Mohave/La Paz Local Workforce Investment Board and the Youth Council meet the criteria established by the Workforce Investment Act; authorize the Chairman of the Board of Supervisors to sign the Re-Certification signature page; and request the Governor's Council on Workforce Policy to recommend to the Governor of Arizona to approve the Re-Certification of the Mohave/La Paz Local Workshop Investment Board.
15. Authorize Mohave/La Paz Local Workforce Investment Board (LWIB) to submit the grant application for the Science, Technology, Engineering and Mathematics (S.T.E.M.) Opportunities in the Workforce System for Mohave/La Paz Workforce Investment Area (Consortium) to the U.S. Department of Labor; authorize the Chairpersons of the LWIB and Board of Supervisors to sign all documents related to the grant and all contract documents; and retain Mohave County as the Fiscal Agent and Grant Recipient for the consortium.
16. Adoption of BOS Resolution No. 2008-084 – Finding the development of Katherine Heights Townhomes (Phase III) supports Mohave County's overall efforts to provide affordable housing to residents of Mohave County; and authorizing the County Manager to sign the Arizona Department of Housing documents endorsing the project for competition for Arizona Low Income Housing Tax Credit program.
17. Approve the extension of Contract No. 07-P-04 with Consultant Engineering, Inc. for Appraisal Services for a one year period, from April 16, 2008 through April 15, 2009, on behalf of the Public Works Department – Engineering Division.
18. **Sitting as the Board of Directors of the Mohave County Flood Control District:** Approve Amendment No. 1 to Contract 06-PS-21 with KVL Consultants for a Computerized Drainage Management System, adding additional scope of services and increasing the total for contract work by \$14,340.00, for a total contract amount of \$44,340.00.
19. Approve Amendment No. 6 to Contract No. 04-P-09 with Westcare Arizona, Inc., Bullhead City, Arizona, for court mandated defendant alcohol and drug screening at the existing rate of \$75.00 per each service, extending the contract for 60 days.
20. Authorizing the sale at public auction, including internet auction, of 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.
21. Approve and authorize the Chairman of the Board to sign on behalf of the Board of Supervisors, the Purchase Agreement and Escrow Instructions with Warranty Deed and Dedication for purchase of right-of-way along Mohave County Highway 91 in the Beaver Dam Wash area for the purpose of constructing the replacement bridge over the Beaver Dam Wash. Parcel of land is situated within Government Lot 1, Section 5, Township 41 North, Range 15 West of the G&SRM, Mohave County, Arizona, containing

- approximately 3,000 sq. ft., or 0.07 acre. Purchase price is in the amount of \$18,750, to be paid from HURF funds.
22. Adoption of BOS Resolution No. 2008-098 – authorizing the posting of “Stop” signs in the Butler/New Kingman Addition.
 23. **Sitting as the Board of Directors of the Mohave County Flood Control District:** Approve Change Order No. 1 to Contract 06-PS-05 with Arid Hydrology & Hydraulics, LLC, revising Exhibit A - Scope of Professional Services, and Exhibit B – Fee Summary, increasing the Contract Sum \$2,620.00, and Contract Time four months.
 24. Acknowledge receipt and refer to Public Works, for review and recommendation, a Petition to have included in the County Tertiary Road Maintenance System, Tampico Road, beginning at Ramon Drive with a terminus of Mayan Drive, with a general course of North/South, located in the Golden Valley area.
 25. Approve Intergovernmental Agreement Contract No. HG854289 with the Arizona Department of Health Services for the Immunization Program (232-04-5155), and approve the revised budget.
 26. Approve extending the contract with The Partnership for a Drug Free America (238-04-5154), for a period of one month, through March 3, 2008.
 27. Approve the distribution of funds in the amount of \$14,530.88, held by the Treasurer in the Improvement District 126 (Gateway Acres) fund, pursuant to the Superior Court judgment dated December 22, 1972.
 28. Approve the conveyance of property commonly known as 9667 N. Concho Drive (APN #313-49-121A) in Valle Vista, Arizona, to Hualapai Valley Fire District; and direct the Mohave County Attorney’s Office to draft a quit claim deed to be executed by the Chairman on behalf of the Mohave County Board of Supervisors.
 29. Approve the County Manager’s Ordinance Report for the time period of January 28, 2008 through February 22, 2008.
 30. Approve the Intergovernmental Agreement with Arizona Supreme Court, Administrative Office of the Courts, Amendment and Budget Applications for FY08 Detention Education Funding; accept the funds in the amount of \$43,162.54; and authorize the expenditure, (Funds 828-8-1910 Title I-D, 828-8-1911 Title II-A, 828-8-1913 Title V, 828-8-1914 Part B IDEA Basic, 828-8-1915 Chemical Abuse, 828-8-1916 Title IV-A, and 828-8-1917 Secure Care).
 31. Approve the reappointment of Charlotte Wells to the Mohave County Merit Commission from March 1, 2008, through February 28, 2009.
 32. Approve the transfer of \$33,945.00 from Salaries (100-8-9100-40110) to Professional Services (100-8-9100-43100); and authorize the School Superintendent to contract with

ESI pursuant to Mohave Educational Services Cooperative Contract No. 07F-ESI0516 for a one year period, effective December 24, 2007.

ITEM 33: The Public Hearing was opened regarding approval of the Mohave/La Paz Local Workforce Investment Area's 2-Year Strategic Plan for Program Year 2008-2009; incorporation of all public comments received during the 30-day public review and comment period from February 21, 2008 through March 21, 2008; and authorize the Chairman of the Board of Supervisors to execute the Plan's Signature Page for submission to the Governor's Council on Workforce Policy.

There being no public input, the Public Hearing was closed.

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to approve the Mohave/La Paz Local Workforce Investment Area's 2-Year Strategic Plan for Program Year 2008-2009; incorporation of all public comments received during the 30-day public review and comment period from February 21, 2008 through March 21, 2008; and authorize the Chairman of the Board of Supervisors to execute the Plan's Signature Page for submission to the Governor's Council on Workforce Policy.

ITEM 34: Chairman Byers opened the Public Hearing regarding the adoption of BOS Resolution No. 2008-088 – **Denying** an Extension of Time for a Rezone of that portion of the E 1/2 of Parcel 22, as shown on Record of Survey Book 1, Page 33, lying northerly of the north right-of-way line of State Highway 68, in Section 7, Township 21 North, Range 18 West, from an A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone to a C-2H (General Commercial Highway Frontage) zone, in the Golden Valley Area (north of State Highway 68 between Colorado Road and Teddy Roosevelt Road), Mohave County, Arizona. **(Commission Denied By Unanimous Vote)**

Supervisor Sockwell advised that the applicant requested that the item be continued to the April 7, 2008, BOS Meeting. He advised that he was unable to attend the Planning and Zoning Commission Meeting because he was in California taking care of his ill mother.

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

Motion was made by Supervisor Sockwell, seconded by Chairman Byers, and unanimously carried to continue the item to the April 7, 2008, BOS Meeting.

ITEM 35: The Public hearing was opened regarding the adoption of BOS Resolution No. 2008-090 - Zoning Use Permit on a portion of the SE 1/4 NE 1/4 SW 1/4 SW 1/4 of Section 16, Township 39 North, Range 16 West, for a secondary residence in an A-R (Agricultural-Residential/One Acre Minimum Lot Size) zone, in the Arizona Strip Area (east of Western Avenue between Rainbow Road and Elbow Canyon Road), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-090, as stated.

ITEM 36: The Public Hearing was opened regarding the adoption of BOS Resolution No. 2008-093 - Rezone of the S 1/2 of Parcel 179, as shown on Roadway Easement Map recorded June 26, 1978, at Fee No. 78-18344, being a portion of the S 1/2 SE 1/4 SE 1/4 of Section 13, Township 23 North, Range 17 West, from an A-R/10A (Agricultural-Residential/Ten Acre Minimum Lot Size) zone to an A-R/2.5A (Agricultural-Residential/Two and one-half Acre Minimum Lot Size) zone, in the Long Mountain portion of the Mohave County General Area (on both sides of Stockton Hill Road between Hatband Road and Calle Chavez), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-093, as stated.

ITEM 37: The Public Hearing was opened regarding the adoption of BOS Resolution No. 2008-095 - Zoning Use Permit on Parcel 14, Windmill Ranch, Phase 1, Unit 1, in Section 5, Township 19 North, Range 13 West, for a secondary residence in an A-R/36A (Agricultural-Residential/Thirty-six Acre Minimum Lot Size) zone, in the Mohave County General Area (approximately one-quarter mile south of Purple Rose Lane and approximately one-half mile west of State Highway 93), Mohave County, Arizona, as recommended by the Mohave County Planning and Zoning Commission.

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

Motion was made by Chairman Byers, seconded by Supervisor Sockwell, and unanimously carried to adopt BOS Resolution No. 2008-095, as stated.

ITEM 38: Motion was made by Chairman Byers, and seconded by Supervisor Sockwell to discuss the award of Contract No. 07-B-30, Lake Juniper Water System Improvements to JNJ Engineering Construction of Colorado City, Arizona; for a total amount of \$419,994.00; and approve the transfer of \$63,000.00 from the County's contingency fund to the fund number 100-01-0500-47922, covering the Lake Juniper water system project costs, as continued from the February 19, 2008, BOS Meeting.

Loren Molever, attorney for Charles Ciangura, requested the Board postpone their decision to award the contract for the water tank approved in August. He stated that he would like the Board to review the decision made in August, and do the right thing for the County and the property owners. He stated that much of the information the Board has before them is based on minor to major misstatements and misleading comments. He advised that there are a number of issues the Board should be concerned about. He stated that when the Board approved the tank in August they did so before the CC&Rs were purportedly amended, assuming the vote to amend the CC&Rs was appropriate, which they don't believe it was. He stated that the last amendment to the CC&Rs was recorded Friday by Attorney Herbert. He stated that there are improprieties that permeate the proceedings that have occurred throughout the process. He stated that, in his opinion, he believes the Board has been misled by the homeowners. He urged the Board to review their decision in its entirety.

Motion was made by Chairman Byers, seconded by Supervisor Johnson, and unanimously carried to approve award of Contract No. 07-B-30, Lake Juniper Water System Improvements to JNJ Engineering Construction of Colorado City, Arizona; for a total amount of \$419,994.00; and approve the transfer of \$63,000.00 from the County's contingency fund to the fund number 100-01-0500-47922, covering the Lake Juniper water system project costs.

ITEM 39: Motion was made by Chairman Byers, and seconded by Supervisor Sockwell to discuss Mohave County Ordinance 2007-09 – Providing health and sanitation requirements for public accommodations.

Harvey Jackson, legal counsel for Sandpoint Marina & RV Park, stated that a recently enacted County Ordinance has caused severe problems for his client, as well as other campgrounds in the County. He presented the Board with a copy of the existing State regulation, which has been in effect since 2002. He presented a letter from Sandpoint to him saying that there were problems with a County adopted Ordinance, which states that there is a 30 day requirement on transient dwellings. He stated that the State regulations on transient dwellings have a slightly different definition of permanent or semi-permanent rentals. He stated that his clients did a telephone survey of other campgrounds and four of them have overnight stays, or stays less than 30 days. He stated that, for example, he rents an RV and parks it in space 1; there is an identical RV in space 2, which is owned by the campground. He stated that he can stay overnight in the one he drove in, but, under the County's current interpretation of the Ordinance, he cannot stay in the identical one owned and rented by the campground and rented by them for 1-29 nights. He stated that he can rent it from the campground for 31 nights under the County Ordinance, because that takes it out of transient dwelling. He requested that the Board review the Ordinance and exempt campgrounds or RVs. He stated that there is a definition called "a hundred square feet of airflow." He stated that if a person has a travel trailer or RV, they don't have a hundred square feet of airflow, which has to be independent square footage. He stated that, in his opinion, this Ordinance inadvertently prohibited staying in an RV overnight.

Robert Tucker, Vice President of Operations, Sandpoint Marina and RV Park, advised that they have 32 RVs that they rent out, and a total of 173 spaces. He advised that the additional revenue obtained through purchases (watercraft rentals, bait, tackle) made by people who stay there is significant. He stated that, with the way the Ordinance is being interpreted, Sandpoint will experience a loss of between \$307,000 and \$386,000 per year. He stated that he has been in daily contact with the Sandpoint President, CEO, Secretary/Treasurer, and the Board of Directors. He advised that they cannot experience a \$400,000 loss every year, and if the Ordinance cannot be interpreted differently, Sandpoint will go out of business.

In response to Manager Walker, Mr. Tucker advised that this is Sandpoint's 32nd year of operation, and they have had the rental business ever since he has been associated with the company, which is 1993. He stated that he is not aware of what the company did prior to 1993.

Mike Johnston, owner of Prospector's RV Resort, advised that he does not rent units; however, he agrees with Mr. Harvey and Mr. Tucker.

Manager Walker requested that Environmental Health explain the Ordinance, and what they are trying to accomplish.

Chairman Byers stated that he doesn't have enough information today, and he would like to visit some of the RV parks before he makes a decision.

Environmental Health Manager Patterson advised that these laws have been in effect for quite a while. She advised that the definition of RV Parks and transient dwelling establishments, which are under two different rules, were state law well before Mohave County's Ordinance came into effect. She stated that Mohave County's Ordinance was passed in November in order to bring those rules under local control. She stated that the only change made in the transient dwelling establishment definition was the addition of the 30 day requirement, because some old hotels were converted to apartments, so they weren't technically transient dwelling establishments. She stated that they were being rented on a monthly basis, which is why the 30 day stipulation is in the definition. She stated that what Sandpoint, and other establishments are doing, is renting RVs nightly; therefore, they are more like a hotel room, and are considered a transient dwelling establishment. She advised that she talked to the State Health Department about this issue, and they agree with Mohave County's interpretation, if the RVs are rented on a nightly basis, they fall under the definition of a transient dwelling establishment. She advised that, since they are rented on a nightly basis, they need to be inspected, just like a hotel.

Chairman Byers requested a list of all the RV parks, so he can visit them.

Environmental Health Manager Patterson stated that, previously, they never asked if an RV establishment was renting RVs overnight; however, they have now started asking.

Motion was made by Chairman Byers, seconded by Supervisor Johnson, and unanimously carried to continue the item to the April 7, 2008, BOS meeting, in order to allow the Board Members time to visit the RV parks, if they so wish.

ITEM 40: Motion was made by Supervisor Johnson, and seconded by Chairman Byers to discuss required continued education/training for constables, in accordance with ARS 22-137.

Supervisor Johnson stated that Constables are required, as elected officials, to have certain training to hold office. He stated that, to his knowledge, there is one Constable that is doing the elected job of a Constable without having the proper training and qualifications in accordance with Arizona Revised Statutes. He stated that, in his opinion, this is a liability to the County, and could open us up for lawsuit. He stated that this person has been in office for six years and has failed to comply the entire time.

Motion was made by Supervisor Johnson to refer this item to the County Attorney to review for possible malfeasance, and take appropriate steps, which could include the posting of a bond, to protect the liability of the County.

Chairman Byers advised that he took this issue to the County Attorney's Office some time ago, advising them that the person was not doing the job, and wasn't doing much of anything. He stated that he doesn't think there is much liability when you don't do anything. He stated that the County Attorney's Office told him that the Constable was an elected official, and nothing could be done. He stated that he agrees something needs to be done. He stated that he thinks the motion should be to abolish the Constable positions because they can be run more efficiently

through the Sheriff's Office. He stated that there are counties that don't have Constables. He stated that some Constables work, some don't. He stated that he thinks a motion should be made to have staff come back with a recommendation as to whether we should have Constables.

Supervisor Johnson stated that is something that can be looked at during the budget hearings.

Chairman Byers advised that the Constable they are referring to is in Moccasin; he hasn't done anything that he is aware of, since he's been in office. He reiterated that the County Attorney's Office told him that there is nothing the Board can do.

Motion was seconded by Chairman Byers.

Supervisor Johnson stated that there is a Statute that requires the Constables to take certain classes before they are a duly authorized Constable. He questioned if the Board can require that a bond be posted to cover the County for liability.

Attorney Ekstrom stated that he will check into this.

Supervisor Sockwell stated that the Board has the right to expect this gentleman to do what he was elected to do, and, if not, something should be done about it.

Chairman Byers stated that some serve enforceable domestic violence detainers; some don't. He stated some do part of the job, some do all of it, and some do none of it. He stated that there should be accountability, or some change; if not, abolish those positions.

Motion was made by Supervisor Johnson to have the item referred to the County Attorney for review of possible malfeasance, and to take appropriate steps, which could include the posting of a bond, to protect the liability of the County.

Chairman Byers advised that he would second the motion if Supervisor Johnson would add that if there is a way to get rid of the Constables, we do.

Supervisor Johnson stated that the malfeasance will take care of that.

Motion was seconded by Chairman Byers, and unanimously carried.

Ron Myers, Constable, Lake Pleasant Justice Court in Maricopa County, and former President of the Constables Association, referred the Board to ARS 38-443, nonfeasance in public office. He advised that the Statute states that a public officer or person holding a position of public trust or employment who knowingly omits to perform any duty, the performance of which is required of him by law, is guilty of a class two misdemeanor, unless special provision has been made for punishment of such omission. He advised that ARS 38-291 says that conviction of the person holding the office of a felony or an offense involving a violation of his official duties means the office is vacant. He stated that perhaps the Board may wish to look at these two Statutes if that is the action they are considering taking. He advised that ARS 22-102 states that the officers of justice precincts shall be a justice of the peace and a constable, who shall be elected by the qualified electors of the precinct at the general election for state and county officers for terms of

four years each. He stated that it would take legislative action to abolish constables; he does not believe the Board can do that.

Vince Roberts, Pima County Constable; Vice-President of the Arizona Constables Association; and Vice-Chairman of the Constables Ethics, Standards, and Training Board (a board that evaluates constables' conduct throughout the state), stated that they have the ability to subpoena constables to answer any ethic violations or professional misconduct they are involved in. He stated that they establish the training guidelines, as well as manage the training funds for constables statewide. He stated that the Arizona Constables Association also provides bi-annual training. He stated that constables serve a valuable and needed aspect within communities and to the citizens. He stated that, unfortunately, there are times where certain individuals go outside the lines and do not perform their duties. He advised that there are actions that can be taken to remedy the situation. He cautioned the Board against taking action that is contrary to state law, and contrary to constables statewide, just because of the action of one individual.

In response to Chairman Byers, Mr. Roberts confirmed that the constables are supposed to deliver orders of protection. He stated that if they refuse, it is nonfeasance. He advised that anyone can submit an ethics violation to the Constables Ethics Board.

In response to Chairman Byers, Mr. Roberts stated that if constables are not serving orders of protection they are not doing their job. He stated that if they are given papers that they are qualified and responsible to serve, it is their job to do so. He stated that the three avenues currently available to address such a situation is: nonfeasance, recall election, or a new constable coming in and winning an election against them.

Supervisor Johnson stated that the Ethics Board has been formed and the constables no longer have to report to the County regarding their training. He stated that it is the County's liability if something goes wrong; the citizens are the ones sued. He stated that, according to Statutes, the Ethics Board can only recommend that a constable step down, so the Board would have to refer the issue to the County Attorney, and if there is a violation, the person can be removed from office.

Mr. Roberts advised that Supervisor Johnson's statement is partially correct; the Ethics Board cannot remove a constable from office; that would never be their intention, they would prefer to leave that up to the County Attorney or the Attorney General. He stated that they do have the ability to subpoena a constable to appear in front of the Ethics Board, and if they fail to do so, they can have the Presiding Judge of the Superior Court issue a contempt of court. He stated that they also have the ability to refer any criminal misconduct to the County Attorney or the Attorney General's Office for possible prosecution or removal from office.

Supervisor Johnson questioned if the Ethics Committee will take the initiative to refer things back to the local County Attorney, since the constables don't have to file papers with the County anymore.

Mr. Roberts stated that was part of the reason for getting things back in their control; so they could assist in monitoring constables statewide, so they know they are getting their training. He stated that, in reference to the Moccasin Constable, nothing has been brought to the Board, so they cannot take action until a formal complaint has been filed.

Supervisor Johnson questioned if the Ethics Board wouldn't notify the County if they know the person has not taken the required classes, or if they have a don't ask, don't tell policy.

Mr. Roberts advised that they were not aware the Moccasin Constable was not taking classes. He stated that they were not in control of the training records, the County was; they didn't take over the records until November, 2007.

ITEM 41: Motion was made by Supervisor Johnson, seconded by Supervisor Sockwell, and unanimously carried to approve the following appointments to the Mohave/La Paz Local Workforce Investment Board (Mo/Paz LWIB), as recommended by the Mohave/La Paz Local Workforce Investment Board for the term ending December 31, 2008: Joe Morabito, Sunwest Xpress & Mohave Valley Raceway, replacing Craig Brown as a Bullhead City private business representative; Michael Towne, Frontier Communications Solutions, replacing Donald Krohn as a Bullhead City private business representative; Tammany McDaniel, Arizona Youth Partnership, replacing Kelly Fallis as a Community Based Organization representative; Diane Crabtree, Western Arizona Council of Governments as a Community Services Block Grant Representative; Cheryl Lafollette, Arbor Education & Training, replacing Jerry Ambrose as a One Stop Partner representing the JOBS & TANF; and Jen Miles, Mohave County Workforce Development, replacing Cheryl Burns as a One Stop Partner representing Title V.

ITEM 42: Motion was made by Supervisor Johnson, seconded by Chairman Byers, and unanimously carried to approve the appointments of Tara Newman, Mohave County Probation, replacing Josh Frisby; and Isabel Ruelas, student, replacing Danyelee Grissum, to the Mohave/La Paz Youth Council, as recommended by the Mohave/La Paz Local Workforce Investment Board, for the term ending December 31, 2008.

There being no further business to come before the Board of Supervisors this 3rd day of March, 2008, **motion was made by Chairman Byers, seconded by Supervisor Johnson, and unanimously carried to adjourn at 10:09 A.M.**

MOHAVE COUNTY BOARD OF SUPERVISORS

Pete Byers, Chairman

ATTEST:

Barbara Bracken, Clerk of the Board