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The Pinal County Board of Supervisors convened at 9:30 A.M. this date in the Board of Supervisors Hearing Room, 135 N. Pinal Street, Florence, Arizona. The meeting was called to order by Chairman Smith and followed by the Pledge of Allegiance and Invocation by Chaplain Jim Stephens.

**Present:** Chairman Anthony Smith; Vice-Chairman Todd House; Supervisor Pete Rios; Supervisor Cheryl Chase; Supervisor Stephen Q. Miller; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Clerk of the Board, Sheri Cluff and Deputy Clerk of the Board, AmberLee Mudd.

Chairman Smith announced that the Special Use Permit SUP-006-14, to operate the skydiving facility has been withdrawn by the applicant and will not be heard by the Board. Additionally, individuals who would like to address the Board regarding the zoning code violation hearings later on the agenda would need to do so during the call to public as the agenda items are not public hearing items and comments from anyone other than the representatives of the case will not be allowed during that time.

**Call to Public –** Robert Skiba of Oracle, Arizona commented that regarding the events in Oracle, Arizona on July 15, 2014, having to do with the children refugees being bused to the Oracle area, concerned citizens took a stand in an attempt to force the government to address their concerns.

Ron Thompson of Oracle, Arizona echoed Mr. Skiba's comments and reiterated the importance of securing the border

Coylinda Wall of the Wild Horse Estates, Florence, Arizona said that, in regards to the zoning hearings later on the agenda, she wanted to comment that it was pleasure and blessing to live in a neighborhood that allows animals.

James (Inaudible), a resident of Wild Horse Estates, Florence, Arizona said that when he and his wife moved to the area, they found scorpions in and outside of their home. According to the research, the best way to get rid of scorpions and protect his family was to have chickens and guinea hens.

Roberto Reveles of Gold Canyon, Arizona expressed his objection to local police using army combat weapons and felt the weapons disposal programs were out of control. The Pinal County Sheriff's office has been a recipient of the military surplus program and Mr. Reveles asked the Board to direct staff to conduct an inventory of surplus material acquired by the County under the Program and all transactions be documented.

### **Point of Personal Privilege**

Supervisor Rios stated that the purpose of the Rite of Passage Program at Sycamore Academy in Oracle, Arizona is to relocate the unaccompanied minors for purposes of processing which results in the children either being reunited with family in the United States or deporting them back to their country of origin. He felt that the more education that is done, the better it can be understood in hopes that events similar to the Oracle one will not happen again. The campaign of the majority of the Oracle community has been to open their hearts.

Supervisor Miller directed staff to look into the auditing of the military surplus equipment.

Chairman Smith said that he had an opportunity to talk directly with the Rite of Passage program director. The children that are entered into the program for processing do not have disease and are given a clean bill of health when entered into the program. Individuals with any gang markings or associations are not entered into the program. The Rite of Passage group considers their program as part of the solution in trying to reunite the children with their family in the US or country of origin.

### **County Manager's Report (Information Only).**

Greg Stanley, County Manager said that news coverage of recent floods is a reminder of the importance of flood insurance whether you are required to have it or not. Mr. Stanley attended a Statewide County Manager meeting last week and John Arnold, the Governor's Director of Strategic Planning and Budget, indicated that the school lawsuit over back payments will weigh heavily on the legislature and he did not think it would be resolved in 2015. The state revenues were lower than forecasted so sweeps may be back on the State agenda. As a result of the actions taken to cut the Sheriff's budget on the correctional side, the worksheet was sent to their office to identify where the cuts are coming from. It was returned to the Manager's office and the budget has been adjusted accordingly as well as the finalization of their layoff plan. They are in the process of putting together an order of merit list. The jail staffing study is ongoing and staff expects a draft report from MGT America in mid to late September.

### **Purchasing Division Report - August 20, 2014**

The purchasing report was presented by Randon Riffey.

### **CONTRACT RENEWALS:**

1. RFP 08-05-13 – Imaging Hardware and Services – Recommend approval of modification #7 to extend the contract end date to January 20, 2015. This extension will allow time for development of a new scope of work for a new RFP.

**CONTRACT MODIFICATION:**

1. PC-130619 – Bad Check Enforcement & Diversion Program Services – Recommend approval of modification #1 to exercise a name change for CorrectiveSolutions. Due to corporate restructuring the Bad Check Enforcement Programs are being transferred from CorrectiveSolutions to a company called Victim Services, Inc. This contract is used by the County Attorney’s Office.
2. PC-130719 – Compensation Analysis – Recommend approval of modification #1 to expand the services provided by Evergreen Solutions as part of the Compensation Analysis. The cost of these expanded services is \$65,000, which brings the total cost to \$150,000. This contract is used by the Human Resources Department.

**Cooperative Purchasing Agreement Procurements over \$250,000:**

<u>PO/REQ#</u>	<u>AMOUNT</u>	<u>SUPPLIER</u>	<u>ITEM</u>	<u>DEPT.</u>
1. 142868	\$497,132.00	Motorola	Radio Dispatch Equipment	IT

The Board is notified of the following procurements under \$250,000 that were signed as authorized by Resolution 021506-CM. This resolution authorizes the Director of Finance and/or the County Manager to execute and sign contracts on behalf of the County without prior Board approval:

**Contracts signed by County Manager or Director of Finance:**

<u>PO #</u>	<u>AMOUNT</u>	<u>SUPPLIER</u>	<u>ITEM</u>	<u>DEPT.</u>
1. N/A	N/A	ICE BlackBox, Inc.	Neighborhood watch program smart phone application	PCSO
2. N/A	N/A	H-GAC Buy	Co-op membership application	Finance
3. N/A	\$500	Total Transit	Transportation services	Public Health

Supervisor House said it was brought to his attention that the study was done a few years prior and asked why it was being done again. He stated that the elected officials are the persons designated to run their departments and he did not want to disrupt or infringe upon their departments. He also asked if the item was an additional cost on top of the original amount.

Mr. Stanley said it was an additional cost, however, the additional cost was negotiated down. As initial interviews were done, it was discovered that there are over 600 job descriptions for 2000 employees, a lot of which did not align with what the employees are actually doing. Staff is conducting this as un-intrusively as possible, but it will require all departments’ involvement. Staff originally planned for \$100,000 cost to do

the study, but the bids came in lower. When this problem was identified with the consultant, staff saw this as a way to resolve it and felt it was money well spent.

Supervisor Chase was not comfortable with the purchasing report. She said the door was open when the budget was approved and new expenses now coming in are concerning.

Supervisor Rios felt it was important to correct the positions and although the elected run their own offices, the classification of positions still have to go through Human Resources as has been historically.

Supervisor Miller asked Chris Keller, Chief Civil Deputy County Attorney, if the Board was able to line item the purchasing report and remove a particular item off of the report prior to approval.

Mr. Keller said yes. It needs to be clarified in the motion.

Motion was made by Supervisor Rios and seconded by Supervisor Miller to approve the purchasing report as presented. Vote: Supervisor Rios – AYE; Supervisor House – AYE; Supervisor Miller – AYE; Chairman Smith – AYE; Supervisor Chase – NAY. Motion carried by majority vote.

### **CONSENT ITEMS (A-CC)**

Chairman Smith advised that all items indicated by an asterisk (\*) would be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objected at the time the agenda item was called.

Chairman Smith asked if there were any requests from a Board member, staff or the audience to remove a consent agenda item for discussion. Items H, O and S were removed for discussion.

Motion was made by Supervisor Rios and seconded by Supervisor Chase to approve consent agenda items A-CC as presented minus H, O and S:

- \* A. Minutes of August 6, 2014 and August 13, 2014.
- \* B. Current Billings before the Board.
- \* C. Proclamation proclaiming September 2014 as National Childhood Cancer Awareness Month.
- \* D. Liquor License Application, series 12, of Lawrence Edward Elliget for Demarco's Pizzeria located at 1885 W. American Ave., Oracle, Arizona 85623.
- \* E. Liquor License Person/Location Transfer Application, series 09, of Randy Allen Guse for Walgreens #09460, located at 40663 N. Gantzel Rd., San Tan Valley, AZ 85142.

- \* F. Special Event License Application of Ambrose O. Nwohu, St. Helen Roman Catholic Parish-Oracle, for a religious event to be held at 66 E. Maplewood St., Oracle, Arizona 85623 on October 4, 2014 from 12:00 P.M. to 9:00 P.M.
- \* G. Request for Joyce G. Smith, Robert M. Taub, Jr., Barbara E. Miller, Ned Lara and Donald R. Young be allowed to file for widow/widowers and/or disabled persons or non-profit organization tax exemption.
- \* I. Reappointment of Dave Waldron, 707 E. Mesquite, Apache Junction, AZ 85119 Term: June 29, 2012 to June 28, 2015 to the Air Quality Control Hearing Board.
- \* J. Accepting a product grant of 500 issues of "Ready, Set, Rescue" from i5 Publishing, valued at 4995.00 from GreaterGood.Org. There is no cost to Pinal County.
- \* K. Agreement EV11-0066, Amendment 6, with the Arizona Department of Environmental Quality (ADEQ) for the Travel Reduction Program. This will authorize the funding in the amount of \$87,000 for FY2015.
- \* L. Resolution No. 082014-RD11-031 for approval and acceptance of an amendment to right-of-way, R/W number 16-83087, to correct the amount of acreage in the legal description with additional conditions from the Arizona State Land Department located in T9S, R10E, Sections 2, 3, 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33, Supervisory District # 1 as described in the attached Exhibit "A" and made a part of said Resolution. (Contract #RD11-031)
- \* M. Consultant Contract ED13-001 between Pinal County and Dibble & Associates Consulting Engineers, Inc., dba Dibble Engineering for Professional Airport Design Services.
- \* N. Resolution No. 082014-RD14-014 for approval and acceptance of an amendment to right-of-way, R/W number 09-2341, to correct the amount of acreage in the legal description from the Arizona State Land Department located in T1S, R8E, Sections 30 and 31, and T2S, R8E, Section 6, Supervisory District # 2 as described in the attached Exhibit "A" and made a part of said Resolution. (Contract #RD14-014)
- \* P. County Managers signature on the Consolidated Annual Contributions Contract between U.S. Department of Housing and Urban Development (HUD) and Pinal County. These contracts provide for the recapture of Replacement Housing, Funds for Fiscal years 2007, and 2009 totaling (\$19,663.00).
- \* Q. Annual Equitable Sharing Report required by the U.S. Department of Justice for all federal equitable sharing funds received by the Sheriff's Office and managed by the County Attorney.
- \* R. High Intensity Drug Trafficking Area (HIDTA) Grant Agreement #HT-14-2305 between the City of Tucson and Pinal County through the Pinal County Sheriff's Office. The funds shall be used for wages. This requires a FY 2014-2015 budget amendment to transfer reserve appropriation only from Fund 213 to increase the revenues and expenditures in the amount of \$11,000.00 for the Sheriff/Drug Smuggling Fund (Fund 23). There will be no General Fund impact.
- \* T. Proposed settlement of property tax valuation appeal case number TX2013-000254, pending in the Arizona Tax Court, and authorization of counsel to execute all documents necessary to finalize settlement.

- \* U. Proposed settlement of property tax valuation appeal case number TX2013-000451, pending in the Arizona Tax Court, and authorization of counsel to execute all documents necessary to finalize settlement.
- \* V. Intergovernmental Agreement between Cobre Valley Institute of Technology #81 and Pinal County for the preparing and conducting of the board member election to be held on November 4, 2014.
- \* W. Intergovernmental Agreement between Toltec School District #22 and Pinal County for the preparing and conducting of the Board Member election to be held on November 4, 2014.
- \* X. Intergovernmental Agreement between Red Rock Elementary School and Pinal County for the preparing and conducting of the Governing Board election to be held on November 4, 2014.
- \* Y. Intergovernmental Agreement between Maricopa Unified School District #20 and Pinal County for the preparing and conducting of the override election to be held on November 4, 2014.
- \* Z. Intergovernmental Agreement between Florence Unified School District #1 and Pinal County for the preparing and conducting of the School Board election to be held on November 4, 2014.
- \* AA. Intergovernmental Agreement between Coolidge Unified School District and Pinal County for the preparing and conducting of the Governing Board & Override election to be held on November 4, 2014.
- \* BB. Intergovernmental Agreement between Casa Grande Elementary School District #4 and Pinal County for the preparing and conducting of the Board Member election to be held on November 4, 2014.
- \* CC. Creation and appointment of up to 950 Election Board Workers and positions (Fund 10, Cost Center 3320210) for the August 26, 2014 Primary Election per IRS Ruling 2000-6.

Motion carried by unanimous vote.

**Consent Items removed for discussion:**

- \* **H. Appointment of Suzanne DeVlieger, 370 W. Twin Peaks Parkway, San Tan Valley, AZ 85143-3019 Term: August 21, 2014 to August 20, 2018 to the CORP Dispatch Retirement Board.**

Supervisor Chase removed the item from the consent agenda to thank Ms. Suzanne DeVlieger for her willingness to serve.

Motion was made by Supervisor Chase and seconded by Supervisor House to approve consent agenda item H as presented. Motion carried by unanimous vote.

- \* **O. Resolution No. 082014-RD14-015 authorizing a right-of-way application with Ak-Chin Indian Community for a new grant of easement as required by the settlement agreement between Pinal County and Ak-Chin Indian**

**Community dated November 7, 2012. (Contract #RD14-015)**

Supervisor Miller removed the item from the consent agenda to thank staff and Ak-Chin Indian Community for working diligently to get this done.

Motion was made by Supervisor Miller and seconded by Supervisor Chase to approve consent agenda item O as presented. Motion carried by unanimous vote.

**\* S. FY 2015 ACJC Drug, Gang and Violent Crime Control Grant Award (ACJC Grant Number DC-15-010) between the Arizona Criminal Justice Commission and Pinal County through the Pinal County Sheriff's Office to enhance drug, gang, or violent crime efforts to deter, investigate, prosecute, or adjudicate drug, gang or violent crime offenders. Award amount \$147,520.00 (\$59,008.00 in federal funds awarded to the Commission by the U.S. Department of Justice, Office of Justice Programs (CFDA#: 16.738), \$51,632.00 in state funds and \$36,880.00 in matching funds (being paid by Fund 185 Cost Center 2302480: Atty / RICO Federal - Task Force). Program commencing on July 1, 2014 and terminating on June 30, 2015. This ACJC Drug, Gang & Violent Crime Control Grant agreement requires a FY 2013-14 budget amendment to transfer reserve appropriation only from fund 213 to increase revenue and expenditure appropriations in the amount of \$110,640.00 into the Sheriff's Drug Task Force (Fund 22), cost center to be determined. Additionally, reserve appropriation only will be transferred from the Attorney's Anti-Racketeering-Federal Fund (185) increasing the transfer in and expenditure appropriation in Fund 22, and increasing the transfer out and decreasing the expenditures appropriation in fund 185 by \$36,880.00 to fund a required grant match. There is no General Fund Impact.**

Supervisor House said that the money from the ACJC Drug, Gang and Violent Crime Control Grant Award going into the Drug Task Force is only a portion of the funding for that force. The other large percent of the task force funding comes from the general fund. The Sheriff gets reimbursed with RICO money and out of that he uses it to do with whatever he wants. Supervisor House would like to see the general fund reimbursed for its portion of funding the task force and asked why that was not being done.

Supervisor Rios said that the issue is that the Sheriff and the County Attorney are at free liberty to do whatever they choose with RICO money, within the grant guidelines, and there is no statute that allows a governing board to appropriate RICO money. Supervisor Rios said that the Sheriff's office has been provided Arizona Criminal Justice Commission dollars, US Department of Justice Program dollars and Violent Crime Control dollars for years. He felt it would be beneficial if the Board and the citizens of the County could see what is being done with those dollars. Those reports may already exist and if so, he would like a copy.

Supervisor House clarified that he would like to see the Sheriff use the reimbursement funds to offset some of PCSO's operating costs which in turn would be savings to the general fund.

Motion was made by Supervisor House and seconded by Supervisor Miller to approve consent agenda item S as presented. Motion carried by unanimous vote.

**Meeting of the Pinal County Flood Control District Board of Directors.**

**10:28 A.M.** – Chairman Smith recessed the regular session of the Board of Supervisors and convened as the Pinal County Flood Control District Board of Directors.

**10:29 A.M.** – Chairman Smith adjourned the Pinal County Flood Control District Board of Directors meeting and convened as the Pinal County Public Health Services District Board of Directors.

**Meeting of the Pinal County Public Health Services District Board of Directors.**

**10:30 A.M.** – Chairman Smith adjourned the Pinal County Public Health Services District Board of Directors meeting and re-convened as the Pinal County Board of Supervisors.

**Executive session pursuant to ARS section 38-431.03(A)(3) for legal advice concerning SUP-006-14 application.**

The above executive session was not needed.

**Zoning Consent**

- A. SUP-006-14: Richard Halliburton, landowner, Pinal Design Group, LLC, agent, requesting a Special Use Permit to operate a skydiving facility on a 4.27+ acre parcel in the GR Zone; described as Askins Estates Amended Tract 14, Section 17, T5S, R6E G&SRB&M, tax parcel 509-26-037 (legal on file) (located .2 mile west of the intersection of State Route 387 and Minapore Street in the Casa Grande area). Planning Commission voted 9-0 to recommend denial.**

Chairman Smith announced that the above listed case would be heard without additional input from the applicant or public unless prior to the time the case was publically heard, the applicant, a staff member or a member of the public requested that a case be considered separately. He advised that in the event that no such request for a hearing was made the Board would vote to approve the recommendation of the Commission.

The applicant requested their application be withdrawn. The case was not heard by the Board of Supervisors.

**Public Hearing and discussion/approval/disapproval of Resolution No. 082014-RNC-001-14: A proposed name change of East Bracciano Avenue to East Good Life Way, said roadway being within Shea Homes at Johnson Farms, also known as Encanterra, commencing at North Gantzel Road proceeding east approximately 360 feet, ending at the North Stoneware Drive, within Section 32, Township 02S, Range 08E, in an unincorporated area of Pinal County, Arizona, as described in said Resolution.**

Chairman Smith opened the public hearing and asked staff to present what information they had.

Arline Studley with Community Development said that staff received a petition from Shea Homes at Johnson Farms, also known as Encanterra, to change East Bracciano Avenue to East Good Life Way as they felt the new name better defined their community. There are two addresses affected by the road name change and both are owned by the applicant. The applicant has met all requirements as defined by the development services code. Staff requested approval of the application.

No one else wished to address the Board. Chairman Smith closed the public hearing and called for a motion.

Motion was made by Supervisor House and seconded by Supervisor Chase to approve Resolution No. 082014-RNC-001-14: A proposed name change of East Bracciano Avenue to East Good Life Way. Motion carried by unanimous vote.

**Public Hearing and discussion/approval/disapproval of application for a new utility franchise with Picacho Water Improvement Corporation, located in Sections 9, 14, 15, 16, 22, 23 and 27, Township 8 South, Range 8 East, within Supervisory District 1. (AD14-002)**

Chairman Smith opened the public hearing and called for comments from staff.

Megan Villegas of Public Works and the applicant were present to answer any questions. Staff recommended approval of the request.

Supervisor Miller said that franchise agreements in the County are handled differently than they are within city limits and he would like staff to look at the structure of county franchise agreements in the future.

Gary Medina, applicant representative said that the franchise is needed by the applicant in order to comply with ACC rules and ADEQ. The applicant already has a pending

application with the Water Infrastructure Finance Authority of Arizona for a grant to do a preliminary engineering report. The system is old and needs a lot of work.

There was no one else who wished to address the Board. Chairman Smith closed the public hearing and called for a motion.

Motion was made by Supervisor Rios and seconded by Supervisor Miller to approve the application for a new utility franchise with Picacho Water Improvement Corporation, located in Sections 9, 14, 15, 16, 22, 23 and 27, Township 8 South, Range 8 East, within Supervisory District 1. Motion carried by unanimous vote.

**Public Hearing and discussion/approval/disapproval of Resolution No. 082014-RD14-012 to establish a county highway known as Davis Ranch Road, 40 feet wide, commencing at Cattletank Road and proceeding easterly for approximately 1 mile and terminating at Jacy Trail, located in Supervisor District #4, Section 29, T10S, R11E, G&SRB&M within the unincorporated area of Pinal County, Arizona. (Contract #RD14-012)**

Staff requested that the item be continued to September 17, 2014.

Chairman Smith opened the public hearing to allow for any comments. There was no one who wished to address the Board.

Motion was made by Supervisor Miller and seconded by Supervisor House to continue the public hearing and action regarding Resolution No. 082014-RD14-012 to establish a county highway known as Davis Ranch Road, to September 17, 2014. Motion carried by unanimous vote.

**Public Hearing and discussion/approval/disapproval of Resolution No. 082014-RD14-013 a Resolution establishing a county highway known as Gary Road, 100 feet wide, commencing at Judd Road and proceeding south for approximately 2 miles and terminating at Butte Creek Blvd, located in Supervisor District #2, Section (s) 25 and 36, T3S, R7E, and Section (s) 30 and 31, T3S, R8E, G&SRB&M, within the unincorporated area of Pinal County, Arizona. (Contract #RD14-013)**

Chairman Smith opened the public hearing and called for comments from staff.

Joe Ortiz, Public Works Engineer, appeared before the Board. Staff requested approval of Resolution No. 082014-RD14-013 to establish Gary Road as a county highway.

Chairman Smith asked if there was anyone present who would like to speak. There was no one who wished to address the Board. Chairman Smith closed the public hearing and called for a motion.

Motion was made by Supervisor Chase and seconded by Supervisor Miller to approve Resolution No. 082014-RD14-013 establishing a county highway known as Gary Road. Motion carried by unanimous vote.

Chairman Smith stated that regarding the appeals of the Hearing Officer's decision cases, the appellant will address the Board first and the County representative will speak second. The parties will get a reasonable amount of time, about 5 minutes, to state their case and each side may reserve rebuttal time. The Board may choose to continue the hearing, affirm the decision, modify the decision or reverse the decision.

Chris Keller, Chief Civil Deputy County Attorney relinquished his seat as the Board's representative and turned it over to Gary Verburg, outside counsel for the Board.

**Hearing, Review and Action on appeal of Hearing Officer's decision on ZO-04-14-004 - Nikala Mayberry - Tax Parcel No. 200-74-050. Violation of Pinal Zoning County Ordinance, "Uses Permitted" for MH zoning since there are more than two horses on the property: Chapter 2.120 MH Manufactured Home Zone, Sections: 2.120.010- Uses permitted. H. Lots/parcels of one acre (43,560 square feet) or greater may have not more than two horses, more than six months of age. (Ordinance 61862 & 2001) (Continued from July 23, 2014)**

Nikala Mayberry, appellant stated that she was not given the opportunity to move the horses before the fine was authorized. She requested that the Board reverse the fine and stated she would remove the horses within a week.

Seymour Gruber, Deputy County Attorney representing the Pinal County Hearing Office, said he did state in the brief he filed that the appellant was contacted and a letter was sent asking for voluntary compliance. When compliance was not achieved, a demand letter was sent out which requested removal of the horses and there has been no compliance. Pinal County Hearing Office felt the Hearing Officer's discretion was properly exercised.

Motion was made by Supervisor and seconded by Supervisor Rios and seconded by Supervisor Chase to modify the decision of the Hearing Officer to reduce the fine from \$500.00 to \$200.00; allow the Appellant five (5) days, running concurrently from today's date of 8/20/14, to bring the property into compliance. Should the property not be in compliance within five (5) days from 8/20/14, the fine will revert back to \$500.00. Motion carried by unanimous vote.

**Hearing, Review and Action on appeal of Hearing Officer's decision on ZO-05-14-002 - David and Laura Ouellette- Tax Parcel No. 200-74-014. Violation of Pinal Zoning County Ordinance, "Uses Permitted" for MH zoning since there are more than two horses on the property: Chapter 2.120 MH Manufactured Home Zone, Sections: 2.120.010- Uses permitted. H. Lots/parcels of one acre (43,560 square**

**feet) or greater may have not more than two horses, more than six months of age. (Ordinance 61862 & 2001)**

Stephen Cooper, applicant representative, stated that there are no horses on the property and the alleged violation was for two goats and poultry on the premises which is not listed in the ordinance as prohibited. Mr. Cooper said that the statute does not make exemption for any other animal nor does the word livestock appear in the document. He asked the Board for a common sense read of the statute.

Seymour Gruber, Deputy County Attorney representing the Pinal County Hearing Office, said the appellant failed to see that the zoning ordinance is a permissive use ordinance and has been historically. This means that it is based on uses permitted. Mr. Gruber asked the Board to look at the discretion used by the Hearing Officer, the facts presented and current zoning ordinance. It does not list goats or chickens as permitted. Staff sent out a letter requesting voluntary compliance and also a demand letter when compliance was not achieved.

Mr. Cooper submitted that although it is a permissive statute, the Board must consider the property rights of the individual. He stated that when the appellant acquired the property, there were deed restrictions and it was purchased prior to the changed in the code which allowed this activity. The limit on horses is clear, but no livestock is prohibited.

The Board had concerns with changing property rights without notice to the residents and would like some clarification.

Gary Verburg, outside counsel said that there are three cases today that have similar issues and there may be some efficiency to go into executive session to answer some of the questions and concerns of the Board.

**11:19 A.M.** – Motion was made by Supervisor Rios and seconded by Supervisor Chase to recess into executive session for purposes of legal counsel and direction. Motion carried by unanimous vote.

**Present:** Chairman Anthony Smith; Vice-Chairman Todd House; Supervisor Cheryl Chase; Supervisor Pete Rios; Supervisor Stephen Q. Miller; County Manager, Outside Counsel, Gary Verburg; Code Compliance Manager, Wes LaCrosse and Clerk of the Board, Sheri Cluff.

**11:41 A.M.** – Chairman Smith reconvened the regular meeting.

The Board asked Wes LaCrosse, Code Compliance Manager to clarify background evidence mentioned. Mr. LaCrosse said that Wild Horse Estates was formed in 1998. A developer took GR property and developed into 85 lots of CR1-A. In 2001 another developer came in and took Wild Horse Estates and changed the zoning from CR1-A to

MH (manufactured housing). The MH zone at that time did not allow any animals whatsoever. There was an addition to that amendment stating residents could have 2 horses over 6 months of age if they had 1 acre or more. In 2004-2005 one of the first permits was pulled and the first residence was built after it was rezoned to MH.

Mr. Cooper asked the Board to disregard the comments of Mr. LaCrosse as he felt Mr. LaCrosse's participation in the executive session was not appropriate.

Outside Counsel, Mr. Verburg stated that the open meeting law allows people who are reasonably necessary to attend the executive session to provide the requisite factual basis for the legal advisor to provide advice and felt Mr. LaCrosse's attendance was in conformance with the open meeting law.

Mr. Gruber added that the information from Mr. LaCrosse reflects the information in the briefs that he submitted. Mr. Gruber, in his briefs, did mention that the CR1-A zoning was changed to MH in 2001 and the appellant's permit was issued in 2004 after the rezoning occurred.

Motion was made by Supervisor House to affirm the decision of the hearing officer.

An amended motion was made by Supervisor Rios and seconded by Supervisor Miller to modify the decision of the Hearing Officer to reduce the fine from \$700.00 to \$350.00; allow the Appellant thirty (30) days, running concurrently from today's date of 8/20/14, to bring the property into compliance. Motion carried by unanimous vote.

**Hearing, Review and Action on appeal of Hearing Officer's decision on ZO-05-14-005 - Michael Edgar - Tax Parcel No. 200-74-054. Violation of Pinal Zoning County Ordinance, "Uses Permitted" for MH zoning since there are more than two horses on the property: Chapter 2.120 MH Manufactured Home Zone, Sections: 2.120.010- Uses permitted. H. Lots/parcels of one acre (43,560 square feet) or greater may have not more than two horses, more than six months of age. (Ordinance 61862 & 2001)**

Stephen Cooper, applicant representative, stated that the facts in this case are close to the previous matter; however, there is one horse on the property. The homes in question are not mobile homes, but are site built homes in excess of 1 acre. Mr. Cooper asked the Board to interpret the ordinance beyond its ordinary common sense meaning and asked the Board to reverse the decision of the Hearing Officer.

Seymour Gruber, Deputy County Attorney representing the Pinal County Hearing Office, said this case also involves someone with chickens and goats on their property. The appellant did receive letters from code compliance requesting compliance and compliance was not achieved. The Hearing Officer properly exercised discretion.

Supervisor Miller asked how staff would address an issue not listed anywhere in the ordinance.

Mr. Verburg stated that almost all zoning codes have a provision that in the event not specified, it would be up to the zoning administrator to apply the classification most closely resembled.

Supervisor House suggested the appellant apply for a text amendment.

Motion was made by Supervisor Miller and seconded by Supervisor Chase to modify the decision of the Hearing Officer to reduce the fine from \$700.00 to \$350.00. Motion carried by unanimous vote.

**Hearing, Review and Action on appeal of Hearing Officer's decision on ZO-04-14-007 - Heidi Moore – Tax Parcel No. 200-74-049. Violation of Pinal Zoning County Ordinance, “Uses Permitted” for MH zoning since there are more than two horses on the property: Chapter 2.120 MH Manufactured Home Zone, Sections: 2.120.010- Uses permitted. H. Lots/parcels of one acre (43,560 square feet) or greater may have not more than two horses, more than six months of age. (Ordinance 61862 & 2001)**

The appellant was not present.

Seymour Gruber, Deputy County Attorney representing the Pinal County Hearing Office, said there was a complaint submitted to the County which led code compliance to do an inspection. Staff sent a letter to the appellant requesting compliance and a demand letter was sent after compliance was not achieved. At the initial hearing, the appellant stated they did not own all of the horses and asked for more time. The appellant was given additional time to comply, but compliance was not achieved which led to the complaint being filed. The hearing officer properly exercised discretion and a \$350 fine was imposed.

Motion was made by Supervisor Rios and seconded by Supervisor House to affirm the decision of the Hearing Officer with a fine of \$350.00. Motion carried by unanimous vote.

**Hearing, Review and Action on appeal of Hearing Officer's decision on ZO-05-14-003 - Trisha Lowery – Tax Parcel No. 200-74-029. Violation of Pinal Zoning County Ordinance, “Uses Permitted” for MH zoning since there are more than two horses on the property: Chapter 2.120 MH Manufactured Home Zone, Sections: 2.120.010- Uses permitted. H. Lots/parcels of one acre (43,560 square feet) or greater may have not more than two horses, more than six months of age.**

Kelea Nevis, appeared on behalf of Ms. Lowery to address the Board. Per County Staff and the original subdivision owners, in late 2001, a developer applied for two permits to

install manufactured homes in the subdivision which was zoned CR1-A at the time. The permits were approved even though they were in violation of the current zoning. In December of 2001, he applied to rezone the phase 1 section to MH. Phase 2 remains CR1-A to this day and another 13 manufactured homes were installed. The CC&R's for the subdivision were recorded on April 13, 2001. Animals are addressed in section 12 of the CC&Rs stating that the allowed number of horses may not exceed two full grown horses and two colts. Only normal pets in reasonable numbers for each lot owner will be permitted. A 4-H animal with the exception of a pig will be considered a pet. The CC&R allowances were changed by the rezoning, but none of the property owners were notified of the change. In 2003 the subdivision was sold to another developer who then applied and received permits to build 69 semi-custom site built homes, even though those homes were in violation of the MH zoning. There has been no enforcement of any animal violations for 12 years, from 2001-2013. Ms. Nevis asked the Board to fix the irresponsible procedures regarding the Wild Horse Estates subdivision homes and pets. It has been a costly process and Ms. Nevis requested the fines be waived until the problem is corrected. Ms. Nevis stated that the residents were not offered a text amendment option and was told they would have to rezone and would like it on the record that residents are allowed the option of a text amendment.

Seymour Gruber, Deputy County Attorney representing the Pinal County Hearing Office, said there was a complaint based on the number of chickens on Mr. and Mrs. Lowery's property. A demand letter was send that informed Ms. Lowery that these were animals not allowed. The hearing took place on May 15, 2014 and the appellant was given a \$700 fine and 30 days to comply. Mr. Lowery argued for medical exception for child's ADHD condition and 30 more days was given. Some of the arguments made today were not made at the hearing previously.

Supervisor House asked legal to clarify if a text amendment was an option.

Mr. Verburg said that a text amendment could be a method to achieve the goals of the individuals who have been charged with the offense today.

Ms. Nevis asked if it was possible to continue the hearing and hold the fines until the property approach is decided.

Mr. Gruber opposed a continuance.

Motion was made by Supervisor Rios and seconded by Supervisor House to modify the decision of the Hearing Officer to reduce the fine from \$700.00 to \$350.00; allow the Appellant thirty (30) days, running concurrently from today's date of 8/20/14, to bring the property into compliance. Motion carried by unanimous vote.

Regarding ZO-05-14-005 earlier on the agenda, it was pointed out that a time frame to come into compliance was not included in the motion.

Motion was made by Supervisor Rios and seconded by Supervisor Chase reconsider actions on ZO-05-14-005 to modify the decision of the Hearing Officer to reduce the fine from \$700.00 to \$350.00; allow the Appellant thirty (30) days, running concurrently from today's date of 8/20/14, to bring the property into compliance. Motion carried by unanimous vote.

**Executive Sessions:**

**12:26 P.M.** – Motion was made by Supervisor House and seconded by Supervisor Miller to recess into the following executive sessions. Motion carried by unanimous vote.

**Executive session pursuant to ARS 38-431.03(A)(3)(4) for legal advice and contracts subject to negotiation concerning outside counsel Ed Novak.**

**Present:** Chairman Anthony Smith; Vice-Chairman Todd House; Supervisor Cheryl Chase; Supervisor Pete Rios; Supervisor Stephen Q. Miller; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller and Clerk of the Board, Sheri Cluff.

**12:37 P.M.** – The above executive session ended and the next one began.

**Executive session pursuant to ARS section 38-431.03(A)(3)(4) for legal advice and contract negotiations concerning request for conflict waiver from outside counsel Tiffany & Bosco.**

**Present:** Chairman Anthony Smith; Vice-Chairman Todd House; Supervisor Cheryl Chase; Supervisor Pete Rios; Supervisor Stephen Q. Miller; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller and Clerk of the Board, Sheri Cluff.

**12:51 P.M.** – The above executive session ended and the next one began at 12:55 P.M..

**Executive session pursuant to ARS section 38-431.03(A)(3) for legal advice concerning county employee salary compensation matters.**

**Present:** Chairman Anthony Smith; Vice-Chairman Todd House; Supervisor Cheryl Chase; Supervisor Pete Rios; Supervisor Stephen Q. Miller; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Human Resources Director, Cathy Bohland and Clerk of the Board, Sheri Cluff.

**1:15 P.M.** – The above executive session ended and Chairman Smith recessed for lunch.

**2:00 P.M.** – Chairman Smith re-convened the meeting and continued to the next executive session.

**Executive Session for discussion related to the evaluation of the Internal Auditor pursuant to A.R.S. 38-431.03(A).**

**Present:** Chairman Anthony Smith; Vice-Chairman Todd House; Supervisor Pete Rios; Supervisor Cheryl Chase; Supervisor Stephen Q. Miller; Internal Auditor, Kate Witek.

Chairman Smith adjourned the meeting at 3:09 P.M. The next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, September 3, 2014 at 9:30 A.M.

PINAL COUNTY BOARD OF SUPERVISORS  
*AmberLee Taylor*

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AmberLee Taylor, Deputy Clerk of the Board